

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, April 30, 1969

Senate called to order by the President.

Prayer by The Honorable Richard N. Berry of Cape Elizabeth.

Reading of the Journal of yesterday.

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

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

In the Senate April 18, 1969 Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-241), in non - concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Provide for the Expunging of Certain Records of Arrest." (S. P. 223) (L. D. 663)

In the Senate March 25, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-33) as Amended by Senate Amendment "A" (S-45) thereto.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-254) in non - concurrence.

On motion by Mr. Conley of Cumberland, the Senate voted to Recede and Concur.

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

Mr. BERRY: Mr. President and Members of the Senate: I would invite your attention to a pamphlet which was placed upon our desks recently. It was published by the Department of Economic Development, and entitled "Maine on the Grow," subtitled "DED on the Go.". Some of us who have been around here a few sessions and have followed the progress of public relations of DED, particularly in the publications field, have watched this particular pamphlet with considerable interest.

As usual, I am reluctant to discuss DED, and I have always been. I consider it somewhat of a controversial branch of the Executive Department with laudable aims very difficult of accomplishment. However, when I see a headline such as this over the name of the Commissioner of the Department which says, "Appropriation Group Inflicts 10.8 Per Cent DED Budget Slice," I think we have reached the breaking point in terms of our tolerance. We have seen other instances of State Departments using public funds to influence legislation and to influence voter reaction on controversial subjects, but it seems to me we are reaching the epitome of something when a department head can take legislative appropriative funds and berate the Legislature for attempting to cut a department. I do not attribute this to anybody other than the Commissioner of the Department. I do not attribute it to the editor of the paper, or to the staff in the department.

I would remind the members of the Senate that this is the Department which has reacted diametrically to a decision of the Attorney General in continuing to sell a State financed publication for money after the Attorney General's Department ruled that such sale was illegal. It is somewhat amazing that the matter stopped there; I had hoped that it would be pursued. But I do want to invite to the attention of the Senate that this is the sort of activity by our State departments that cannot be condoned. I would hope that the appropriate committee would look into this and see that funds for such a publication as this are deleted from our next budget.

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

April 29, 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 relating to Retirement Benefits for

Call Firemen under State Retirement System" (H. P. 834) (L. D. 1072) was indefinitely postponed and the Senate had passed it to be engrossed in non-concurrence.

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

### Senate Papers Claims

Mr. Beliveau of Oxford presented Resolve, to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction. (S. P. 446)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed:

JERROLD B. SPEERS  
Secretary of the Senate)

Which was referred to the Committee on Claims and Ordered Printed.

Sent down for concurrence.

### Joint Order

Mr. Letourneau of York presented the following Joint Order and moved its Passage.

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill, "AN ACT Relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike," House Paper No. 371, Legislative Document No. 511, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the adoption of such legislation; and be it further

ORDERED, that the Committee report the results of its study to the 105th Legislature. (S. P. 447)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage:

### Committee Reports House

#### Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Alimony and Separate Maintenance in

Divorce Actions." (H. P. 1033) (L. D. 1343)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Aid Sweetser Children's Home at Saco." (H. P. 86) (L. D. 95)

Reported that the same Ought Not to Pass.

The Committee on State Government on Bill, "An Act Providing Accident and Health Insurance Program." (H. P. 486) (L. D. 640)

Reported that the same Ought Not to Pass.

The Committee on State Government on Bill, "An Act Relating to Costs of Insurance Premium of State Employees." (H. P. 872) (L. D. 1115)

Reported that the same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Disposition in the Superior Court of Persons Charged with Crime." (H. P. 1032) (L. D. 1362)

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 Legal Affairs on Bill, "An Act to Incorporate the Town of Flagstaff." (H. P. 413) (L. D. 524)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Recommended to the Committee on Legal Affairs.

Which report was Read.

Mr. Berry of Cumberland moved Acceptance of the Committee Report.

Mr. Conley of Cumberland then moved to Recede and Concur.

The PRESIDENT: The Chair would inform the Senator that at this point the Senate is not in non-concurrence with the House. The

motion would be out of order at this point.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, a parliamentary inquiry: Would a motion be in order to recommend the bill to the Legal Affairs Committee?

The PRESIDENT: Yes.

Mr. CONLEY: I so move.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate Recommend the Bill to the Committee on Legal Affairs in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

#### Ought to Pass - As Amended

The Committee on State Government on Bill, "An Act Relating to Inspection of County Jails." (H. P. 414) (L. D. 525)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-245).

The Committee on Education on Bill, "An Act to Permit Administrative Units to Operate Classes for Trainable Children." (H. P. 508) (L. D. 679)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-237).

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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-242).

The Committee on Business Legislation on Bill, "An Act Relating to Truth in Packaging." (H. P. 951) (L. D. 1230)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-244).

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 Natural Resources on Bill, "An Act to Prevent the Pollution of the Waters of China Lake." (H. P. 704) (L. D. 904)

Reported that the same Ought to Pass in New Draft. (H. P. 1153) (L. D. 1475)

The Committee on Education on Bill, "An Act Relating to Tuition Charges for Special Education Classes." (H. P. 507) (L. D. 678)

Reported that the same Ought to Pass in New Draft. (H. P. 1154) (L. D. 1476).

Come from the House, the reports 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 Education on Bill, "An Act Relating to Age Requirement for Kindergartens." (H. P. 458) (L. D. 595)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-246)

Signed:

Senator:

STUART of Cumberland  
Representatives

KILROY of Portland

RICHARDSON of

Stonington

CHICK of Monmouth

ALLEN of Caribou

MILLETT of Dixmont

CUMMINGS of Newport

WAXMAN of Portland

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

Signed:

Senators:

KATZ of Kennebec

KELLAM of Cumberland

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-246)

Which reports were Read.

Mr. Stuart of Cumberland moved Acceptance of the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a simple bill. It deals with an extremely controversial subject: should our children be older before they enter kindergarten, or are they about the right age now, or should they be younger? This bill would seek to make the entrance requirements for youngsters entering kindergarten some six weeks earlier. In other words, the youngsters would have to be six weeks older before they are admitted. It is an extremely controversial area. The majority report may be right, but I personally feel that every evidence that I have seen in recent years indicates, the Head Start and other programs, that, if anything, our children might be a little younger rather than a little older before we start giving them the benefit of education. I oppose the motion and ask for a division.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Cumberland, Senator Stuart, that the Senate accept the Majority Ought to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Thirteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed, the Majority Ought to Pass as Amended. Report was Accepted in Concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in Concurrence, and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Agriculture on Bill, "An Act Repealing Milk Control Prices at the Retail Level." (H. P. 847) (L. D. 1089)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

BARNES of Aroostook  
DUNN of Oxford  
LEVINE of Kennebec

Representatives:

MITCHELL of Frankfort  
GILBERT of Turner  
BUCKLEY of Leeds  
HALL of Windham  
EVANS of Freedom  
MOSHER of Gorham

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

Signed:  
Representative:

HUNTER of Durham

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

Which reports were Read.

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

#### Divided Report

The Majority of the Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement of Chief Liquor Inspector." (H. P. 943) (L. D. 1204)

Reported that the same Ought Not to Pass.

Signed:  
Senators:

CIANCHETTE of Somerset  
DUQUETTE of York

Representatives:

TEMPLE of Portland  
PRATT of Parsonsfield  
MARQUIS of Lewiston  
SHELTRA of Biddeford

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

Signed:  
Senator:

HANSON of Kennebec

Representatives:

MEISNER of Dover Foxcroft

BARNES of Alton  
LINCOLN of Bethel

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

Which reports were Read.

Mr. Hanson moved Acceptance of the Minority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Kennebec, Senator Hanson, moves the Senate Accept the Minority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: This bill, as you see from the Committee Report, is the Majority Ought Not to Pass. This document gives to an individual a right that does not belong to other persons who are in the employ of the State. I feel if we are to have statutes that govern the majority of our people we are to live with those statutes, but to exempt an individual, which is exactly what this bill does, does not conform, does not stay within the judgment of most people. I feel that when we exempt by individuals, and not a position, we do not follow what our beliefs have shown to be in the best judgment. I hope that this Minority Report is not accepted.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I will be very brief this morning. This bill would permit Timothy Murphy to continue with his outstanding job of enforcement on the Liquor Commission. Now, this man has really been a glowing beacon with his unquestionable integrity and his eternally fair treatment of his people. I think he is in excellent, vigorous physical condition and a anxious to continue beyond the age of retirement. I urge the Senate to support the Minority Report, Ought to Pass. When the vote is taken I request a division.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: It has been my pleasant experience to have worked with this man in law enforcement in Penobscot County for about ten years, and I know personally of

his efficiency. He is very effective, he knows his job, and if the State can have his services for five more years, I think it will be to the best interests of the State of Maine. I would like to support the motion of my good friend from Kennebec, Senator Hanson, to accept the Ought to Pass Report of the Committee.

The PRESIDENT: The question before the Senate is the motion of the Senator from Kennebec, Senator Hanson, that the Senate accept the Minority Ought to Pass Report of the Committee. A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

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

#### Divided Report

The Majority of the Committee on Agriculture on Bill, "An Act Repealing Milk Control Prices at the Retail Level." (H. P. 848) (L. D. 1090)

Reported that the same Ought Not to Pass.

Signed:

Senators:

BARNES of Aroostook  
DUNN of Oxford  
LEVINE of Kennebec

Representatives:

MITCHELL of Frankfort  
GILBERT of Turner  
BUCKLEY of Leeds  
HALL of Windham  
EVANS of Freedom  
MOSHER of Gorham

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

Signed:

Representative:

HUNTER of Durham

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

Which reports were Read.

Mr. Levine of Kennebec moved Acceptance of the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Hoffses of Knox, tabled until later in today's session, pending the motion by Mr. Levine of Kennebec to Accept the Majority Ought Not to Pass Report of the Committee.

#### Senate

##### Leave to Withdraw

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Relating to Issuance of Permits by the Water and Air Environmental Commission." (S. P. 271) (L. D. 909)

Reported that the same be granted Leave to Withdraw.

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Creating the Water Development Authority." (S. P. 350) (L. D. 1216)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

##### Ought Not to Pass

Mr. Barnes for the Committee on Transportation on Bill, "An Act Relating to Operating Motor Vehicles on Parking Areas." (S. P. 341) (L. D. 1139)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Mr. Barnes for the Committee on Transportation on Bill, "An Act to Provide for Registration of Snowmobile Trailer Dealers." (S. P. 185) (L. D. 587)

Reported that the same Ought to Pass.

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

##### Ought to Pass - As Amended

Mr. Moore for the Committee on Public Utilities on Bill, "An Act Relating to Debt Limit of the Waterville Sewerage District." (S. P. 272) (L. D. 910)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-112).

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

The Majority of the Committee on Labor on Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act." (S. P. 245) (L. D. 754)

Reported that the same Ought to Pass.

Signed:

Senators:

PEABODY of Aroostook  
TANOUS of Penobscot  
BELIVEAU of Oxford

Representatives:

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

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

Signed:

Representatives:

HASKELL of Houlton  
DURGIN of Raymond

Which reports were Read.

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

##### Final Report

The Committee on Sea and Shore Fisheries 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 to Authorize Attorneys-at-Law to Take Acknowledgments on Deeds and Other Written Instruments." (H. P. 559) (L. D. 740)

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

Bill, "An Act Relating to Location of Schools and Size of School Projects." (Emergency) (H. P. 683) (L. D. 882)

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

Bill, "An Act Increasing the Number of Superior Court Justices." (H. P. 955) (L. D. 1236)

Resolve, Providing Moneys for Cerebral Palsy Centers for Home Care and Other Purposes. (H. P. 1148) (L. D. 1470)

Bill, "An Act Relating to Tuition Charges for Students from State Institutions." (H. P. 1149) (L. D. 1471)

Bill, "An Act Relating to Type of Dredge to Dig Clams in Waters Between Cape Elizabeth and Pemaquid Point." (H. P. 1150) (L. D. 1472)

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

On the matter previously set aside at the request of Mr. Gordon of Cumberland, Bill, "An Act Relating to Location of Schools and Size of School Projects" (H. P. 683) (L. D. 882), the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-114, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

**House - As Amended**

Bill, "An Act Relating to Use of Scallop Drags in Gouldsboro Bay." (H. P. 611) (L. D. 799)

Bill, "An Act Relating to Taking of Alewives in Georges River." (Emergency) (H. P. 1093) (L. D. 1410)

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

**Senate—As Amended**

Bill, "An Act Relating to the Guardianship of Mentally Retarded Persons." (S. P. 109) (L. D. 315)

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

Sent down for concurrence.

**Enactors**

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

An Act Providing for Sessions of the District Court for Central Hancock at Bucksport. (S. P. 69) (L. D. 190)

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

An Act Relating to Expert Witness Fees as Court Costs. (S. P. 103) (L. D. 312)

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

An Act Relating to Settlement or Release of Claims in Personal Injury and Property Damage Actions. (S. P. 105) (L. D. 318)

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

An Act Relating to Trial Costs. (S. P. 106) (L. D. 313)

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

An Act Increasing the Number of Official Court Reporters. (S. P. 137) (L. D. 434)

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

An Act to Amend the New England Higher Education Compact. (S. P. 237) (L. D. 711)

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

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

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

An Act Changing Name of State Council on Economic Education to Maine Council on Economic Education. (S. P. 419) (L. D. 1413)

An Act Relating to the Wearing of Fluorescent Clothing When Hunting in the Southern Zone for Two Years. (H. P. 61) (L. D. 63)

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

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

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

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

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

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

An Act Relating to Guarantees by Corporations. (H. P. 592) (L. D. 773)

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

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

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

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

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

An Act Providing for State Contribution to the Cooperative Soil Survey. (H. P. 904) (L. D. 1165)

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

An Act Increasing Certain Fees for the Secretary of State's Office. (H. P. 910) (L. D. 1171)

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

An Act Relating to Combination Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces. (H. P. 947) (L. D. 1125)

An Act Relating to School Attendance of Pupils Over Sixteen Years of Age. (H. P. 985) (L. D. 1269)

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

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

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

An Act Setting Off a Portion of the Town of Perry to the State of Maine for the Pleasant Point Reservation. (H. P. 1058) (L. D. 1389)

An Act Providing for the Observance of Certain Legal Holidays on Monday. (H. P. 1117) (L. D. 1436)

(On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Enactment.)

An Act Relating to Mandatory Fines on Minors Who Violate Certain Liquor Laws. (H. P. 1135) (L. D. 1455)

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

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

The PRESIDENT: On the matter previously set aside at the request of Mr. Anderson of Hancock, Bill, "An Act Relating to Closed Season and Minimum Size of Atlantic Salmon" (S. P. 278) (L. D. 873), the Chair recognizes the same Senator.

Mr. ANDERSON of Hancock: Mr. President, relative to 8-7, L. D. 873, under suspension of the rules, I move we reconsider our action whereby this Bill was passed to be engrossed.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that the rules be suspended in order to reconsider our action whereby the Senate Passed this Bill to be Engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. ANDERSON: Mr. President, I now offer Senate Amendment "A" and move its adoption.

Senate Amendment "A", Filing No. S-113, was Read.

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

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

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

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

Resolve, Changing the Name of Mud Pond in Oxford County to Twilight Pond. (H. P. 968) (L. D. 1250)

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

#### Emergency

An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1970 and June 30, 1971. (S. P. 120) (L. D. 382)

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

#### Emergency

An Act Increasing Borrowing Capacity of Waldoboro Sewer District. (H. P. 535) (L. D. 706)

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

#### Emergency

An Act to Give the Commissioner of Veterans Services Power to

Acquire Land by Eminent Domain. (H. P. 634) (L. D. 822)

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

#### Emergency

An Act to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage. (H. P. 705) (L. D. 919)

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.

#### Emergency

An Act to Reappropriate Balance of Appropriation for Vocational Building at the Men's Correctional Center. (H. P. 795) (L. D. 1036)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

#### Emergency

An Act Creating the Harrison Water District. (H. P. 867) (L. D. 1109)

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.

#### Emergency

An Act Creating the Winterport Water District. (H. P. 1045) (L. D. 1373)

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary

tary presented to the Governor for his approval.

#### Emergency

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

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

#### Orders of the Day

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

HOUSE REPORT—Ought to Pass in New Draft (H. P. 1115) (L. D. 1434) from the Committee on Labor on Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law." (H. P. 95) (L. D. 104)

Tabled — April 23, 1969 by Senator Barnes of Aroostook.

Pending — Motion by Senator Tanous of Penobscot to Indefinitely Postpone Bill and Report.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: I hope the Senate will go along with me in opposing the indefinite postponement of this bill. We see this morning a reprint of the news concerning Arnold Palmer one of the world's greatest golfers. Mr. Palmer's story could be repeated thousands of times, but I can testify in a like manner from my personal experience.

A few years ago while serving on the football team at Colby College I had an accident in the first game of the season. I was under the doctor's care for four weeks. The State Series came around and I really wanted to play. I asked Dr. Edwards, the head of the Athletic Department at the College if I could see a Dr. Gebhardt, an Osteopath in Waterville. He said he was sorry that he couldn't give me permission to, but it was up to myself as they were not recognized at the time. I went down to Dr. Gebhardt, and I spent four days with him. That happened to be on a Friday, and Saturday was a football game. Saturday afternoon I was asked if I would

want to play in the game, and I said I would. I played sixty minutes of football, and I think the good Senator, Pete Mills, can verify that because he played in the same game.

The reason I bring in the Osteopaths, although this is a Chiropractic bill, is that the Osteopaths weren't recognized at that time, but since then they have been, and they have done a good job.

Most big-league sports teams, football teams, soccer teams, basketball teams and baseball teams have one or more Chiropractors on their full-time staff. The majority of the industrial accidents have to do with the back. An injured employee with back troubles should be guaranteed that should he voluntarily choose the service of a Chiropractor that he will not have to pay the bills for the services, but that they will be paid by the proper party, his employer's workmen's compensation insurance. This and this alone is all that this bill does. A vote against the passage of this bill is a vote against being fair. I urge the defeat of this motion to indefinitely postpone, and urge the passage of a motion to concur with the House. Thank you.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: As much as I dislike to oppose my seatmate in debate and speak out while there are some Chiropractors in the room, I must be perfectly honest and candid. Although I am not a specialist in this field, I know of no disease that can be cured by manipulating the spine. A Chiropractor is a person who does treat disease by manipulating the spine.

Certainly I think of the Chiropractor as treating back trouble, lower back trouble particularly, and this, I am sure most of you realize, is something millions and millions of Americans suffer with. Probably most of us in this room at sometime have been plagued by back trouble. And millions of people have gone to Chiropractors seeking relief. You have to know something about the nature of this

trouble and realize that the lower spine is the weakest part of the human anatomy, and there are nerves coming out between vertebra, and the disc, which is a cartilaginous material that separates the vertebra, these become squashed or fibrous, the nerves become impinged, and it causes a great deal of pain. But manipulating the spine is not really the treatment and, although it may give temporary relief, it is only temporary. And it is sad to me to see people who don't have too much money keep going back for treatment, when very often the back gets better in a few days, a week or a month, and I am sure many of you have had this experience.

This bill, I feel, will increase the insurance rates, and will do very little to decrease the troublesome backs. Really, I honestly feel what is needed is education, and many good articles have been written that more people should know about the problem with the back. We have had trouble ever since we got up off our fours and walked on our hind feet, and it is a strain on this part of the anatomy. When you have this kind of pain you certainly seek relief, but these people are looking for miracles, and the Chiropractors have claimed that they do miracles. This I find hard to believe.

This bill has been lobbied much too much, and I think you all agree to that. And this type of thing that we have on our desks, Arnold Palmer and the Chiropractor reading the X-ray, this is carnival stuff. I am ashamed of this, and they should be ashamed of it, because a radiologist is a very, very highly specialized person. Anybody can take an X-ray, but it takes a good deal of training to read it properly. And I feel they do take money from people — I am sorry I have to feel as strongly against the Chiropractors as I do, but I hope you will support the motion, which I believe is indefinite postponement.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and

Honorable Members of the Senate: I am of the belief that it is up to the individual to decide as to who he or she will seek aid or relief from wherein it concerns personal injury.

As we are well aware, forty-eight states recognize Chiropractors under their workmen's compensation laws in one form or another. Twenty-seven of these states have it covered under statutory law, eleven states under administrative ruling, and nine states under insurance company agreements. The only argument here on this issue is: shall a Chiropractor be paid under workmen's compensation in the State of Maine if the injured employee voluntarily seeks his services?

At this point, Mr. President, I would like to make a comparison of the curriculum offered by Logan College of Chiropractic and Cornell School of Medicine insofar as hours spent on various subjects. As far as Anatomy is concerned, which Senator Stuart was referring to, Logan College of Chiropractic offers a 720-hour course, compared to Cornell School of Medicine's 572 hours. Insofar as Psychology is concerned, their course is 320 hours, compared to 231 hours at Cornell. The Chemistry course is a 440-hour course at Logan, compared to 220 hours at Cornell. The Pathology course is 360 hours, compared to 297 at Cornell. The Microbiology course is 180 hours, compared to 154 hours. The Public Health course is 80 hours, compared to 139 at Cornell. The Radiology course is 280 hours, compared to 50 hours at Cornell. The Diagnoses course there is 640 hours, as compared to 187 at Cornell. I am just trying to make a comparison along these lines, Mr. President and Members of the Senate, to show you that Logan College of Chiropractic offers a 3100-hour course, in comparison to Cornell School of Medicine's 2,048.

Mr. President and Members of the Senate, when the vote is taken, I would request a division.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the

Senate: I rise in support of the motion for indefinite postponement of this bill. I do this on two accounts. First, I gave a promise to a friend of mine, an M.D., that I would vote against this bill. Secondly, and I think most importantly, because I dislike the tactics that the sponsors and proponents of this bill have used.

I have, as everyone else here in this Senate, received many, many cards that say on the bottom there is no need to reply, but one in particular yesterday attracted my attention. It was my oldest son's name that was signed, or his name written on the card. I called him to ask him why he sent me such a card and why he was supporting such a bill. He informed me that he had never seen the card and that he knew nothing about it. I dislike these tactics, and I support the motion primarily for the tactics that have been used in support of it.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As I sat here I questioned whether I should stand up to say a few words on this subject, a subject that I feel quite qualified in by this time, and then at the last moment I felt that I would be remiss in my duties to the Legislature, as Chairman of the Labor Committee, if I didn't stand up to say a few words of clarification.

First of all, I would like to mention, because of the statements that were made, the Chiropractic Profession is regulated and restricted in almost every one of our states in some form or another. There is no state that endorses this profession one hundred per cent in the sense that they would make us believe that it is. There is no question that this profession does serve a purpose in our society, and I know quite a few of them and they are honorable men, I am sure.

I would like to straighten out another point that is quite interesting in that the Federal Government under Medicare does not recognize this profession as to paying their bills. They will not permit the pay-

ment of a Chiropractor's bill under our own Federal Government's Medicare Program.

I bring these points out because they were brought out earlier, and I feel that this knowledge ought to be brought to the attention of this august body. I think that all of you will agree with me that there hasn't been a single piece of legislation that has been lobbied as much as this one has. They are sincere in their desires, and I am sure that they are only looking for what they feel is fair under the law.

I met with their lobbyists earlier in the session and we discussed the various aspects of discrimination under this law. I drew the battle lines, so to speak, to them and I mentioned that their qualifications in this particular legislation was not at stake; the issue was as to whether or not they were going to receive payment under the workmen's compensation law. This was the issue.

Unfortunately, at the public hearing the door of their qualifications was opened, and this was pursued by several members of the Labor Committee. It wasn't over ten seconds before I opened up my statutes to refresh my memory on the law pertaining to this profession and exactly the scope that they are authorized to practice within. Needless to say, I was amazed, amazed at the evidence that was presented at this hearing as to exactly what the Chiropractors do practice in this State. I could see very little difference between this and the Osteopathic and Medical Professions, and I wondered how any group could practice outside of the law without reprimand by some authority of some type. This is an unusual circumstance. They maintain that the law is ambiguous and therefore they are authorized to practice as they do. Of course, I was further amazed at the charges that were made by the Medical Profession. I was also amazed at the powers that this group claimed they have in their own field.

I think perhaps you will agree with me that a committee of ours is not qualified to go in depth as

to the qualifications of any particular profession of this nature. Certainly we are not medical doctors or any type of a doctor that would be able to judge the merits of this profession. If the charges of the opponents to this bill are true, if they are true, I submit to you that the Chiropractors should not be authorized to practice in this State. But if their qualifications and their ability is as great as they say it is, then the law ought to be changed, not this law, but the general licensing law of the Chiropractor. This is where the change should be made; not in this area. And it should be expanded so that it will include their qualifications and their practice ability. With this in mind, if this motion for indefinite postponement prevails, I will plan to prepare an order later today or this week to present to this body to send this matter to a legislative study committee, to report back at the 105th Legislature, and let's clear the issue once and for all. Thank you.

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

**Mr. BERRY** of Cumberland: Mr. President and Members of the Senate: I heartily echo the sentiments of my associate, Senator Tanous. I believe that the issue at stake here is the interest of the working man of the State of Maine, and not of any particular group. I think that the injured employee, paid out of a publicly administered fund should be safeguarded very carefully.

I would point out to you a statement which appears in the record of the last session of the Legislature on Page 2136 of the Senate Record, and this was stated by a proponent of Chiropractic, Senator Snow, for whom I have a great deal of personal regard. This is what Senator Snow says on this subject: "There is evidence that the Chiropractic Profession is making a real effort to improve its standards of education. I have done some research in this matter and I find that after September 30, 1967" - this is less than two years ago - now listen to this: "In addition to graduation from high school the admission require-

ments" - this is for Chiropractor - "will require one academic year or thirty semester hours of credit hours earned in an accredited junior college or university."

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

**Mr. REED** of Sagadahoc: Mr. President and Members of the Senate: I somewhat hesitate to belabor this particular item, and I am sure that I, just like every Senator here, am pretty tired of it. But I would just like to bring out to this Senate that this thing goes both ways.

My first term here, I think, was in '59, and at that time the Governor of our State was a Chiropractor. Naturally, the Medical Profession thought that they were somewhat in trouble, and if anyone ever got lobbied and taken apart by a particular profession, I think I did at that time, being pretty green, by the Medical Profession. I must admit that I reacted against it. I think I reacted much the way the members of the Senate are presently reacting against the lobbying that is taking place.

I would merely say that I support this legislation because I feel that it is correcting an inequity in the existing law. I feel as if the employer is protected because he at any time can have his own physician diagnose the injured employee. I feel also that the Medical Profession does have some solid arguments, but I feel that they should just have the courage, the moral courage, to put the proper vehicle in, just as stated by the Senator from Penobscot, Senator Tanous, if they question this profession then the vehicle should be in there, the bill should be put in there, and it should be heard on its merits. I just don't like this particular back-door approach to get at a profession. I don't think it is a straight-forward manner and, as I say, I support the bill because I feel that it just plain and simply is correcting an inequity in the existing law. I think that a person thinks just as much of himself when he walks through industry's gates as he does when he is walking downtown and is injured. In

one instance he can go, and it is his free choice, and when he gets inside industry's gates we say "You can go, but you may or may not get paid." It just doesn't seem to me to be right.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As a new member, I was amazed at the lobbying that was done on this bill. I just couldn't understand it, couldn't understand why.

In the southern part of my territory in Piscataquis County there are no Chiropractors, but there is one in the northern part, so one weekend I made a special trip up there to talk to him, and also to talk to the M.D.'s in that area. I had covered the M.D.'s in Piscataquis before. I came back from that trip not knowing any more than I did before, because this is a subject that I am not qualified to answer to or make any judgment on. But, in the course of the session, I decided that in my best judgment I should be against it, and I so notified the Chiropractor in my area. Since then I have received three letters from three M.D.'s whom I know. I feel they are qualified, and if they support this bill I don't see that I should be against it. So, I am taking their judgment to make my decision on this bill. Therefore, I hope the motion to indefinitely postpone does 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 Tanous, that Legislative Document 104, Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law," be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the bill will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and thirteen Senators

having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled—April 23, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 7, 1969, pending Enactment.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Highways on Bill, "An Act Relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike." (H. P. 371) (L. D. 511)

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

Pending—Acceptance of Report.

Mr. Letourneau of York moved the pending question.

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

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

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

Tabled—April 23, 1969 by Senator Wyman of Washington.

Pending—Motion by Senator Conley of Cumberland to Substitute Bill for the Report.

On motion by Mr. Conley of Cumberland, retabled and specially assigned for May 2, 1969, pending the Motion by that same Senator to Substitute the Bill for the Report.

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



Bill, "An Act Relating to a Maine-New Hampshire Interstate School Compact." (S. P. 387) (L. D. 1378)

Tabled—April 23, 1969 by Senator Hoffses of Knox.

Pending—Passage to be En-grossed.

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

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

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

Tabled—April 24, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 7, 1969, pending Enactment.

The President laid before the Senate the seventh 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 Attorney General by the Governor. (H. P. 355) (L. D. 463) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—April 25, 1969 by Senator Beliveau of Oxford, pending motion by Senator Wyman of Washington to Accept the Majority Ought Not to Pass Report.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Maine is the only state in which the legislature selects the Attorney General. L. D. 463 would propose a constitutional amendment that would alter this very outmoded procedure by having the Attorney General appointed by the Governor.

We all know, particularly those of us in the Legislature, know how complex the problems of government have become, both in the legislative branch and in the execu-

tive branch. Both branches are seeking ways and methods to change these problems, and are continually attempting to find methods to develop a more efficient operation. It is my opinion that to the extent that we are able to develop and improve the operations of both branches of government, and to that extent, if we do succeed, the citizens of Maine will certainly benefit by our efforts.

I strongly and firmly believe that the effectiveness of the executive department will be enhanced if the Governor has the responsibility for selecting the Attorney General. As we all know, under our Constitution the Governor has the ultimate responsibility for enforcing all of our laws, and frequently, if not often, he needs the advice and counsel of our Attorney General for the proper interpretation of the laws and the Constitution of our State, and more particularly, with the legal implications of the legislation that is enacted here in the Legislature. For these reasons, and many more, I believe that the Governor should have an individual, an Attorney General, who is directly responsible to him and with whom he is personally compatible, for if the Governor and Attorney General cannot work together he is deprived of the so-called trusted legal counsel, particularly the legal counsel of a man who should be and is his chief legal aide, and the only real losers are the people of the State of Maine.

In the past, and in the future of course, we have always demanded a high quality standard of performance from the Governor, which we should. We should also give him the opportunity to select an individual and choose men who will help him to seek and help him to meet this demand.

This bill, of course, is one of many governmental reform measures that have been before us and will continue to be before us during the remainder of the session. As I said at the outset, Maine is the only state in which the legislature appoints or elects the Attorney General. To say that the Attorney General answers to us is a fallacy. In my opinion, he

should answer to the Governor, the person who is responsible for the administration of the laws of this State. I therefore strongly urge that we oppose the pending motion to accept the Ought Not to Pass Report, and I request a roll call.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I rise as I did two years ago in support of this measure. This is, it seems to me, a measure that peculiarly should not be associated with party politics. It is especially aimed at the improvement of the structure of state government, and, I believe, thoroughly in the right direction. It has much, much more to recommend it, it seems to me, than any of the other proposals in regard to the changing of the heads of the various executive branches to direct responsibility of the Chief Executive.

I ask you if you wouldn't imagine yourself at the head of a great business, such as the State of Maine, tinged with a great deal of legal implications as certainly the Governor's office is, and ask you if you wouldn't want to be able to call in your own attorney? As a matter of fact, you probably would. And you wouldn't want to have imposed upon you legal advice from your political opposition. It just doesn't make sense.

If you regard the federal system, and consider that it has been fairly successful over the years, as an example of good executive administration of government through the years of Republicans and Democrats alike, it has been an example to the world of good structure from the time of the founding fathers, and it has stood out that way and been copied all over the world. One of the features that distinguishes it is the strength of the executive, properly limited by the judiciary. The key person in the cabinet of the President, of course, is his Attorney General. He is there for policy, he is there for legal work. It has been called sometimes the greatest legal firm in the world,

the greatest law office in the world, and it is behind him and backing him, as it should be in a good prototype of executive government, with the limitations, of course, imposed by the judiciary. If you are in business you want your lawyer, if you are in government you want your lawyer, it seems to me.

This is without any reflection, of course, upon your very able and efficient Attorney General and his fleet of assistants. It seems to me those people should be directly under the control and under the appointive power of the Governor.

I think that if this hadn't become somewhat of a political matter that there wouldn't be much question about how we would regard it. And, of course, we have the precedent of it having been this way for a long, long time, and that is a very hard thing to change in our thinking. I am just not sure, Mr. President, what the motion is, but I hope that the Attorney General's office will be given to the Governor for appointment in the Republican years and the Democratic years alike.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As a neophyte in legal matters, I pay a great deal of attention to the statements of the Chairman of the Judiciary Committee. I was sitting here enjoying this nice Spring day until he said that he thought the office of the Attorney General should be under the control of the Governor. That is quite a statement, and in this statement the good Senator from Franklin, Senator Mills, has put his finger right on the problem, and I thank him.

Is the Attorney General the dominion of the Governor? Is he at his beck and call? Is he to grind out opinions favoring the Governor? I don't think so.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Every session I have been as guilty as anybody else, when it suited my purpose, to equate

change with reform. Change is not reform. It is purely and simply on its own merits, whether it is reform or not.

Indeed Maine is unique in its present posture. The Maine Legislature this session passed a change that is reform, and it makes us unique in the United States in the disposition of our votes in the Electoral College system. The Legislature felt that not only was this change, but it was reform.

We are in a minority in the United States in our system of requiring all bills to have public hearings when they are introduced into the Legislature. We are in the minority. I don't think a change in this would be reform, and I certainly do not feel that this constitutional amendment or the one that follows on the calendar represents reform.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, to accept the Majority Ought Not to Pass Report of the Committee on Legislative Document 463, Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The Senator from Washington, Senator Wyman, has moved that the Senate accept the Majority Ought Not to Pass Report of the Committee on Resolve, Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor. A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will now call the roll.

### ROLL CALL

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

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

ABSENT: Senator Wyman.

A roll call was had. Sixteen Senators having voted in the affirmative and fifteen Senators having voted in the negative, with one Senator absent, the motion prevailed and the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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 Providing for the Election of the Attorney General by the Electors. (S. P. 178) (L. D. 580) Report "A", Ought to Pass in New Draft (S. P. 443) (L. D. 1474) Report "B", Ought to Pass; Report "C", Ought Not to Pass.

Tabled — April 25, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Wyman of Washington to Accept Report "A", Ought to Pass in New Draft.

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

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

SENATE REPORTS — from 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) Report "A" Ought to Pass; Report "B" Ought Not to Pass.

Tabled — April 25, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Wyman of Washington to Accept Report "B" Ought Not to Pass.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As the members of the Senate know, the Legislature has before it very many measures, a great number of measures, designed to enhance the efficient and coordinated management of State Government. This, in my opinion, is probably, together with the previous bill, two of the most important changes, so to speak, or governmental reform measures before us. There are several, I believe, one which would abolish the Executive Council, appointment of major department heads to run concurrent with the Governor's term of office, the administrative reorganization act, and the measure before us today, the Item Veto.

The Item Veto is presently used in forty-three states. I would direct your attention to L. D. 226, which is a 36-page appropriation document that we will be considering shortly, which, of course, is a very complex and detailed document appropriating millions of dollars. This bill would allow the Governor to eliminate or reduce items that are contained in this particular L. D., while allowing him to approve other portions of the bill which he believes are in the best interests of the citizens of the State of Maine.

It is a very simple procedure. The Governor simply indicates at the time of his signing the bill the item or the items which he declines to approve or which he has reduced. Of course, he must also outline the reasons for his actions, and he sends a copy of this statement to the House of Representatives and the Senate. And, of course, the items which he has reduced or eliminated would not take effect unless passed over the Governor's objection in the usual manner.

In my opinion, the present appropriations bill, and this is best

exemplified by the document before us, is nothing more than an ultimatum to the Governor to take it all or veto it all. This procedure completely ignores the fact that the appropriations bill is a unique bill, involving judgments on the worth, the priorities and the merits of many, many programs, of course, involving the expenditure of many millions of dollars. It just isn't susceptible to a simple Yes—No decision. It requires additional consideration by the Governor to make his own independent judgment as to the practical effect or impact this will have on the State of Maine.

In addition, we are very concerned in this State with comprehensive financial planning. We realize that because of the growth of the State Government and the number of new programs that a decision on one program will have a profound effect upon another program, and it must be made in relation to other programs. Yet, on the other hand, we insist that the executive eliminate duplication and waste in State Government. In spite of all this, despite the very real desire by the members of the Legislature to insist that the executive review its programs and make determinations as to whether it is an efficient and needed program, in spite of all this, we fail to give the Governor the authority he needs to eliminate all this duplication and inefficiency. I think if we were to adopt this bill it would be a real step forward and ultimately would lead to a more efficient operation of State Government.

I think it is important to us to make a judgment at this time, and for us to realize particularly that there is a great real disparity here in the House and in the Senate between our desires for an efficient coordinated State Government and the administrative techniques or tools available to the Governor to achieve this end. We simply do not give the Governor the authority or the tools to pass upon or to exercise effective control over the budgetary or appropriation matters.

In my opinion, the passage of this item would give the Governor the authority he needs and would prove to everyone our determina-

tion to remedy this very unfortunate situation.

For some of us this is our first term and for others the second term, or the first term in the Senate and the second term in the Legislature. The first time I reviewed an appropriations bill I was absolutely amazed by the contents and the language involved, and the difficulty to a certain extent that one has in reviewing it to such an extent that you can acquire a working knowledge of the document. We all know it has been the practice of this Legislature since time immemorial to include items in the various appropriations bills which on the merits could not stand, which benefit a special interest group, and which the Governor, regardless of his party affiliation, knows should not be permitted to stand or to pass. Yet, when he is confronted with nothing more than an ultimatum, the Governor must accept the complete document or reject it in its totality.

I submit to the members of the Senate that this is a very needed reform. This is a bill which would contribute greatly, immeasurably to a more efficient State Government, and I urge you all to oppose the pending motion to accept the Ought Not to Pass Report. Once again, Mr. President, I would request a roll call.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I rise in support of the motion to accept the Ought Not to Pass Report of the committee although in this particular circumstance I think it is almost an academic question. I might venture that I cannot imagine the Governor presently vetoing any spending measures.

I am more concerned with the integrity and the strength of the Legislature today. The Legislature this session has been striving, I think sincerely, to work in harmony, Republicans and Democrats alike, in the handling of some very, very perplexing financial problems. I can state factually that there has been a real determined effort of Republicans, who have a very small majority, and Democrats,

who are in the minority but to a very small extent, to join together and arrive at a consensus. It is not an easy job, but it is a job we are facing, I think, with some responsibility. It is a job which hasn't been made any easier by actions of the executive so far this session.

I am concerned about the fact that we had assurance from the executive that the notion of funding Part I Budget, putting some taxes next to it, and passing it early in the session was a good idea and would get the support of the executive. On that basis we labored for some weeks here in good faith, Republicans and Democrats. When we came out with a unanimous report from the Committee on Appropriations for the Current Services Budget it was certainly with the advance understanding that early funding was acceptable and encouraged by the executive. Subsequently, after a good many weeks of hard work and sincere work, we find that it is no longer acceptable.

It is not easy for the Committee on Appropriations to put together — and they have been extremely dedicated—to put together a package which reflects the consensus of the Republicans and the Democrats on the Committee. The job becomes intolerably difficult when the pressures from outside of the Legislature grow and grow and grow and become more onerous and more vocal.

Here again is a measure that I do not look upon at all as progress, I don't look upon as reform; I look upon it as draining away the prerogatives and the strengths of the Maine Legislature, and my observation this session indicates that we need more muscles rather than less muscles. Also, I am uneasy at the notion of the tremendous leverage any chief executive of the State of Maine would have on individual legislators if the threat of an item veto of your individual measures hung over you all during the session, that you would toe the line or else your project for your people might be subject to an item veto.

I would be the first to admit that the work of the Maine Legislature is imperfect, but I think that there is a sense of integrity within this body, a sense of desire, that we are

honestly, truly trying to do the best job we can for the people of the State of Maine as we see it. Mr. President, I support the motion to accept the Ought Not to Pass Report.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I just rise this morning to possibly say that I support this measure. I also rise to clarify maybe just one remark that the Senator from Kennebec, Senator Katz, made, and that is in regard to the Chief Executive of our State. I do not know what conversation took place between the Senator and the Governor of our State, but at no time did he ever tell me that as far as funding the Part I Budget that he thought it was a good idea—I think he indicated this, but I don't believe that he said that he was going to put his support behind it one hundred per cent. I feel as if the Governor in January made a statement to us, delivered it to us in his message. He still feels that was a good message, a good program, he still supports it. He does realize, however, that we here in this Legislature have to make up our own minds. I commend him on the fact that I feel he has left us pretty much alone to work out our difficulties and our problems, and I feel that both parties have made an honest attempt to do this. I certainly commend him for this, and I certainly commend him also for the fact that I feel he still wants his program, and I certainly don't think any the less of him because he is willing to fight for it, but yet, in the long run, I am sure that the Governor of this State will cooperate in every way that he can with this Legislature.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to respond to the Senator from Sagadahoc, Senator Reed, and reaffirm my very clear-cut personal understanding from the Governor some six weeks ago in personal conversation, that the notion of fund-

ing the Current Services Budget, enacting it and putting it on his desk for signature early in the session was not only acceptable, but I believe the expression was "I'll buy that." I am not aware of conversations that may have occurred with Senator Reed.

The thing that disturbs me about the financing of the session goes back to the question of the Current Services Budget. It disturbed me then and it disturbs me now that the whole orientation of the executive has been toward the creation of new programs, meaningful programs, good programs, necessary programs, but the whole orientation was toward the creation of new programs, with no evident attempt to re-evaluate existing programs, not even one, that may have been accumulated on the books over many, many years. Indeed, if there is financial responsibility available to the executive today it is in the preparation of the budget. And in this I must say that I was disappointed in the preparation of the Current Services Budget, and I am today disappointed in the handling of the Current Services Budget by the executive.

The PRESIDENT: The question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept Report "B", Ought Not to Pass, on Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the motion of the Senator from Washington, Senator Wyman, that the Senate accept Report "B", Ought Not to Pass, on Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. A "Yes" vote will be in favor of the motion to

accept the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

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

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

ABSENT: Senator Wyman.

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 prevailed, and the Ought Not to Pass Report "B" of the Committee was Accepted.

Sent down for concurrence.

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

SENATE REPORTS—from the Committee on Taxation on Bill, "An Act Exempting Sales to Certain Institutions from Sales Tax." (S. P. 240 ) ( L. D. 715) Majority

Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 29, 1969 by Senator Bernard of Androscoggin.

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

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

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session at the request of Mr. Hoffses of Knox, Bill, "An Act Repealing Milk Control Prices at the Retail Level," (H. P. 848) (L. D. 1090) pending the motion by Mr. Levine of Kennebec to Accept the Majority Ought Not to Pass Report of the Committee.

Mr. Barnes of Aroostook moved the pending question.

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

(Off Record Remarks)

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