

# 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, May 7, 1969

Senate called to order by the President.

Prayer by the Honorable Frank W. Anderson of Ellsworth.

Reading of the Journal of yesterday.

### **Papers From the House**

#### **Non-concurrent Matter**

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

In the House April 24, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-231).

In the Senate April 29, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-231) and Senate Amendment "A" (S-110), in non-concurrence.

Comes from the House, that Body having Adhered.

(On motion by Mr. Katz of Kennebec, tabled until later in today's session.)

### **Committee Reports**

#### **House**

#### **Change of Reference**

The Committee on Towns and Counties on Bill, "An Act to Provide for a Second Assistant County Attorney for Kennebec County." (H. P. 1018) (L. D. 1326)

Reported that the same be referred to the Committee on State Government.

The Committee on Towns and Counties on Bill, "An Act Creating a Second Assistant County Attorney for the County of York." (Emergency) (H. P. 302) (L. D. 378)

Reported that the same be referred to the Committee on State Government.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Leave to Withdraw**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Baiting of Bears." (H. P. 35) (L. D. 36)

Reported that the same be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing a Bond Issue in the Amount of One Hundred and Twenty Thousand Dollars for Constructing a Community Mental Health Facility in Bangor for Service to Eastern Maine." (H. P. 756) (L. D. 976)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

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

The Committee on Towns and Counties on Bill, "An Act Relating to Chairmen of Meetings of County Law Libraries." (H. P. 498) (L. D. 652)

Reported that the same Ought Not to Pass.

The Committee on Towns and Counties on Bill, "An Act Authorizing the Town of Limerick to Appropriate Funds for Snow Removal and Maintenance on Private Ways." (H. P. 845) (L. D. 1083)

Reported that the same Ought Not to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Reporting by Insurance Companies of Cancellations and Nonrenewals of Automobile Insurance Policies." (H. P. 884) (L. D. 1143)

Reported that the same Ought Not to Pass.

The Committee on Highways on Bill, "An Act Relating to the Determination of Limited-User Highways." (H. P. 1027) (L. D. 1336)

Reported that the same Ought Not to Pass.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Licensing of Children Day Care Centers." (H. P. 1089) (L. D. 1406)

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 State Government on Bill, "An Act Relating to Legislative Ethics." (H. P. 909) (L. D. 1170)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Substituted for the Report and the Bill subsequently Passed to be Engrossed.

Which was Read.

On motion by Mr. Beliveau of Oxford, the Bill was Substituted for the Report in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

#### Ought to Pass

The Committee on Judiciary on Bill, "An Act to Give the Attorney General Authority to Require Certain Telephone Records." (H. P. 386) (L. D. 496)

Reported that the same Ought to Pass.

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

Which was Read.

On motion by Mr. Mills of Franklin, Recommitted to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

The Committee on Agriculture on Bill, "An Act Authorizing Harness Racing Commission to Employ a Veterinarian." (H. P. 591) (L. D. 772)

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 in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

#### Ought to Pass As Amended

The Committee on Public Utilities on Bill, "An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority." (H. P. 907) (L. D. 1168)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-239).

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

Amended by Committee Amendment "A".

Which report was Read and 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.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$22,855,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (H. P. 319) (L. D. 406)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-250).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-250) as Amended by House Amendment "A" (H-276) thereto.

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

#### Ought to Pass In New Draft

The Committee on Labor on Bill, "An Act Relating to Petitions for Review of Incapacity Under Workmen's Compensation Act." (H. P. 502) (L. D. 656)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1165) (L. D. 1486).

The Committee on Health and Institutional Services on Bill, "An Act to Create a Hearing Aid Dealer Board and Provide for Licensing of Hearing Aid Dealers and Fitters." (H. P. 613) (L. D. 801)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1168) (L. D. 1489)

The Committee on Retirements and Pensions on Bill, "An Act Relating to Participating Local Districts in the Maine State Retirement System." (H. P. 741) (L. D. 959)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1167) (L. D. 1488)

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.

#### Senate Divided Report

The Majority of the Committee on State Government on Bill, "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands." (S. P. 389) (L. D. 1314)

Reported that the same Ought Not to Pass.

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

DENNETT of Kittery

DONAGHY of Lubec

RIDEOUT of Manchester

D'ALFONSO of Portland

WATSON of Bath

MARSTALLER

of Freeport

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

Signed:

Sensors:

WYMAN of Washington

LETOURNEAU of York

Representative:

STARBIRD of Kingman

Which reports were Read.

On motion by Mr. Bernard of Androscoggin, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and tomorrow assigned for Second Reading.

#### Second Readers

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

#### House

Bill, "An Act Concerning the Liquor Laws." (H. P. 702) (L. D. 902)

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

Bill, "An Act to Create Traffic Violations Bureaus in the District Courts." (H. P. 768) (L. D. 988)

Bill, "An Act Reducing the Population Requirement from the Revenue Producing Municipal Facilities." (H. P. 1159) (L. D. 1480)

(On motion by Mr. Tanous of Penobscot, tabled and specially assigned for May 9, 1969, pending Passage to be Engrossed.)

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. Berry of Cumberland, Bill, "An Act Concerning the Liquor Laws" (H. P. 702) (L. D. 902), the same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-122, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: Speaking to the adoption of the Amendment, I would like to explain to the Senate that the basic bill presented in 902 deals with the application of State Liquor Laws to excursion boats and the fishing boats operating out of our ports for holiday traffic. The amendment covers the Sunday sale feature of this which was not in the bill because at that particular time the Sunday Liquor Law as not on the books. Basically it controls the sale of liquor outside the three-mile limit and does permit it to be sold outside the three-mile limit, as long as the boat stays outside the three-mile limit, starting at seven o'clock in the morning. This is because of the inherent nature of the excursion fishing type of operation. This is a good-sized business and operates out of many of our ports, with which I am sure the members of the Senate are familiar, starting at Kittery and going to Eastport.

This does not appear to be in any way, shape, or manner an undo request from these people, and I would move adoption of the amendment.

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

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

Sent down for concurrence.

#### Senate - As Amended

Bill, "An Act Relating to Use of Cable Traps to Trap Bear." (S. P. 165) (L. D. 537)

Bill, "An Act to Provide for the Registration of Professional Social Workers." (S. P. 346) (L. D. 1212)

Bill, "An Act Relating to Discrimination on Account of Race or Religion." (S. P. 397) (L. D. 1349)

Which were 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 to Provide for the Expunging of Certain Records of Arrest. (S. P. 223) (L. D. 663)

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

An Act Relating to Electrician's Licenses (S. P. 438) (L. D. 1461)

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

An Act Relating to Inspection of County Jails. (H. P. 414) (L. D. 525)

An Act to Permit Administrative Units to Operate Classes for Educable or Trainable Children. (H. P. 508) (L. D. 679)

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

An Act to Authorize Attorneys-at-Law to Take Acknowledgments on Deeds and Other Written Instruments. (H. P. 559) (L. D. 740)

An Act Relating to Working Capital of State Liquor Commission. (H. P. 619) (L. D. 807)

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

An Act Relating to Truth in Packaging. (H. P. 951) (L. D. 1230)

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

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

On the matter previously set aside at the request of Mr. Sewall of Penobscot, Bill, "An Act to Provide for the Expunging of Certain Records of Arrest" (S. P. 223) (L. D. 663), the same Senator then moved that the Bill be placed on the Special Appropriations Table.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: On Item 8-1, I request a division, please.

The PRESIDENT: As many as are in favor of Item 8-1, Bill, "An Act to Provide for the Expunging of Certain Records of Arrest", being placed on the Special Appropriations Table will rise and remain standing until counted.

The Chair recognizes the Senator from Kennebec, Senator Katz,

Mr. KATZ of Kennebec: Mr. President, I have a motion that the reason for opposing the -

The PRESIDENT: The Chair would inform the Senator that a tabling motion is not debatable. As many as are in favor of Item 8-1 being placed on the Special Appropriations Table will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Mr. BERRY of Cumberland: Mr. President, with reference to Item 8-1, L. D. 663, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry now moves that Item 8-1, Bill, "An

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

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I would like to go on the record on this, because what I am going to say has nothing to do with personalities or struggles we may have. I personally consider this to be an extremely dangerous bill, and I think that this Legislature will live to regret its enactment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, through the Chair, I would like to inquire of Senator Logan why he considers this to be a dangerous bill.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, has posed a question through the Chair which the Senator may answer or not, as he so desires.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I have felt from the beginning and for many years a deep concern for our law enforcement problems. This is such a serious matter in which our police and other enforcement officials seem to be daily losing the struggle largely — well, I don't know the reasons for it all — but it seems to me that we are going under.

This bill would seriously hamper, as I understand it, investigation, and it could seriously hamper the necessary build-up of general information that our police need in prosecution or in successfully investigating cases. Police work doesn't depend on finding a fingerprint, and it doesn't depend on catching somebody in the act; it depends on accumulating a knowledge of people, of their past behavior, and what to expect from

them. I know, of course, informers are so important to them.

I recognize that this bill is attempting to correct a problem whereby a man or an individual may be arrested, subsequently tried, and found not guilty and released, in which case, it is said, that if an employer, for example, goes to the police records to find out the character of the person he is trying to employ, it will simply say on there that he was arrested for this, without necessarily having the final results of the trial. The feeling is among the sponsors of the bill that this works a hardship on people who are innocent under the law, and I think that it does. I think that the proper approach to this is not to take this information from our police, but rather to prevent them from disclosing this to the public. I think the proper approach to this is an anti-disclosure statute rather than an expunging statute. It is on this that I base my objections. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I consider this bill so vital this morning that I am going to ask for a roll call when the vote is taken.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I served ten years as County Attorney in Penobscot County prosecuting and enforcing the law. Now, in order to present any records against a person, it is necessary that that person be convicted of the offense before any record against him can be used in the court. Now in the case that somebody has been inadvertently arrested by a mistake in identity, or some other purpose, and there is a record made of his arrest, and it later develops that he is not guilty, unless something is done to expunge that record it will forever be there against this person, in spite of the fact that he has not been found guilty. It seems to

me that this is a good bill to take care of any records that have been made in the process of enforcement and later on if the person has been found not guilty a record should not continue on the docket against the person found not guilty, only as to those that are found guilty.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: In answer to some of the questions raised by Senator Logan, I would like to point out that these same objections were raised by the police officials at the hearing and, to comply with their requests, there were several amendments to the bill that arose in the House and are part of the bill today. They would exclude fingerprint records, mug shots or photographs, investigative records, and communication records, which means that the police are not required to destroy their investigative records, so that they will have this information available to them in the event that there are future problems regarding this particular individual or anyone else.

At the time of the hearing representatives of the County Attorney's Association, the Clerk of Courts' Association, the Sheriff's Association, and the Chief of the State Police appeared and testified. The County Attorney's Association overwhelmingly endorsed this document, as amended. The Sheriff's Association endorsed it. The Chief of the State Police had certain reservations regarding mug shots, fingerprints, and the teletype record. And again, to comply with his request, we have amended this to exclude these records from the expunging requirements. The Chief of the State Police at the hearing and since that time has said, "with these amendments we can live with it."

This bill has received a unanimous Ought to Pass Report by the Committee, it was debated at length in the other body, it was discussed at length at the hearing, and I think that the bill in its final form, as it appears before us today, is a very good bill.

We consider the comments of our good Senator from Penobscot, Senator Quinn, who outlined the merits of the bill, and I would like to remind the members of the Senate that this bill would only extend the presumption of innocence after a person has been acquitted of a crime. I think it is important at this point to point out several important factors to the members of the Senate. In 1968, 67,000 criminal complaints were issued in the State of Maine through our District and Superior Courts. Of the 67,000, in excess of 90 per cent were guilty pleas. Of the remaining 10 per cent, or little less, 5 per cent were found not guilty and 5 per cent were found guilty. So, we are talking about a very small percentage of acquittals, not guilty, or dismissals, a very small percentage. Yet, it is this group that is penalized and hurt immeasurably by the fact that they were arrested and tried and found not guilty. This record remains with them until the day they die. When they apply for employment with the Bath Iron Works, or any of our military industrial agencies, the Federal Government, the State Government, apply for a passport, in many instances, and in other forms of private employment, they are denied the right of employment in many cases when the complaint was unfounded or there was no merit whatsoever to the accusation.

I submit to you that this is a landmark piece of legislation and something badly needed in this State, and with the amendment it is acceptable to law enforcement agencies. They are the ones that have to live with it. I urge you all to oppose the pending motion.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Just a few words, if I may, at this time. I am bothered by the remarks of my neighbor, who is disturbed in the opposite direction from my feelings in the matter. I wish he could see it as we see it and as we saw it on the Judiciary Committee, because everyone knows that a man who



has served as a prosecutor, as Judge Quinn has, for so many years, and most of the rest of us on the Committee, or perhaps all of us on the Committee, are certainly dedicated to this cause of fair play for the public when they get involved with the law.

I wasn't aware of this bill until the afternoon when it was heard, and I heard the testimony which has been briefly alluded to by the good Senator from Oxford just now. I was so convinced with the merit of the proposition that I said there, and I say now, that this piece of legislation is, I think, the most enlightened piece of legislation to come before this Legislature this winter. It isn't pushed by any group, it doesn't have a heavy lobby behind it, it just has the principle of fair play behind it. I think you can find us lawyers generally in that corner when a thing like this comes up. This bill is in that direction, gentlemen. I call upon our Majority Leader to come along in a position like this, and the rest of you, despite the fact that this is the darling of the opposition in politics. It is a tremendously progressive step.

I know that there was one thing that I wanted to ask before sitting down, and I was floundering in my thoughts in that regard. I want to ask, Mr. President, if one item that hasn't been mentioned in this debate this morning can't be put into this record this morning, at this point? I wish the Senator who sponsored this measure would relate to the Senate this instance, which was quite dramatic in its effect and quite persuasive to the Committee when it heard it. I wonder, Mr. President, if the good Senator from Oxford, Senator Beliveau, would tell the Senators here, even if he may have done it on a previous occasion, of that instance in Oxford County which perhaps brought this to the fore, of those several young men, Senator Beliveau, those several young men whose future was besmirched terribly by the lack of a piece of legislation such as this?

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The incident to which the good Senator from Franklin refers occurred two year ago, where five boys were arrested for forcible rape, which under our laws is probably the most serious crime in our statutes. It provides for a penalty for any term of years. This exceeds our homicide statute through which a person can only be given life imprisonment. It is conceivable under this law that a person can be given 50 to 150 or 100 to 200 years. In any event, be that as it may, these boys were arrested, bailed, and were scheduled for arraignment. The prosecuting witness, the State's witness, the girl who complained, was examined by two physicians at the request of the State, and they concluded that her accusations were absolutely unfounded. Further investigation by both the State and defense concluded that this girl was schizophrenic paranoid. Yet these boys were brought to court at the probable cause hearing, which is simply a judicial hearing to determine whether or not the boys should be bound over for the grand jury, and the Court concluded that there was no basis for this and the boys were dismissed. As a matter of fact, the investigation revealed that two of the boys were out of state at the very time this incident occurred. But the sequel is that these boys have an arrest record. I have checked with the agencies involved and the SBI sheet, State Bureau of Identification sheet, which is a document that contains all the evidence of arrests — if a person is arrested for a crime, the information is submitted to the State Bureau of Identification. — the State Bureau of Identification Record read as follows: John Jones, Crime — Rape, Arrested by — and it gave a police agency, and the disposition was blank. For two of the boys the disposition said "No probable cause found."

The fact remains that there are hundreds of agencies in this State and throughout the country that have access to this record. These

boys will never be permitted to go into the armed services. The odds are when they reach maturity that they will not be permitted to find adequate employment because the respective employer or the Federal Government, or anyone, would necessarily and reasonably conclude that where there is smoke there is fire, that he probably got some smart lawyer who got him out of this particular situation. But the fact remains that it was an unfounded complaint.

It is my position that when a person is found not guilty that no one should know that he was arrested. The fact of arrest should not be used against him and he should not be penalized because he is arrested. Under our Constitution a person is presumed to be innocent until found guilty. Yet the converse is true in situations such as this; where a person is arrested, he is considered to be guilty. I could cite for you instance after instance in this State and throughout the country where a person is acquitted of a crime, and yet the fact they were arrested is used against them in subsequent proceedings. The most recent case that I know of that occurred along these lines happened within the last two weeks. A man was arrested for a felonious assault. He appeared in court, the State's witness appeared in court, who supposedly observed this, and yet the individual who was assaulted never appeared. He didn't want to pursue it any further. Yet this man had been charged with felonious assault, no prosecution, and this will remain on his record until the day he dies, because there is no provision for either expunging it or destroying the records of the State. So, it is only governmental fair play.

Our courts and our police agencies will expend thousands of dollars to make certain that records of arrest are distributed properly around this State and around the country, but they won't invest a nickel or they won't make any effort to make certain that an acquittal or dismissal is properly circulated so that the record will be clarified.

Again, I feel very strongly about this, and I trust that you Members of the Senate will oppose the pending motion so that the item can eventually be enacted.

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

Mr. BERRY of Cumberland: Mr. President, I withdraw my motion for indefinite postponement. This motion was made, I felt obviously, as a reaction to the somewhat unprecedented attempt, which appeared to be successful at the time, to override the established procedure of putting papers with a financial cost on the Appropriations Table. This item, in the regular process of filtering out legislative documents with a cost on it, was determined to have legitimately a cost, and I objected and do object to attempts to circumvent this procedure.

I share the views that have been expressed wholeheartedly by Senator Beliveau, Senator Mills, and the other ardent and sincere supporters of the bill.

In its amended form it is an excellent bill, and in the end I would fight as hard as they are for its ultimate passage, but I absolutely decry any attempt at this stage of the legislative procedure to circumvent what has worked out in the past and will in the future. There is no need for this bill to go on the books now.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I rise to reiterate what Senator Berry has just said. I am concerned, not about the merits of this bill, which I am sure has many merits, but I am concerned that there is an apparent concerted effort by one committee in this body to override the established procedure. I think this committee is the committee that should be setting the standards, rather than trying to circumvent on this basis.

I have been given a memo by the Legislative Finance Office that the cost on this Legislative Document would be \$10,500 per year. I have checked with Mr. Garside

and I have seen the memo from Judge Chapman stating this cost. This is the only figure that we can go by. Until Judge Chapman is convinced that there is no cost, and withdraws his memo, I have no other alternative than to move that this be placed on the Special Appropriations Table. I also understand the State Police feel that there are additional costs in cleaning up these records in their department. I don't know what these costs are. I, therefore, hope that the Senate will place this on the Special Appropriations Table and, Mr. President, I ask for a roll call.

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

Mr. KATZ of Kennebec: Mr. President, I move that this be placed on the Special Appropriations Table.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Item 8-1, be placed on the Special Appropriations Table. 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. As many Senators as are in favor of a roll call will rise and remain standing until counted.

The Senator may state his point of order.

Mr. MILLS: I submit, Mr. President, the gentleman's motion was debated fully before he made it and it was completely out of order. I ask the Chair to so rule. The motion, Mr. President, to table was undebatable, and it was debated by the Chairman of the Appropriations Committee. In that debate he said that my committee was behind this move, which is completely untrue.

The PRESIDENT: The Chair understood that the Senator from Kennebec, Senator Katz, moved the Bill be put on the Special Appropriations Table, and a roll call was requested. As many as are in favor of ordering a roll call will rise.

For what purpose does the Senator rise?

Mr. BELIEVEAU: A point of parliamentary inquiry, Mr. President: Certain points were raised by the good Senator from Penobscot regarding the appropriations, and I am wondering whether somehow I should be given an opportunity to rebut this, even though I don't want to —

The PRESIDENT: The Chair would inform the Senator that if he is going to state a parliamentary inquiry to state the inquiry.

Mr. BELIEVEAU: I think I already stated it the best I could. It isn't strictly a parliamentary inquiry, but the fact remains that we have heard one side of this debate regarding the appropriations. Now, the inquiry would be whether or not —

The PRESIDENT: The Chair would rule the Senator out of order. 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 once more. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Item 8-1, "An Act to Provide for the Expunging of Certain Records of Arrest," be placed on the Special Appropriations Table.

For what purpose does the Senator rise?

Mr. KATZ: I would like to withdraw my motion to table.

The PRESIDENT: The Senator from Kennebec, Senator Katz, withdraws his motion to table.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, directing our attention to the matter before us, I would like to say that I am in favor of this bill, and I suspect that a good many other people who have been speaking today are in favor of the bill. This is the first hassel of this kind we have had this session, and it probably won't be the last. I cannot vote for the enactment of this bill today, and I would urge all of you, whether you are proponents or not, to vote against enactment and permit this matter to be tabled in an orderly fashion.

Before this session is over there will be dozens and dozens and dozens of bills, many of which are near and dear to your heart, that will be put on the Appropriations Table, subject to final enactment. It is the only system that works here. It is the only system that prevents absolute chaos and protects us against a disorderly, disarranged procedure. That is why I ask all of you, whether you are in favor of this bill or not, to submit to this procedure of putting it on the Appropriations Table. At the proper time I pledge myself to vote for it, and I hope that enough of you do so that it becomes enacted into law.

Mr. President, I would hope that somebody would indeed move that this go on to the Appropriations Table now.

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

Mr. CONLEY of Cumberland: Mr. President, this just seems to me this morning to be a great deal of nonsense about the cost. I was present at the Judiciary Committee when this bill was heard, and it just seems to me it is a matter of putting it on the record and carrying it out on the record on the SBI sheet, that one was found not guilty. The fact is that they don't show in many cases the final disposition of the case as it was returned from the courts. I would like to ask a question through the Chair either to the Majority Floor Leader or to the Chairman of the Appropriations Committee as to just how they came up with a \$10,500 figure relative to the cost of this particular item. It appears to me that it is just whether or not they are going to carry out the results of the final disposition of the court case, and I see no reason why there would be any additional funds for it.

The PRESIDENT: The Senator from Cumberland, Senator Conley, poses a question through the Chair, which either Senator may answer, if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President, I rise in answer to Senator Conley's question, and I must admit

ignorance in this regard. I simply do not have the time to look into the background of each cost that is given me by the Legislative Finance Officer, but I do know that there was a memo from Judge Chapman stating the cost would be \$10,500 per year.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: It seems to me that there is somewhat of an honest disagreement here, and I feel very strongly that if there is an appropriation to this bill it should go on the Appropriation Table. Now, there seems to be disagreement on this and, therefore, I would hope that someone might table this for a day or so, so that we can get documented evidence from Judge Chapman of exactly what this expense is going to be, and also find out from others. Then if we do feel that with this evidence there is a cost, then we can put it on the Appropriations Table; if we do not, then we can send it on.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled and specially assigned for May 13, 1969, pending Enactment.

The President laid before the Senate the matter previously set aside at the request of Senator Kellam of Cumberland, Bill, "An Act Relating to Electrician's Licenses" (S. P. 438) (L. D. 1461).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KELLAM of Cumberland: Mr. President, I would inquire on Item 8-2, L. D. 1461, as to whether the status includes the adoption of House Amendment "A", Filing No. H-269?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. KELLAM: Mr. President and Members of the Senate: In checking this bill the other day—and I won't say that I have researched it to any great extent—I noticed the bill itself calls for a manner in which the Executive Secretary of the Electrician's

Examining Board is selected. House Amendment "A", which was placed on the bill, adds another sentence relative to the method in which the appointment of the members of the Electricians Board is determined, which seems to me to be a radical departure from the Bill when it would have been heard by the State Government Committee. I believe it was reported unanimous Ought to Pass.

Since in looking at the bill, it does not appear to be particularly controversial, having to do with, as I say, the Executive Secretary, and something to do with the journeyman's license, but it appears to me that House Amendment Filing 269, which requires that of the five-man board, that two of the members be selected by the State Electrical Associates, a group with which I am unfamiliar. I would presume that it is some sort of organization of people in the electrical business. Well, this sort of runs a little bit counter to my thoughts as to what a regulatory agency should be, as to why we should amend the law to take away the appointive power of the agency from the Governor and Council and place it in those people who are going to be governed by the agency. Now this is my first impression on the bill, I looked at it just a little bit last week and missed it before we passed it to be engrossed. If I am in error in this matter I would appreciate being advised by someone on the State Government Committee, and if there is some question about it, I would appreciate it if this matter could be tabled for a couple of days by some member of the Senate in order that it could be looked into.

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

Thereupon on motion by Mr. Gordon of Cumberland, tabled and specially assigned for May 13, 1969, pending Enactment.

#### Conference Committee Report

Out of order and under suspension of the rules, the Senate voted to take up the following paper:

The Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Providing for Full-Time District Attorneys." (S. P. 384) (L. D. 1291) ask leave to report: That the Senate recede from its former action whereby it referred the Bill to the Committee on Judiciary; that the Senate refer the Bill jointly to the Joint Standing Committees on Judiciary and State Government: That the House recede and concur with the Senate.

On the part of the Senate:

VIOLETTE of Aroostook

MILLS of Franklin

QUINN of Penobscot

On the part of the House:

JALBERT of Lewiston

DENNETT of Kittery

RIDEOUT of Manchester

Which report was Read and Accepted.

Thereupon, the Senate voted to Recede from its former action whereby the Bill was Referred to the Committee on Judiciary. Subsequently the Bill was Referred to the Joint Standing Committees on Judiciary and State Government.

On motion by Mr. Mills of Franklin, and under suspension of the rules, sent down forthwith for concurrence.

#### Orders of the Day

The President laid before the Senate the first 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 30, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending Enactment.

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

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

Tabled April 30, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill

was Passed to be Engrossed. The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-124, 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 third tabled and specially assigned matter:

**HOUSE REPORT** — Ought to Pass from the Committee on Natural Resources on Resolve, to Authorize the Grant of Flowage Rights to the Auburn Water District. (H. P. 839) (L. D. 1077)

Tabled — May 1, 1969 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Report.

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

Mr. **BERNARD** of Androscoggin: Mr. President, I move that L. D. 1077 be indefinitely postponed, and I would speak to my motion.

The **PRESIDENT**: The Senator from Androscoggin, Senator Bernard, now moves that Legislative Document 1077, Resolve, to Authorize the Grant of Flowage Rights to the Auburn Water District, be indefinitely postponed.

The Senator has the floor.

Mr. **BERNARD**: Mr. President and Members of the Senate: Back as far as a year and a half ago the level of Lake Auburn, which supplies the drinking water for Lewiston and Auburn, was raised one foot by the installation of splashboards over a small dam. Following that, certified letters were sent to property - owners, there being some 57 in total, telling them that the district is hereby raising the level of the lake one foot, and enclosing a check in the amount of one dollar paying for what land that would be flooded and any receiving damages.

I had attended one meeting the previous night where thirty of these property - owners were in attendance — seven others called and said they couldn't make it — but nowhere in the public hearing that I attended was the fact brought out that the landowners

received any notification of their rights of appeal under the actions taken by the water district. I have the total communications that were sent between the different parties. And, apparently, some fifteen of the landowners had enough knowledge to write to the County Commissioners asking for a hearing on their appeal.

I have had nightly phone calls at 11:00 p.m.. from the attorney representing the water district begging me, practically, to pass this bill since it has been in my lap, but nowhere has he indicated to me that any of these people have been notified of their right of appeal. In fact, he says following the registered letter a period of thirty days is extended for the landowners to file an appeal. It would seem that only fifteen have done so, indicating that the others have fallen by default by the wayside simply because of not knowing the procedures.

We have heard before Senator Berry's Committee on Natural Resources that one of the reasons the water district wants to raise the level of the lake was to prevent an icing condition which prevails every Spring, and that this icing condition, by raising the level of the lake one foot, would be alleviated, and which I previously stated in the record that no such recourse is there because the ice extends clear to the bottom of the lake. On the other hand, the property owners have been told that the only reason the bill was being submitted was to take by eminent domain land that is bordered by the Southern Maine Vocational Technical Institute, that this is State land, and that the only way the district can have flowage rights on this land is by putting this bill in. So, we have heard two contradicting stories.

I have here photographs of some of the land in question. I have visited several of the sites, and I think that a simple fee of one dollar certainly doesn't cover the damages and certainly doesn't cover the taking of the land. The water district feels that this is the only amount of money that they need pay, yet if you go out to any lake in our surrounding communi-

ties and try to buy land, a stretch of land, for one dollar, it is very obvious that it is impossible. One landowner, who owns the house which we had our meeting at, lost 1500 square feet of frontage. I think any of the real estate people will tell you that the going price for lake-front property right now is something like thirty dollars a square foot.

Furthermore, I have come across several verbal agreements which have been made over a period of a year and a half between the water district and some of the landowners. These verbal agreements concern the water district's willingness to repair some of the damages by filling in the frontage. There are several of the camps that are no longer accessible by road because the raising of the lake has undermined the roadbed along one section of the lake. This is a private dirt road, and I understand it is utilized frequently at night by teenagers who wish to drive out to enjoy the brightness of the moon, but there seems to be a safety hazard there. There are no signs, the road is not posted in any way, and these youngsters have no knowledge that the road is being undermined. I just can't for the life of me see where this bill deserves passage.

The water district's opinion of the legislative process up here seems to be very low. They have made a number of promises; it has been a year and a half and they haven't fulfilled any of them. Therefore, I would hope that the Senate would stand with me in my motion for the indefinite postponement of this bill.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am in complete sympathy with the property-owner situation which is very ably described by Senator Bernard. However, his quarrel is not with the bill, and in his remarks he made really no reference to the contents of the bill.

The bill provides only that the State of Maine shall convey its interests to the water district for its

land which would be flowed. It in no way affects the private property-owners and, as Senator Bernard has said, the water district is now actually the holder of the title to all the land that is flowed.

I say I am very sympathetic to these people because I have long been an exponent of the need for a complete overhaul of our rules of eminent domain insofar as the costs and how the people have to go about getting their just deserts. This applies with particular force to the Highway Commission. However, the law as it is on the books at the present time, does provide to these people so ably defended by Senator Bernard proper recourse in court. It is unfortunate that the agencies, and anybody who takes by eminent domain, should not be required at the outset to pay what appears to be the fair market value for the land. The old trick of paying one dollar and then saying that you go to court and make the water district or the State Highway Commission pay the full amount, this is wrong. I would hope that an order, for instance, might be introduced for the Legislative Research Committee to study this matter in its entirety. Such improvement as has been made, such as the Land Damage Board and a few other things, have come about primarily as the result of federal pressure on our State Government.

I don't like to oppose Senator Bernard in his motion, but I do assure him and the members of the Senate that in no way will this bill help his people, and it will not harm them. It will only transfer the title and interest of the State in its land to the water district. I think the purposes of the water district in augmenting their supply were legal, they are justified, and I think this Legislature should help them out. I hope you vote against the motion of Senator Bernard.

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

Mr. VIOLETTE of Aroostook: Mr. President, not knowing too much about the background of this bill, could I inquire through the Chair to anyone, Senator Berry or

anyone else, as to what actually is the interest of the State that could be conveyed by the Commissioner of Education or by the Attorney General in any land surrounding that lake? I would appreciate knowing that.

The PRESIDENT: The Senator from Aroostook, Senator Violette, has posed a question through the Chair which the Senator may answer or not, as he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, the interest is that land which is owned and used by the Vocational Technical Institute that borders on Lake Auburn.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: Luckily, I was at the public hearing when this bill came up, not because I had an interest at the time in the bill, but because I had a bill preceding it. However, it was brought out at the public hearing that the water district desired to raise the lake one foot because of an icing condition at the intake. Now, that intake has been in the water for fifty some years and yet this particular year they suddenly realize they have a problem.

I might ask the good Senator: how does that statement by the representative of the water district in any way affect the land that the State owns over there at the Technical Institute?

I made a comment here previously that the time is coming soon that some of the testimony given at some of these public hearings, it would seem logical, should be given under oath, because where are we as Legislators to know who is telling the truth and what is a fact and what isn't.

I have related the fact that in my professional capacity I have gone down in this pipe, and the intake is approximately six to eight feet off the bottom and yet the ice extends clean to the bottom. Now, the water district has gone around and told landowners that the reason they must raise the

lake is to prevent this icing condition. I have stated emphatically that raising the lake six and a half feet will not stop this icing condition because the ice continues to form clean to the bottom of the lake. On the other hand, they tell us the only reason for this bill is to acquire flowage rights on State land.

Now, we have State Aid Highways going around the lake, and I understand that the Highway Commission has some idea of doing some repair work on this scenic highway. On the other hand, the water district hasn't petitioned the State to take some of their land.

If his bill doesn't pass, I can't see where it is going to hurt anybody, because we have already seen a letter from the Education Department stating that they could care less one way or the other. Their only comment is that this would be the proper way of doing it if it has to be done.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, that Resolve, to Authorize the Grant of Flowage Rights to the Auburn Water District, Legislative Document 1077, be indefinitely postponed. As many as are in favor of the motion to indefinitely postpone will say "Yes"; those opposed, "No."

A viva voce vote was taken, and the Chair being in doubt ordered a division.

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

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

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

Bill, "An Act Relating to Tuition Charges for Special Education Classes." (H. P. 1154) (L. D. 1476)

Tabled — May 1, 1969 by Senator Katz of Kennebec.



Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 9, 1969, pending Passage to be Engrossed.

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

Bill, "An Act Increasing the Sales Tax and the Cigarette Tax, and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles." (H. P. 1138) (L. D. 1458)

Tabled — May 1, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

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

Mr. KATZ of Kennebec: Mr. President, I move the pending question and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: The Part I Budget of the Current Services Budget, which has been on our Appropriations Table now for some weeks, is now apparently going to be financed and enacted into law. This part of the budget, of course, is that which pertains to existing services. This is the part of the budget which is required for us to finance at this time in order that the State Government may continue. The controversy and torment of supplemental programs will be upon us soon enough, but this is the existing government.

I want to point out to the Senate today that there is a very specific reason for enacting this tax package this morning and hopefully also enacting the Current Services Budget. The date is May 7th. Included in this tax package is the proposal to make certain taxes effective on June 1st. Were we to delay a month until July 1st, until the beginning of the next fiscal year, there will be a loss of revenue that approaches \$1 million, so time is very much of the essence today. It was our hope that this package could have been enacted several weeks ago but, accommodatingly, we have delayed and delayed the vote. Mr. President and

Members of the Senate, I hope the vote will come today. I ask for a roll call, and I hope all of you will support the motion.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: There is much that the Senator from Kennebec, Senator Katz, has said that I agree with, but yet at this time I believe it will be the position of the Democratic Party to oppose enactment of this tax package.

We have no basic disagreement, as I stated before, with the Part I Budget. I believe that eventually this tax package will be sent forward. I do not feel as if we want to, in one sense, jeopardize possibly the June 1st enactment so that this money can be collected. I would say that we will be caucusing this noon. I would say that I hope very shortly the leadership from both parties can get together and set forth a time-table and some type of agreement on how we are going to proceed with the financial packages and problems which this State at this time confronts. This does not mean that we are going to come to agreement on what is to be done, but I think that we should come to agreement on how what we are going to try to do will be done. It seems to me that this is absolutely necessary if we are going to carry forth this Legislature in a manner which is befitting to all of us.

There are things that we are going to disagree on, but we are going to have to set up a schedule on how we are going to present this to this Legislature. I hope that this can be done very shortly because it seems to me that, due to the closeness of the party alignment in this Legislature, it is an absolute necessity or else we will plunge the 104th into somewhat a state of confusion and chaos, which I don't feel any of us want. So, at this time I would hope that the tax package will be delayed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Sen-

ate: I guess it is a custom in usage here to refer to Senators as "that very distinguished Senator" or "my very good friend," but I think the Senator realizes that when I say my good friend, Senator Reed, that I am being sincere.

I felt that we have had agreement this session. I felt that there had been a compatibility within this chamber. Indeed, going back some weeks to a meeting in the Governor's office, where it was suggested that if we would only be patient for perhaps another ten days or two weeks while we had a chance to see the Part II Budget, that perhaps then we could go ahead and do what we had originally anticipated doing, funding the Part I Budget and getting it out of the way so we could concentrate the difference of opinion on the Part II Budget. I suggested at that time that I did not approve of this procedure, that the Part II Budget would please no one, that to some degree we would all hate some items in it. Yesterday I think this was proved prophetic.

I am concerned about delay this morning because one of the parts of this tax package involves an increase in the tax of cigarettes and, although I think that we could ruthlessly pass this tax package later, we would put a very heavy burden on an industry that already will be burdened because a change in the tax structure of cigarettes is going to mean that every wholesaler in the State of Maine is going to have to restamp his entire stock of cigarettes. There will be a substantial amount of work that is going to be required by the Department on Taxation. There is going to be notifications put out to all retailers in the State of Maine that the sales tax effective June 1st will be five per cent rather than four and a half per cent. There is a lot of work to be done, and what I am suggesting to the Senate this morning is that prudence would indicate that we get along with the work. If indeed there is agreement on this package let us enact it now. Let's give the Taxation Department an opportunity to do the work, and let's give the

public the kind of lead time that I think they need and deserve.

The PRESIDENT: Is the Senate ready for the question? The pending question is the enactment of House Paper 1138, Legislative Document 1458, Bill, "An Act Increasing the Sales Tax and Cigarette Tax, and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles." 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. As many 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 question is the enactment of Item No. 5 on Page 5 of your calendar, Bill, "An Act Increasing the Sales Tax and the Cigarette Tax, and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles." A "Yes" vote will be in favor of enactment of the bill; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Duquette, Greeley, Hoffses, Katz, Logan, Mills, Moore, Peabody, Quinn, Se-wall, Stuart and President MacLeod.

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

ABSENT: Senators Boisvert, Hanson and Wyman.

A roll call was had. Sixteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with three Senators absent, the Bill failed of Enactment.

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

Mr. KATZ of Kennebec: Mr. President, having voted on the majority side, I move that the Senate reconsider its action whereby this bill failed of enactment, and I will speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider

its action whereby this bill failed of enactment.

The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: It is apparent, as it has been all session, that whatever success we get from this session is going to come through harmonious cooperation between the two parties. I am aware of the fact that the Minority Party saw fit this morning not to go along at this time, and I accept this fact. I urge, with a heavy sense of responsibility, that we do indeed try to adjust our differences as quickly as possible and enact this measure as quickly as possible.

I understand there will be a caucus of the Minority Party this noontime, and I would hope that this would be a subject of discussion at that time. Mr. President, I would hope that someone would table my motion for reconsideration until a later date.

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

Mr. HOFFSES of Knox: Mr. President, I move this matter lie upon the table until later in today's session.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that Legislative Document 1458 be tabled until later in today's session, pending the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby this bill failed of enactment.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I would just ask for a division on the tabling motion until later on in today's session.

The PRESIDENT: A division has been requested. As many as are in favor of the motion to table Legislative Document 1458 until later in today's session will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Thereupon, on motion of Mr. Conley of Cumberland, tabled and tomorrow assigned, pending the motion of Mr. Katz of Kennebec that the Senate reconsider its action whereby the Bill failed of Enactment.

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

HOUSE REPORT—Ought to Pass as Amended by Committee Amendment "A", Filing H-191, from the Committee on Highways on Bill, "An Act Relating to Short Term Permits for Trucks to Haul Loads." (H. P. 631) (L. D. 819)

Tabled—May 2, 1969 by Senator Bernard of Androscoggin.

Pending—Acceptance of Report.

Mr. Bernard of Androscoggin moved the pending question.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing H-191, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Sale of Liquor not to be Consumed on the Premises." (H. P. 826) (L. D. 1065)

Tabled—May 2, 1969 by Senator Moore of Cumberland.

Pending — Adoption of Senate Amendment "A" Filing S-90.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I feel that we made a mistake when we accepted the Ought to Pass Report on L. D. 1065, "An Act Relating to Sale of Liquor not to be Consumed on the Premises." I think a better title would be "to Legalize Bootlegging in Maine." In fact, the sponsor of the bill brought that out in the debate in the other branch.

Under this bill you could go into any hotel at any time, or in any Class A restaurant that has a license—of course, there is quite a stiff fee for a license—but you

can buy liquor there at any time. If the liquor stores are closed, then this is going to give the people a great opportunity to go in and buy their liquor. I think that it would be the greatest blow to our monopoly on liquor of anything that we could have happen in the State of Maine. We have had a very clean operation of the sale of liquor in Maine, but if we should pass a bill of this type I am sure that the consequences would be tremendous.

There are no restrictions on when they can sell. In fact, it was brought out in the other branch, what a convenience this would be that you could go into a Class A restaurant and buy a bottle or several bottles at any time in case the liquor stores were closed. So, I move the indefinite postponement of this bill and accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Legislative Document 1065, Bill, "An Act Relating to Sale of Liquor not to be Consumed on the Premises," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Just so that the members of the Senate won't think that their Liquor Control representatives were completely in the dark on this bill, the bill does two things. In the first place, it is an attempt basically to fight the bootlegging business by making liquor available at a fixed mark-up percentage of twenty per cent above the liquor store price. There were words said at the hearing that there are possibilities that liquor could be marked up considerably more than that without some sort of a ceiling on it.

Your committee felt that it was a genuine attempt to also solve something of the problem of the branch agency store legislation which has been defeated. However, I would agree with my good confrere from Cumberland County, Senator Moore, that this isn't probably the biggest bill that we have,

and I wouldn't have any objections as long as the Senate realizes that they have a very conscientious Liquor Control Committee working for them.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Being a member of this Liquor Control Committee has presented a great hardship on most of the Senate members, plus one member of the officiating body here, and I noticed yesterday in the mail that I received my monthly publication from the "drys" and in it was listed the fact that they only had one bona fide dry member on the committee, and I knew they couldn't be thinking of me when they had it listed like that, but really I am probably the only one that can sit there with an open mind as not indulging in the spirits, and I could throw in smoking on top of it and really be sort of a saintly person sitting on that committee. So I kind of look upon these liquor bills as they come in with really nothing to gain by it myself, and we have had a number of bills that have been before us to liberalize the liquor laws of the State. People have brought to our attention that our job wasn't to liberalize liquor, but that it was to control it, and that is why they call us the Liquor Control Committee.

Well, I think that this bill is a bill that does something in the line of control because it does somewhat put out the illegitimate bootlegger. The amendment that has been presented under Filing S-90 actually is nothing more than a clarification of the twenty per cent mark-up because, I believe, under the committee amendment the last sentence was left out of the committee amendment, and there was some confusion, I understand, in the other branch relative to this last sentence. So, this is why the Senate amendment has been presented, to make sure that everybody did understand that this twenty per cent mark-up was in.

Again, if we want to put the so-called illegitimate bootlegger out of business, this is the tool

to do it with. If we kill the bill they are going to stay in business and they are going to continue to sell and continue to make a profit. At least this, in line with a little bit more liberalization, governs the mark-up. The State makes a little additional money on it by the fact that the hotels and clubs and Class A restaurants are going to pay an additional amount, \$300 for the hotels and \$200 in the Class A restaurants, I believe it is, so the State is going to benefit from it. And I think that we are going to see the illegitimate bootleggers take a back seat to this traffic. So, I would half-heartedly say that I hope the motion of the Senator from Cumberland, Senator Moore, does not prevail.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I can't see how this bill is going to put any illegitimate bootlegger out of business. I want to call your attention to the fact that we have a lot of small communities in the State of Maine that do not have a hotel and do not have a Class A restaurant, but we do have bootleggers in these small towns, and they are going to continue to do business. In my opinion, this is going to do nothing more than legalize bootlegging.

Now, I have served as a director of quite a large hotel for a number of years, and I have served as President of this hotel, and I am pretty well acquainted with how these things work with some of the employees that you have at these hotels, and if you think you have got enforcement problems now, you pass this bill and you are going to have real trouble on your hands trying to enforce the liquor laws. I am very much in favor of the motion that has been made. I am opposed to this bill and I hope you folks will go along with the motion.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am not sure that I heard

correctly but the good Senator from Aroostook, Senator Barnes, I think, described his experience in this area and referred to "legitimate bootleggers." I am wondering what kind of a license they hold from the State.

I know the Liquor Committee isn't a research committee, but in its vast experience in this area, I know that probably some of them individually must have learned, from hearsay perhaps, what the going price is per bottle from taxicab operators. There isn't much question about it, in the past, at least, that the taxicabs of the State are the bootleggers to an extent, and they are somewhat legitimate because, as I have understood the rulings of the Liquor Commission, you can hire a taxicab driver to buy liquor for you, and he collects the fare plus the price of the bottle. He goes to the liquor store and buys it. Now, if it just happens that he has a stock in his home, it is hard to say when he acquired it. I think it is common knowledge that there is a very, very extensive business in bootlegging through public conveyances of this kind. Years ago I remember hearing that the mark-up under ordinary circumstances was a dollar a bottle, and then perhaps on Sundays it was two dollars a bottle. Well, this would be setting a rate for a hotel to handle it at twenty per cent, and it would be a legitimized type of business, so it would seem to me that it would have a very definite tendency to put out of business these surreptitious bootleggers which flourish all over the State just the minute that the liquor stores close down for the day. I don't think it is particularly a wet measure to be enacted.

I have had a little experience in this field as a prosecutor, having participated in seizing the vehicles of a great many taxicabs over the State some years ago because of their activities, and I do know that it is a very active business and it is a very hard business for Tim Murphy and his people to control. If you open up a legitimate source with a set mark-up through respectable hotels and restaurants, I don't think

that it is particularly a wet measure. I think that it might very well do just exactly what the "drys" would like to do, to dry up this illegitimate type of bootlegging.

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

Mr. BERRY of Cumberland: I am sure, Mr. President and Members of the Senate, I will be permitted the license to remind my good colleague from Franklin that, if he seized cars in the liquor trade, I regret he wasn't able to support my bill to seize cars in the drug trade.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: As I understand it, these hotels and restaurants get a discount of ten per cent when they purchase the liquor they sell. Now, this bill gives them a mark-up of twenty per cent, giving them a margin of thirty per cent. Therefore, I want to support the good Senator from Cumberland in his motion to indefinitely postpone this bill.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Just for the benefit of some of the members of the Senate, I would just clarify the mark-up price. It is my understanding that the Liquor Commission itself marks up the liquor somewhere in the neighborhood of sixty-five to seventy-five per cent. So, I would think that if somebody is in business they are expected to make some sort of a fair return on the product they are selling, even though it may be a product that most of us are denied the right to sell.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I believe perhaps there is one point we are missing here. I think I am correct in the fact that under present law hotels may

sell bottled liquors to a guest. I submit that a person who really wants a bottle badly enough can register into a hotel, buy a bottle legally by paying more than a twenty per cent mark-up and paying for the room. He can take the bottle to the room and then take it any place he chooses, under present law.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I don't want to get involved in this matter because it is a little bit outside of my field, but I would like to inform Senator Quinn, due to his concern about the discount that now exists, that there is in fact a discount given of ten per cent. Although, they say ten per cent but they don't really mean it because it is not computed exactly at ten per cent across the board.

There is a bill in this session to take away this discount, which I have always felt was very unfair to give a discount to a person who was marking up the product about 500 per cent anyway, and to incur a considerable cost to the commission in administering this discount. I am in hopes that when some of the heat gets off some of the other matters we can have a day to discuss tabled Item No. 7, which relates to this particular discount, and which will involve a savings to the State of something like \$280,000 if we do pass this particular bill.

I would like to say one thing about the hotels, just to be fair all the way around. Although a person can register at a hotel and buy the bottled liquor, the ruling has been that he has to be a bona fide resident of the hotel, and registering for the purpose of securing liquor does not place him in that category. I would not get in on the enforcement angle of it, but I wouldn't want to take that as being good advice in order to secure liquor.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I was very interested in what the Senator from Cumberland, Senator Conley, said about them still having control of liquor sales here in the State. I thought that they were pretty well releasing them.

The one thing I did want to bring out was that the Hotels and Restaurant Association, so I was informed yesterday, is opposed to this bill on account of the danger they feel there could be to the State if this was allowed. They are very happy with their Sunday liquor sales and all, that they are allowed that. But this could cause so much trouble that they are concerned about it. I request a division when the vote is taken.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Moore, that Legislative Document 1065, Bill, "An Act Relating to Sale of Liquor not to be Consumed on the Premises," be indefinitely postponed.

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

A division was had. Fifteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed in concurrence.

The President laid before the Senate the eighth 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 — May 2, 1969 by Senator Minkowsky of Androscoggin.

Pending — Motion by Senator Logan of York to Reconsider Indefinite Postponement.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: Since I have already talked on this bill I will not try to repeat myself.

The State of Wisconsin, as I understand it, is the only other state which does not permit workmen's compensation payments to a Chiropractor for treatment of an injured employee. It is not fair to the working man to require that he pay his own bills at the time when he is out of work from injury when others, who are treated bodily injury cases, are paid by the compensation insurance companies.

The insurance companies are not opposed to this bill. The bill has the support of the American Legion, the Veterans of Foreign Wars, and about all the labor unions. This legislation deserves passage, and I urge that we concur with the other branch. Thank you.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: The decision as to whether this L. D. is reconsidered is strictly up to each individual Senator. In a free society whether we believe each person has freedom of choice as to who they see for medical aid under workmen's compensation is the basic issue of this bill. If you feel that a particular profession should direct a person as to where they should seek medical aid under workmen's compensation, then it is your duty to vote against reconsideration. If you believe, as I do, that it is the individual's free choice, then you should vote for reconsideration.

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

Mr. MARTIN of Piscataquis: Mr. President, I request a division on the motion to reconsider.

The PRESIDENT: A division has been requested. As many as are in favor of the motion of the Senator from York, Senator Lo-

gan, that the Senate reconsider its action whereby Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law," was indefinitely postponed will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, I make a motion that L. D. 1434 be indefinitely postponed.

The PRESIDENT: The Chair would inform the Senator that since there has been no intervening action on this bill since it was indefinitely postponed, and now the Senate has reconsidered its action, the motion is out of order at this point.

The Chair recognizes the same Senator.

Mr. TANOUS: Mr. President, I ask for a division.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I am not quite clear about the motion, but I would like to speak on this subject, if I may.

I get the feeling that we are being slowly worn down by the Chiropractors on this subject, and I feel very badly that we have to take the time of the Legislature every two years on this subject. We were talking about X-rays and I spoke on this last time. Chiropractors take X-rays and they should not. I would like to read to you the resolution passed by the American College of Radiology in February, which was about three months ago, and I think this is worth listening to.

"Whereas, after serious and extended investigation, many scientific and medical groups have con-

cluded that the practice of Chiropractic constitutes a dubious benefit to patients who seek health care, and

"Whereas, in the opinion of the American College of Radiology, Chiropractic training does not adequately cover the use of ionizing radiation for detecting disease and injury, and

"Whereas, the individuals who complete such inadequate training are unable to provide health benefits to patients because of their inability to achieve a differential diagnosis involving adequate interpretation of evidence in X-ray films, and

"Whereas, there are inherent dangers to the patient and operator involved in the use of apparatus producing ionizing radiation, particularly if the operator is insufficiently trained and has inadequate knowledge of safe practices, and

"Whereas, a practice espoused in some Chiropractic text making X-ray exposures prior to any other consideration of the patient's problem is contrary to the established fundamentals of good radiation safety and sound medical practice, therefore, be it

"RESOLVED that the members of the American College of Radiology advise the people of the United States that they regard the use of radiation by Chiropractors as unwarranted and without likelihood of significant medical gain, and be it further

"RESOLVED that the American College of Radiology requests federal and state health agencies to inform the public of the views of the College in regard to the use of X-rays on patients by Chiropractors."

That is the official opinion of the American College of Radiology.

I would like to take just a minute to remind you of the position that the American Medical Association took, the House of Delegates, in 1966. "It is the position of the Medical Profession that Chiropractic is an unscientific cult whose practitioners lack the necessary training and background to treat human disease, and Chiropractic constitutes a hazard to rational health care in the United States because



of the substandard and unscientific education of its practitioners and their rigid adherence to an irrational, unscientific approach to disease causation."

Finally, the official position taken by the Department of Health, Education and Welfare: "Chiropractic theory and practice are not based upon the body of basic knowledge related to health disease and health care that has been widely accepted by the scientific community. Moreover, irrespective of its theory, the scope and quality of Chiropractic education do not prepare the practitioner to make an adequate diagnosis and provide appropriate treatment. Therefore, it is recommended that Chiropractic service not be covered in the Medicare Program."

Now, I know that one or two physicians can be found, Medical Doctors, can be found in the State of Maine that support Chiropractic. One or two dentists can be found that are opposed to fluoridation. And we can probably find one or two lawyers who say the courts are no good, but I would hope that this body would not side with the minority. I would hope that they would recognize that the majority has spoken out on Chiropractic. If this group is in doubt at this time, the only thing that makes any sense is to have a committee composed of businessmen, if you will, men in government, and educators study the problem of Chiropractic. The Maine Medical Association, by Dr. Dan Hanley, who is their spokesman, Executive Secretary, would be very pleased to have this done, and would abide by the decision of such a group. But I hope at this time we would not vote to include Chiropractic under the workmen's compensation.

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

Mr. CIANCHETTE of Somerset: Mr. President, may I inquire as to the status of this bill?

The PRESIDENT: The bill has been passed to be engrossed as amended by House Amendment "A" in the House. The pending question before the Senate is

whether the Senate is going to accept the Ought to Pass in New Draft Report of the Committee. A division has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have no intention of speaking on this bill, but I am always amused when I hear the good Senator from Cumberland, Senator Stuart, mention lobbying, because, boy, have I been lobbied on fluoridation. I have had so many papers that if I spent my time reading them I wouldn't have them read before Fall. But that is all right. Now, how come that 48 states can be so wrong, and just two of us can be right?

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In answer to Senator Moore's question, there were some figures mentioned here this morning, but most every state accepts the Chiropractic profession with some conditions attached to it. They haven't got it carte blanche, so to speak, in these states. They all restrict them in some manner or other. I may reiterate that the Health and Welfare under Medicare will not approve payments for Chiropractors' fees. Also, the State of New Jersey just recently turned down the payment of Chiropractors' fees on the Blue Shield and Blue Cross policies. They recently refused payment on those.

The PRESIDENT: The Pending question is whether the Senate accepts the Ought to Pass in New Draft Report of the Committee on Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law." A division has been requested.

Will as many Senators as are in favor of accepting the Ought to Pass in New Draft Report of the Committee rise and remain standing until counted? Will all those opposed rise and remain standing until counted?

A division was had. Nine Senators having voted in the

affirmative, and eighteen Senators having voted in the negative, the Report of the Committee was not accepted.

Thereupon, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Towns and Counties on Bill, "An Act Relating to Approval of Appointment of Assistant County Attorney for Washington County." (H. P. 299) (L. D. 375)

Tabled — May 6, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report. On motion by Mr. Mills of Franklin, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Installation of Sprinkler Systems in Hotels." (H. P. 260) (L. D. 336)

Tabled — May 6, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone House Amendment "B", Filing H-235.

On motion by Mr. Logan of York, retabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Indefinitely Postpone House Amendment "B".

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

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

Tabled — May 6, 1969 by Senator Violette of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone Bill.

On motion by Mr. Violette of Aroostook, retabled and specially assigned for May 9, 1969, pending the motion by Mr. Berry of Cumberland to Indefinitely Postpone the Bill.

The President laid before the Senate the matter tabled earlier in today's session on motion by Mr. Katz of Kennebec.

#### Non-Concurrent Matter

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

In the House April 24, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-231).

In the Senate April 29, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-231) and Senate Amendment "A" (S-110), in non-concurrence.

Comes from the House, that Body having Adhered.

On further motion by the same Senator, retabled and tomorrow assigned, pending consideration.

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

Mr. BERRY of Cumberland: Mr. President, I would ask if the Senate is in possession of L. D. 1204, "An Act Relating to Retirement of Chief Liquor Inspector"?

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

Mr. BERRY: Mr. President, I move the Senate reconsider its action of the last legislative day whereby this Bill was indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby Legislative Document 1204, Bill, "An Act Relating to Retirement of Chief Liquor Inspector," was indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, may I have the Secretary read the status of the Bill at the present time?

The PRESIDENT: The Bill was passed to be engrossed as amended by House Amendment "A" in the House. It was indefinitely postponed in the Senate yesterday.

Mr. MINKOWSKY: Mr. President, may I ask for a division on the Reconsideration motion.

The PRESIDENT: A division has been requested. As many as are in favor of the motion that the Senate reconsider its action whereby Bill, "An Act Relating to retirement of Chief Liquor Inspector" was indefinitely postponed 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 fifteen Senators having voted in the negative, the motion to reconsider did not prevail.

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(Off Record Remarks)

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On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.