

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, May 13, 1969

Senate called to order by the President.

Prayer by Rev. David Holroyd of Gardiner.

Reading of the Journal of yesterday.

Papers From the House
Non-concurrent Matter

Bill, "An Act Relating to Powers and Duties of the Civil Service Commission of the Town of Old Orchard Beach." (H. P. 995) (L. D. 1279)

In the Senate May 6, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-262), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-308) in non - concurrence.

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

Joint Order

ORDERED, the Senate concurring, that Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law," (H. P. 1115) (L. D. 1434) be recalled from the legislative files to the House. (H. P. 1183)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Stuart of Cumberland, Indefinitely Postponed in non - concurrence.

Sent down for concurrence.

Joint Order

WHEREAS, the year 1969 marks the 150th anniversary of the incorporation of the Town of Pittsfield in the county of Somerset; and

WHEREAS, the original stalwart settlers of this community and their worthy successors have shaped this forest tract on the Sebasticook River into a proud and prosperous Community; and,

WHEREAS, a Sesquicentennial Committee has now firmly joined hands with the citizens of Pittsfield

during this year 1969 in enthusiastically observing appropriate festivities to celebrate their rich heritage and to commemorate the closing of a century and a half of progressive development and to pledge their efforts to an even brighter future; now, therefore, be it

ORDERED, the Senate concurring, that the Senate and House of Representatives of the 104th Legislature of the State of Maine unite in congratulating the Town of Pittsfield for its excellent record of achievement on this, its 150th Anniversary; and be it further

ORDERED, that the Secretary of the Senate be directed to transmit forthwith to the people of Pittsfield, through its Chairman of the Board of Selectmen, Alton Cianchette; Town Manager, James Hannigan, and Chairman of the Sesquicentennial Committee, Kenneth Goodwin, duly authenticated copies of this Joint Order.

(H. P. 1182)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports
House

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Bonds in the Amount of One Million Nine Hundred Thousand Dollars for a Student Center at the University of Maine at Portland." (H. P. 915) (L. D. 1176)

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 -
Covered by Other Legislation

The Committee on Education on Bill, "An Act Creating the Professional Practices Act for Teachers." (H. P. 222) (L. D. 272)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Creating the Maine Sesquicentennial Scholarship Fund." (Emergency) (H. P. 849) (L. D. 1091)

Reported that the same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act Concerning the Election of Venue of Superior Court Actions for Residents of Brunswick and Harpswell." (H. P. 932) (L. D. 1193)

Reported that the same Ought Not to Pass.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in Concurrence.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing a Bond Issue in the Amount of Six Hundred and Fifty Thousand Dollars for a Vocational Institute in Knox County." (H. P. 976) (L. D. 1260)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As a long-time citizen of Knox County, I feel that it is my duty to at least stand up and discuss this legislative document briefly with you.

This bill would provide a bond issue for \$650,000 for a vocational institute in Knox County. I realize the serious financial problems that we have. I also realize the problems that we are confronted with in regards to education of our youth.

This is one method of education which I have long favored, endorsed, and have voted consistently for. Every child which graduates from high school is not

able to attend college. Some of them are not college material. The vocational institute would give them the basic groundwork for them to provide themselves to go out into the world and work as a skilled craftsman at some trade. There used to be a time when a person would work his apprenticeship at whatever trade that he wished to make a livelihood at, and in due time he became a master craftsman and received compensation for that craftsmanship.

Today we are not able to have young men learn a trade, a craftsmanship, and it is only through these educational institutes that we are able to train them and that they then can go out and work at a trade and earn a good livelihood.

I am in the labor market, myself, and I realize the shortage of skilled craftsmen today. I certainly wish that in the future a vocational school could be located in the mid-coast area, so that the young men and the young women would not have to travel the distances which they now have to travel to Bangor, Lewiston, Portland, or other areas for a vocational education.

So now, Mr. President, it is with a great deal of reluctance that I move that we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves now that the Senate accept the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Ought Not to Pass Report of the Committee was Accepted in concurrence.

Ought to Pass

The Committee on Natural Resources on Bill, "An Act Creating the Oil and Gas Conservation and Development Control Act." (H. P. 836) (L. D. 1074)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-306).

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

Ought to Pass - As Amended

The Committee on Business Legislation on Bill, "An Act Relating to Financing Statements Under the Uniform Commercial Code." (H. P. 454) (L. D. 591)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-294).

The Committee on Business Legislation on Bill, "An Act Creating the Uniform Limited Partnership Act." (H. P. 978) (L. D. 1262)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-295).

The Committee on Appropriations and Financial Affairs on Resolve, Providing for Purchase of Copies of History of Auburn. (H. P. 1077) (L. D. 1400)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-293).

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

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

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Molesting Game Animals by Snowmobiles." (H. P. 890) (L. D. 1149)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Snowmobiles in Forests During Deer Hunting Season." (H. P. 1173) (L. D. 1495)

Signed:

Senator:

HOFFSES of Knox

Representatives

LEWIN of Augusta
PORTER of Lincoln
KELLEY of Southport
THOMPSON of Belfast

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

Signed:

Senators:

ANDERSON of Hancock
MARTIN of Piscataquis

Representatives:

BOURGOIN of Fort Kent
ROCHELEAU of Auburn

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

Which reports were Read.

Mr. Barnes of Aroostook moved that the Senate Substitute the Bill for the Report in concurrence.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that the Senate now substitute the bill for the report.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: L. D. 1149, in regards to the motion that Senator Barnes has just mentioned, would be the Bill which would be considered instead of the new draft L. D. 1495, which was the majority committee report.

This legislative document had a very, very good public hearing, and a great deal of very pertinent information was presented by some of the witnesses as to the raiding of our deer herds when they are beginning to yard for the winter, where we have early snow fall and they begin to yard for the winter. They presented to us concrete evidence where these so-called sportsmen have taken the snow-travelers, have gone into the woods and have literally slaughtered a whole herd of deer in the yards. One particular incident involved non-residents that arrived in the State one afternoon, and the next afternoon all had killed a deer by using snowmobiles. Six men went into a deer yard with snowmobiles, some of them were stationed outside of the yard, while others

raced back and forth, keeping the deer on the run. They shot deer until all seven of the deer in the yard had been killed. Now there were six hunters and they had shot seven deer, what happened to the seventh deer? It laid in the woods and was wasted. Another incident: four men using snowmobiles in the deer yard shot five deer. They took their four deer and went out, saw a friend and told him where the fifth deer was, and he went back in and got the fifth deer. These are just samples of what is going on in our woods today in regard to these snow - travelers being used to harass and to kill our deer herd.

Now I know some of the gentlemen here in this Senate are concerned about the new draft which your committee presented, which would bar the use of snow - travelers during the deer hunting season. Now, this may seem to be terribly restrictive, but I ask this question: How did these men get to their camps before the snow - travelers were invented? I will bet they went in on snowshoes or else they didn't go in at all. You may think this is harsh treatment, not to allow people in the woods during the deer hunting season but, gentlemen, I stand here today, and I make a prediction that this Legislative Document 1495, which your committee reported out is trivial compared to the legislation which you are going to have to pass in the near future to keep our deer from complete extinction.

Now, I am not going to stand here and belabor this bill. I certainly hope that you gentlemen realize the seriousness of the situation and that you will take steps to protect our deer herd. There are other pieces of legislation coming along, one of them today even, where the snow - traveler has created a great problem and unless firm decisions are made we are going to be faced with very serious problems in the near future. And the loss in benefits which this State has derived from our tourists and our sportsmen coming into the State is going to be far beyond any of our expectations, and the State of Maine is going to suffer

financially by the loss of our fish and our wildlife.

I would hope that you would defeat the motion of the good Senator from Aroostook, and that you would accept the majority of the committee's report in new draft so that we can make steps today towards preserving our fish and our wildlife.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: We are trying here to control snowmobiles. I feel that L. D. 1149 controls the snowmobile use in our woods very well. I feel that L. D. 1495 would create a hardship on the snowmobile users either for recreation or for their particular use, whether for hunting purposes or for just plain recreation. This control of one - half hour before sunrise and one - half hour after sunset doesn't make too much sense to me. I am just wondering what did we do years ago regarding our outboard motors? It was an easy way to reach our fishing areas. Were we afraid at that time that the use of outboard motors would deplete our fish supply? They are just a means of travel, a means for the people getting around for either recreation or hunting, easier and better. I think it is a step towards progress, as we are all heading toward in every aspect of life.

I would hope that the motion of Senator Barnes would be supported.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: In response to the remarks made by my good friend, Senator Hoffses from Knox, I would say that the original bill, L. D. 1149, as written, will do exactly what is being attempted to do in the control of snowmobiles molesting deer.

If I may have a minute of your time, L. D. 1149 reads as follows: "It shall be unlawful to pursue, drive, or molest deer, or any game animal by snowmobile, or to enter any area known to be a winter

yard of such animals by snowmobile without consent of or in the presence of a game warden or a law enforcement officer." To me, this will do what the bill was originally designed to do, to prevent people from taking snowmobiles and hunting deer, either in a yard or any other place, or driving or molesting deer.

To me, this new draft is ridiculous. It is too restrictive altogether. What it does is actually say that nobody, but nobody, with the exception of guides and people occupied in gainful occupation, can take a snowmobile and go into the woods anytime, in the daylight hours and one - half hour before sunrise and one - half hour after sunset. In other words, what it says is that you cannot take your snowmobile and go into the woods during the deer hunting season. Now, I know of a number of cases where people use the snowmobiles for legitimate purposes to go to their camps in the woods in the fall of the year. Especially a fall like this last one, where we had snow early, it was almost impossible to get to some of your hunting camps without the use of snowmobiles.

I would say that the original bill would do the trick. I would say that this new draft, to me, is too restrictive altogether. I would hope that you would support me in my motion, and I ask for a division. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Aroostook, Senator Barnes, that the Senate substitute the Bill for the Report of the Committee. As many as are in favor of substituting the Bill for the Report will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed and the Bill was Substituted for the Reports in concurrence.

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

Senate

Ought to Pass - As Amended

Mr. Katz for the Committee on Education on Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 162) (L. D. 536)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-137).

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.

Second Readers

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

House

Bill, "An Act Relating to Expenditures from Aeronautical Fund." (H. P. 72) (L. D. 72)

Bill, "An Act Increasing Compensation of Members of the Legislature." (H. P. 73) (L. D. 73)

(On motion by Mr. Martin of Piscataquis, temporarily set aside.)

Bill, "An Act Classifying Marsh Stream, Waldo County." (H. P. 1044) (L. D. 1367)

Bill, "An Act Relating to Fee for Breweries and Wholesale Outlets to sell Malt Liquor." (H. P. 1178) (L. D. 1499)

(On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, 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 set aside at the request of Mr. Martin of Piscataquis, Bill, "An Act Increasing Compensation of Members of the Legislature" (H. P. 73) (L. D. 73), the same Senator then moved Indefinite Postponement of the Bill.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that Item 7-2, Bill, "An Act Increasing Compensation of Members of the Legislature," be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I perhaps reluctantly signed an Ought to Pass Report on this bill, not because I don't think it is a good bill because I do think it is a good bill. The Legislature has not had an increase in pay for several sessions, while others who are in the employ of the State, as we are, have had raises. It bothered me a bit because I have opposed pay raises, and I intend to oppose more, and I do want to be consistent, but in this particular case this modest raise from \$2,000 to \$2,500 seemed to me to be in order, especially in view of the fact that the Maine Legislators are paid so much less than they are in other states. I do hope that the motion of Senator Martin will not prevail.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I don't intend to debate this because I am sure that we all have made up our minds on this matter long ago, but I would simply like the record to show that I am opposed to this measure.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone. Every session I have been in the legislature where the question of pay raise has occurred I have supported it. I have supported it, not for personal reasons, but a deep conviction that the pay rates for the Maine Legislature is amongst the lowest in the United States. The pay schedule for Maine Legislators does not begin to make sense. I call out to the members of this Senate that more than half of you will not be back next time. Indeed, if statistics prove anything, they prove that the Maine Senate turns over more rapidly than the other body. So when you vote on this you are not voting for yourself, at least, half of you are not voting for yourselves, you are evaluating the job as you have seen it.

My evaluation of this job is that the present rate of pay of \$2,000 is not by any sense of one's imagination reasonable compensation for the nature of the work we are doing here. I realize, of course, there is an inconsistency; that we are in the middle of a torment as to what to do about other state expenditures. I realize that we are faced with the question of a much - needed raise for State employees. I realize too by the appearance of a Part III Budget in the other house that we have some very, very important State needs not being met. But I stand up here today firmly convinced that the odds are substantially against my returning to this body, and I support this measure. I hope that you evaluate it, not from how it will look from a cosmetic point of view outside, but how you evaluate this job and what you think of those who will follow you.

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken on L. D. 73, I move it be taken by the "Yeas" and "Nays".

The PRESIDENT: The Senator from Hancock, Senator Anderson, requests a roll call.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: There is no one here in this body that wouldn't need that \$500 every year more than I would. I state that if I am not here next term it certainly will not be because of the lack of pay. I don't think that anyone in this body should be coming here for the money involved in it, for the monetary compensation. I feel that this is a civic, public duty, and there is no one here that knows better than me that this is costing me money rather than taking home some money to my family, but I am opposed to legislators coming to the legislative sessions for the monetary compensation, and I hope that my motion to indefinitely postpone does prevail.

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

Mr. STUART of Cumberland: Mr. President, I rise to concur with the remarks of Senator Katz. I oppose the indefinite postponement. I speak personally; I would like to come back here again and money is very definitely a factor. I think the \$2,000 pay is ridiculously low. We are talking about a \$500 increase now and I think that is rather ridiculous too. I think it ought to be about \$4,000 instead of \$2,500, but that is not the issue now. So, I hope this will not be indefinitely postponed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I concur with Senator Katz in his feelings on this bill and also with the other Senators who have risen to speak in favor of this.

I concur for a different reason perhaps than they do. I don't think that we should be concerned with our needs as Senators, because I don't think that any one of us is here today because of the money involved in this particular job. I feel that all of us that are here today can financially afford our presence in this body. Some have claimed that they can't. I feel different, and I think that, because of keeping our salary as low as it is, we are intentionally and willfully prohibiting other people of this State, who are perhaps not so well off to afford the position of a State Senator or a member of the other body. There are many, many other people in this State which we must be concerned with, who may have the ability and the desire to serve their State, but yet by keeping the salary as low as it is, we are, in fact, encouraging class legislation because we discriminate against the individual that can't afford to be here.

Now, we will all admit that in our communities in our areas we do have people that aren't perhaps as well off as we are that can do this job, and yet these people are denied the right to represent their people because they cannot afford this position.

As mentioned by the good doctor, that this sum is ridiculously low,

I agree with him, because a \$500 increase certainly isn't going to entice any great amount of people to run for this office. I would feel that this is a start, at least, a start to make this job available to a greater majority of the people of the State of Maine, and not just to a class few who can afford it. Thank you.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I think that the inadequate salary, or the effect that the present salary has on the potential candidates on the legislative ticket for both parties can best be evidenced by the great number of vacancies on both tickets. As I recall, last year there were thirty - one vacancies on the legislative ticket. There were sixteen Democrats and fifteen Republican vacancies, and on both sides, I am certain, one of the prevailing reasons why we could not induce a person to run for this office was because of the salary structure. I think, to reiterate the comments of the previous speakers, that if we are going to make this an attractive position to permit others to participate in our Legislative process, it is imperative that we increase the salary to \$2,500 and, hopefully, the number of vacancies that existed in the past will no longer continue to be.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that item 7-2, Bill, "An Act Increasing Compensation of Members of the Legislature" (H. P. 73) (L. D. 73), be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one - fifth of the Senators present and voting. As many Senators that 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 on the motion of the Senator from

Piscataquis, Senator Martin, to indefinitely postpone Bill, "An Act Increasing Compensation of Members of the Legislature." A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Cianchette, Dunn, Logan, Martin, Moore, and Sewall.

NAYS: Senators Barnes, Beliveau, Bernard, Berry, Boisvert, Conley, Duquette, Gordon, Greeley, Hanson, Hoffses, Katz, Kellam, Letourneau, Levine, Mills, Minkowsky, Peabody, Quinn, Reed, Stuart, Tanous, Violette, Wyman, and President MacLeod.

A roll call was had. Seven Senators having voted in the affirmative, and twenty-five Senators having voted in the negative, the motion to indefinitely postpone the Bill did not prevail.

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

Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (H. P. 1015) (L. D. 1323)

Which was Read a Second Time.

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

House—As Amended

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

Bill, "An Act Broadening the Scope of the Uniform Arbitration Act." (H. P. 937) (L. D. 1198)

Bill, "An Act Increasing Amount of State Grants for Community Mental Health Services." (H. P. 325) (L. D. 412)

Bill, "An Act to Amend the Charter of the Auburn Sewerage District." (H. P. 610) (L. D. 798)

Bill, "An Act Relating to Unfair and Coercive Insurance Requirements." (H. P. 886) (L. D. 1145)

Bill, "An Act Relating to Bag Limit on and Registration of Bears." (H. P. 1170) (L. D. 1492)

Bill, "An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen." (H. P. 1176) (L. D. 1497)

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

Senate

Resolve, Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine. (S. P. 209) (L. D. 618)

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

Sent down for concurrence.

Enactors

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

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

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

An Act Relating to Barber Education and Technicians. (S. P. 360) (L. D. 1224)

An Act Authorizing Harness Racing Commission to Employ a Veterinarian. (H. P. 591) (L. D. 772)

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

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

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority. (H. P. 907) (L. D. 1168)

An Act Relating to Participating Local Districts in the Maine State Retirement System. (H. P. 1167) (L. D. 1488)

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.

Bond Issue

An Act to Authorize Bond Issue in the Amount of \$7,540,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine. (H. P. 319) (L. D. 406)

(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:

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

Tabled — May 7, 1969 by Senator Violette of Aroostook.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 15, 1969, pending Enactment.

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

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

Tabled — May 7, 1969 by Senator Gordon of Cumberland.

Pending — Enactment.

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

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

JOINT ORDER — Relative to Legislative Research Committee to study L. D. 1170, Bill, "An Act Relating to Legislative Ethics." (H. P. 1177)

Tabled — May 8, 1969 by Senator Beliveau of Oxford.

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

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending the Motion by Mr. Berry of Cumberland that the Joint Order be Indefinitely Postponed.

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

Bill, "An Act Relating to Restriction on Ice Fishing on all Inland Waters." (H. P. 1190) (L. D. 1407)

Tabled — May 8, 1969 by Senator Hoffses of Knox.

Pending — Adoption of House Amendment "B". Filing H-285.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This Legislative Document pertains to the restrictions on ice fishing in all of the waters of the State. Now, House Amendment "B" does, in effect, completely change the Legislative Document, and it would restrict the ice fishing to a number of lines, namely, three that you could use while ice fishing on the waters of the State.

This bill is designed for the purpose of conserving our fishing in the State. It was felt that perhaps rather than to limit the number of lines that we could use some other measure of conservation. There has been an amendment prepared which would, in effect, help in conservation measures. For that reason I have tabled this item, and do plan to move the indefinite postponement of House Amendment "B". If you act favorably upon this action, I would then offer a Senate amendment which would cut down the bag limit rather than to limit the number of lines. I would, therefore, move the indefinite postponement of House Amendment "B".

The PRESIDENT: The Senator from Knox, Senator Hoffses, now moves that House Amendment "B", Filing No. H-285, be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and House Amendment "B" was Indefinitely Postponed in non-concurrence.

Thereupon, the Bill was tomorrow assigned for Second Reading.

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

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

Tabled — May 8, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, just a moment ago we

tabled Item No. 3 relative to a Legislative Research Committee studying the intent of the bill that we are now considering on Item No. 5. I intend to support the Research Committee study, therefore, I move the indefinite postponement of L. D. 1170, "An Act Relating to Legislative Ethics."

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Legislative Document 1170, Bill, "An Act Relating to Legislative Ethics," be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I oppose the motion. I realize that there is probably little chance of prevailing in such an area, but I wish to certainly go on record, as some other Senators have stated this morning that they wished to be on record on a certain matter, as opposed to killing this at this time.

This matter doesn't need any great, continued, extensive study. It is a matter that has been studied and restudied, and it is a matter of great concern to the public that their legislators have a code of conduct just as the Washington representatives and congressmen have. We have seen within the last few days statements by our representatives in Congress as to their business activities. There have been apparently sealed envelopes filed in regard to the senators, at least, not to be seen, except under certain circumstances. I think that the public wants legislation of this type. They want to know that we are concerned about our ethical and proper conduct here as legislators. They are concerned that we do not have conscious conflicts of interest. I would read from an editorial of the Waterville Sentinel of April 10th of this year on the subject of conflict of interest, and I quote:

"Conflict of interest is so common in the Maine Legislature as to be taken for granted, yet it probably is not proportionately higher there than in the law-making assemblies of many states or

most states. One may wonder whether a vote ever is recorded in either chamber in which there is no probability of conflict in one or more ballots, but one probably isn't about to find out for rarely indeed does a legislator refrain from participating in debate or voting because he has a personal interest in the issue, an interest as basic as his daily bread. Liquor licensees pass on liquor legislation, dairy farmers help decide the future of milk price control, railroad employees vote on railroad measures and trucking bills. The list goes on and on."

I can't refrain from interrupting this editorial by letting our brothers of the legal profession go unscathed because, of course, we are passing, as lawyers, on measures that pertain to our practice, and it would be foolhardy to suggest that many times our financial concerns don't come into play. We try, as our training is, to be as objective as possible in those areas and to be fair-minded, as all of you do, of course. Now, I will go back to the editorial.

"Some defenders will argue that uninvolved legislators are a help to more objective decisions by the intimately informed solons. Others point out that deep-seated convictions traceable to other influences may contribute to another sort of conflict. Religious beliefs, for example, may sway on matters pertaining to abortion, birth control and even liquor business. It just isn't possible to bring together a legislature free of all possible conflict, but there should be greater sensitivity to it among the lawmakers and the public. A judge who had investments in a business would not preside over a trial in which that firm was a litigant. Should then the owner of a power company decide legislation on public power matters?"

I didn't write that; this is from the editorial. That is the end of the editorial.

I think, Mr. President, that the time has come for us to act. There is no need for further study and, therefore, I oppose the motion of the good Senator from Kennebec, Senator Katz.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I subscribe to the remarks of the Senator from Franklin, Senator Mills, that there is an area which needs scrutiny and control, but we are dealing with a specific piece of legislation, and it is a very simple bill that attempts to give a very simple answer to a very complex problem. It might be wise this morning to take a moment to talk about conflict in the Maine Legislature.

At the last session of the legislature I very happily supported some perfectly splendid legislation proposed and fought for by the Senator from Franklin, Senator Mills, in the area of small loans control. At the time I was the landlord of a small loan company. This was a conflict, I voted on the bill and I voted with a clear conscience. As a matter of fact, I voted for the bill, and it might be of interest for you to know that immediately thereafter the small loan company moved out and I lost my tenant. But we are faced with conflict every day, and I agree that some kind of statement is necessary. But I am not satisfied with this particular statement which seeks to get an answer to this very perplexing problem, a problem that is far more perplexing in other states than it is in the Maine Legislature where the air smells particularly clean to me. It seems to indicate that we only file our financial statements that indicate where we have holdings in excess of a hundred dollars, our spouse and our dependents, in any activity which is subject to the jurisdiction of a regulatory agency of this State or any subdivision thereof.

I have fourteen shares of stock in the First National Granite Bank, and I tell you this publicly. It is a very small holding, but I vote every day on matters that pertain to banking in the State of Maine. I am a retailer and I vote every day on matters that have an impact on retailing. But having me file a statement is not going to

make me an honest or an honorable man, and I think what we need more than anything else is a specific statement of an ethical code. I don't think that this attempts to do it, and this is why I feel that this bill should be indefinitely postponed. And I pledge that whatever energies I have will go into the reporting out of some kind of a more acceptable statement of ethical conduct that might possibly be a guide to future legislators.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think there is one point we are missing here. Mention has been made of our congressmen. They are getting \$42,500 a year and fringe benefits to no end. That is a full-time job with them and I can see why they should and I think do have certain codes of ethics. But in the Maine Legislature, and I come back to the salaries again, with the amount of money we are paid, and for the time we serve, we just can't afford to give up all of our other interests, and I just think this legislation is demanding too much of the legislators.

I think that we have, as the good Senator from Kennebec said, a good clean legislature, and I think that the people here vote nearly always their convictions rather than their interests. I certainly hope that the motion to indefinitely postpone this will prevail.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: There is just one point here that I think the good Senator from Washington, Senator Wyman, has made, that certainly is an argument for this bill. He says they get \$42,000 down there in Washington for a salary, that they have got the salaries up, and for that reason there ought to be a revelation or disclosure down there as to their outside income, but we only have \$2,000 here and, therefore, it isn't necessary. Well, it is awfully

plain that we gentlemen in this Senate aren't living on that \$2,000, and it is very pertinent to the public interest to know how we are living, that is, whether we are living off interests that have a direct and immediate concern with how we are voting or not. That is where the public concern comes in with a bill of this kind, because we are obviously down there not living on the pay that the taxpayers are giving us. So we owe it to the taxpayers to tell them who is paying us and how we are making our living, so that they will know when we vote whether we are voting our pocketbooks or our consciences.

I subscribe certainly to the "Mr. Clean" appellation that has been given to each and every one of us by one of our members this morning. I mean this seriously, without any facetiousness. I think the Maine Legislature is a wonderful body, and I think that if anyone was making studies over the United States they would find that we rank away up there at the top in our ethics and all that sort of thing. I think there is very little monetary consideration that goes into the votes that are taken in the body. I think we stand out, and I think we ought to continue to be that way.

Of course, as the record shows of the previous bills that have been before the legislature, I think this thing ought to be extended to the lobby. The only time the leaders of the legislature come up on an issue like this about doing something to the lobby is when they step on your toes. I think you ought to be twenty-four hours a day for legislation to curb the lobby—I don't mean to curb them, but to call for disclosure in the public interest so that everybody would know what is going on and we would be living somewhat in glass houses around here, rather than operating in a way that is rather mysterious to the public as to what our interests are. I think this applies much more to the lobby than it does to the legislature, but this is the matter before us today, the legislative disclosure. I think sometime we will have a legislature with guts enough to

stand up here and say that the lobby has got to come and tell us who is paying them, when they are paying them, how much they are spending to influence us, and that sort of thing. But it gets pushed aside, and it probably will continue to as long as we are as heavily influenced by the lobby as we appear to be.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I find myself in agreement with the Senator from Franklin, Senator Mills, and this is one reason for my approach today, that the order which I asked you to support, that will be coming off the table later in the session, does indeed include an evaluation of ethics for lobbyists, and disclosure by lobbyists, as well as for the legislature.

Perhaps a word in the defense not only of the legislature but also the lobby. I am certain that there may have been over the years improprieties in the lobby, and I certainly feel that perhaps there have been isolated cases of members of this or previous Maine Legislatures who haven't lived up to a particularly high tradition but, by and large, the smell from the lobby also is clean. If there are improprieties, I think that they come more from overzealousness than a desire to act in an improper fashion. On this basis, so that we also can take a look at the lobby as well as the legislature, I ask you to support the motion for indefinite postponement of this bill, and then let us get together and come out with meaningful legislation for perhaps a special session or the next session of the legislature covering the legislature and the lobby.

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

Thereupon, Mr. Wyman of Washington was granted unanimous consent to address the Senate off the record.

(Off Record Remarks)

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

Senator from Kennebec, Senator Katz, that Legislative Document 1170, Bill, "An Act Relating to Legislative Ethics," be indefinitely postponed. As many as are in favor of the motion for indefinite postponement will say "Yes"; those opposed, "No."

A viva voce vote being taken and the Chair being in doubt ordered a division. Twenty Senators having voted in the affirmative, and ten 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 sixth tabled and specially assigned matter:

Bill, "An Act Relating to Short Term Permits for Trucks to Haul Loads" (H. P. 631) (L. D. 819)

Tabled—May 8, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. BERNARD of Androscoggin: Mr. President, I submit Senate Amendment "A" to Committee Amendment "A" and move its adoption.

The PRESIDENT: Is it the pleasure of the Senate to suspend the rules in order to reconsider our action whereby we adopted Committee Amendment "A" ?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I oppose the adoption of this amendment for the simple reason that it will kill the bill. That is my main reason. This bill came before our committee, the original bill, and it cut it back to six months. Then the committee raised it to eight months. This eight months will correct an inequity that has been on the statutes too many years already, and if we permit this amendment it will continue the abuses of our present law.

For example, I would like to take the largest truck, it is registered for 73,280 pounds, and the gimmick most of the truckers are using is this: Let's say the truckowner

registers his truck the first day of March. When he goes in his intention is to register it for 73,280 pounds, and another intention is to save \$75. So he registers the truck for 18,000 pounds and it costs him \$100. Then a short time after he applies for a short term permit for nine months, and he has to pay eighty-five per cent of the difference between \$100 and \$600, which is \$425. So, for \$525 he registers this truck until December 1st. On account of the frozen road laws we have the truck can continue on the highways through December, January and February for \$100.

It is this \$75 we are after. We believe that if a truckowner is going to operate his truck for twelve months during the year he should pay the \$600 in the first place.

The other day the Highway Committee turned out a snow removal bill unanimously which affects every town and city in the State, and for several sessions there have been bills in here to increase the reimbursement to towns and cities for snow removal costs that have always failed of passage, and the adoption of this amendment is going to have a bearing on the final passage of that snow removal bill. I move that when the vote is taken it be taken by a division.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, to suspend the rules for the purpose of the Senate reconsidering its action whereby it adopted Committee Amendment "A". As many as are in favor of suspending the rules will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Two Senators having voted in the affirmative, and twenty-seven Senators having voted in the negative, the motion to reconsider did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this bill as amended be passed to be engrossed?

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President, would I be in order

to ask that this be tabled one legislative day?

The PRESIDENT: The Senator is in order.

Mr. BERNARD: I so move.

The PRESIDENT: The Senator from Androscoggin, Senator Bernard, now moves that Legislative Document 819, Bill, "An Act Relating to Short Term Permits for Trucks to Haul Loads," be tabled and specially assigned for tomorrow. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Greeley.

On motion by Mr. Greeley of Waldo, a division was had. Thirteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the tabling motion did not prevail.

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

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

JOINT ORDER — Relative to Maine Education Council Study of L. D. 272 — "An Act Creating the Professional Practices Act for Teachers." (S. P. 454)

Tabled — May 9, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Mr. Katz of Kennebec moved the pending question and subsequently the Joint Order received Passage.

Sent down for concurrence.

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

Bill, "An Act Creating Somerset County Commissioner Districts." (S. P. 349) (L. D. 1033)

Tabled — May 9, 1969 by Senator Cianchette of Somerset.

Pending — Adoption of Senate Amendment "A", Filing S-132.

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 opposition to the motion for the adoption of the amendment.

I sponsored this bill, or at least my name is on the bill as sponsor, however, I feel that this bill before us was sponsored by the legislative delegation from Somerset County. The delegation from Somerset County was unanimous in its support for this measure. As you are well aware, there were compromises made and there was much effort put into drafting the bill to make it acceptable to the majority of the people in Somerset County and to all of the legislative delegation. I feel that, inasmuch as the opportunity was here for any other county to act in the same manner, to make their compromises within their own county as they saw fit, to get a bill in this legislature and to follow it through committee and do the necessary work to assure passage, that it is unfair at this time that another county should attack this bill and that it amend said bill when it actually jeopardizes the actions of our county delegation, I hope that you will not support the motion for the adoption of the amendment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: As most of you know, or as the people that were here last term know, at least, I entered a bill that would cover all the counties in the State. It was passed through both bodies and was vetoed by the Governor. I entered the same bill this time and it did not receive a favorable report from the committee; it was six to four, I believe. I made no attempt to save the whole bill because I know that some counties do not care to be districted for this purpose. But the majority of the Oxford County delegation in both the 103rd Legislature and in this one have approved of doing this, and this in no way particularly jeopardizes the bill of the gentleman from Somerset County. It simply would extend to Oxford County the same privilege. I hope you will support me on this amendment.

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

Mr. BELIVEAU of Oxford. Mr. President and Members of the Senate: In opposition to Senate Amendment "A", which would extend the districting bill to Oxford County, I would merely like to suggest that are we dealing in legislative fair play here? Here we have a bill which is going to affect a county which is being attached to another document where there appears to be little if any controversy. There is a great deal of controversy in Oxford County over this document and there is a great deal of opposition to it.

I suggest that if we are going to introduce legislation affecting Oxford County as substantially as this does that there should be a separate, full and complete hearing on this matter to permit the proper committee to pass judgment on this bill and this bill alone.

This document appears before us today in the form of an amendment, which is a convenient way of avoiding a hearing and a convenient way of avoiding debate and discussion, and is a method to prevent the people in Oxford County from contacting the legislators and being heard on this issue. There is a great deal of opposition by both parties in Oxford County to this document, and I say that if we are going to pass on a matter as important as this that it should be done properly and we should resort to the procedure that we resort to every day of the session: that it be channeled, referred to the proper committee, be heard at length, and the people be given an opportunity to discuss this matter. That is not the case here.

I submit that by attaching this amendment to L. D. 1033 it will jeopardize the passage of this document. I can assure you that it will. This is not fair to the Somerset County delegation.

We have also another document before us which would provide for creating commissioner districts in Aroostook County. Again, this is a separate document that is related solely to Aroostook County that can be acted upon on its merits, but to use the device of an amendment to present a substantive bill, I believe, is improper. I only know

that not too many weeks ago I attempted to do the same thing and was soundly defeated, so I submit that if we are going to be consistent in our actions here that we should defeat this amendment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: One brief comment: this amendment was taken as a small section of the total bill. The bill had a hearing and therefore this section had a hearing along with the rest of the bill. It has had a public hearing.

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

Mr. CIANCHETTE of Somerset: Mr. President, when the vote is taken I request a division.

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

Mr. MILLS of Franklin: Mr. President, I rise to a point of order. I state my point of order as follows: this Bill, being entitled "An Act Creating Somerset County Commissioner Districts," is proposed to be amended by an amendment which would create in another county far afield and not pertaining certainly to the title or to the subject matter of the measure, and being geographical in nature and having different segments of the population of the State involved. Regardless of hearings that there may have been on other measures, I believe that a point can be made that this is out of order as not germane to the measure before us, this amendment.

The PRESIDENT: The Chair would inquire of the Senator from Franklin, Senator Mills, are you asking for a ruling from the Chair?

Mr. MILLS: Yes, please, Mr. President. I have stated what I believe to be a point of order, that this is not germane—this proposed amendment which is before the body is not germane to the bill which is before the body.

The PRESIDENT: The Chair would rule that the amendment is germane to the bill before the body.

Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A". A division has been requested. As many as are in favor of the adoption of Senate Amendment "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to adopt Senate Amendment "A" did not prevail.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled—May 9, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

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

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

Tabled—May 9, 1969 by Senator Violette of Arostook.

Pending—Enactment.

On motion by Mr. Violette of Arostook, 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-139, 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 eleventh tabled and specially assigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on Business Legislation on Bill, "An Act Providing for the Outlawing of Trading Stamp Disbursement by Certain Business Establishments Selling Motor Fuel." (H. P. 506) (L. D. 677)

Tabled — May 9, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report. The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: There seems to be a certain amount of interest in this type of legislation. As a matter of fact, this was the only hearing that the Business Legislation Committee had that the public turned out for. Usually we have nothing but bankers and insurance people. There are two other bills of this nature coming along and, if the legislature wishes to debate the matter, I think it would be advised to do so on one of those later bills. Therefore, I move the acceptance of the Committee Report.

The PRESIDENT: The Senator from York, Senator Logan, moves that the Senate accept the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

RESOLVE, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority. (S. P. 97) (L. D. 307)

Tabled — May 9, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Insist and Request a Committee of Conference.

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

Bill, "An Act to Prevent the Pollution of the Waters of China Lake." (H. P. 1153) (L. D. 1475)

Tabled — May 12, 1969 by Senator Berry of Cumberland.

Pending — Consideration.

Thereupon, the Senate voted to Recede and Concur.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Business Legislation on Bill, "An Act Providing for the Uniform Deceptive Trade Practices Act." (H. P. 950) (L. D. 1229)

Tabled — May 12, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Logan of York, retabled and tomorrow assigned, pending Acceptance of the Ought Not to Pass Report of the Committee.

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

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

Tabled—May 12, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, this bill has been amended and I am not quite certain as to its present state. Those of us who live in Kennebec County were shocked last year by a bad fire up at Squaw Mountain Inn, and this bill is the result. I think that there was at that time and there is a demand in the State of Maine for the protection of residents in some of our older hotels. I have a feeling that the bill in its present form makes the application of sprinkler systems only to new construction and, if that is true, I have a feeling that the bill has not accomplished its purpose.

As I understand it, there was an amendment proposed that would have required the sprinkling of certain structures in the State of Maine by 1975, which seems to be a reasonable lead time. I am con-

scious of the fact that there are many buildings in the State of Maine that would be hard put to meet the financial requirements of sprinkling existing structures. However, I am also conscious of the fact that sprinkling a structure makes a substantial reduction in insurance rates which over a period of not very many years will amortize the cost of such installation. I hate to see this bill go in an emasculated form, and I would be very anxious to hear the thinking of the proponents who feel that it should apply to new construction only.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I agree wholeheartedly with a great deal of what the good Senator from Kennebec has said. As a matter of fact, the fire at Squaw Mountain which he had reference to cost the life of a very close friend of mine.

However, as a representative of one of our islands in the Atlantic Ocean, namely, Monhegan Island, that has some hotels, one of which is a very large structure, consisting of three stories—I don't know as the good Senator from Kennebec knows exactly the location of Monhegan Island, and I don't know whether he knows exactly the problems which would be confronted were this to go through requiring that large hotel to sprinkle that hotel—as a matter of fact, Monhegan Island is not much more or less than a great big pile of rock out in the Atlantic Ocean, and it would be next to impossible to sprinkle the Island Inn and also another hotel on the island. I would, therefore, hope that this bill with the grandfather clause, which would exclude these hotels where it is next to impossible to sprinkle, that the grandfather clause would remain, and that these hotels would be allowed to continue to operate under this present status.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: This bill was heard before the Business Legislation Committee and was an extremely difficult bill to consider. In its original form, this bill required that all hotels of two stories and over be sprinkled by January 1, 1970.

At my request, we had some insurance people, some insurance underwriters, come in and testify as to the behavior of insurance companies on sprinklered buildings as far as their opinion of rates is concerned. At my request, we had a large firm from Portland that is in this business come in and testify as to cost. We had quite a large sampling of our resort people, of course, who are extremely concerned about this matter, as well as those who had suffered as a result of this Squaw Mountain fire and citizens of genuine concern.

The committee amendment altered the bill in a couple of ways. First of all, we required sprinkling in three stories and over. This eliminated all of the two story motel-type structures. Our feeling was that in a pinch in a motel a person could get out of a second story.

We also put a grandfather clause in this which would require new construction to be sprinkled or, if there were additions of sleeping accommodations to present construction, then they would have to go back and sprinkle the whole building. Our feeling here was that we had certain problems to consider. One of them was that under these circumstances a person might buy an old motel and then put up a five million dollar high-rise hotel and claim it was an addition to an existing structure. Also, we didn't want to get into a situation where a person would add a single room and be required by law to sprinkle it—of course, we all would look a little foolish if that happened.

But we found from our testimony that was presented to us that in this type of construction the sprinklers simply do not pay for themselves by a reduction in insurance premiums. This simply

does not happen, at least over anything less than perhaps twenty years, as I recall.

We also became convinced that if we required sprinkling in the hotels immediately that it would put a significant portion of our resort people out of business. We also became convinced that it is not economically possible for many of these larger, older hotels, which of course are the ones that people are concerned with, to economically sprinkle. The cost is very high. Furthermore, you get into the areas such as in our Mountain resort areas where you are away from a source of water, and it requires a tank which has, of course, to be protected against freezing, and a special pressure system, and the cost really becomes prohibitive.

We, therefore, felt that it was reasonable to make this act apply to new construction, and actually that in itself is quite a significant change, quite a significant improvement over present law.

I can only speak for my community, the communities down in my area, but I know we have a lot of three-story, and a couple of very large hotels, such as the Cliff House and some of these others, that would be out of business if we did not have a grandfather clause. The committee is convinced that without the grandfather clause there is going to be a tremendous economic upheaval among our resort owners. Thank you very much, Mr. President.

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

Mr. KATZ of Kennebec: Mr. President, perhaps I have an emotional involvement in the bill because I am a member of the Kennebec Shrine Club, and this was the group that had taken over the Squaw Mountain Inn at the time of the tragedy, and a great tragedy it was, indeed. Now, I am disappointed that the Legislature has not been able to come up with something other than control of new construction. I have been to Monhegan Island, I know where it is, and I must admit that when I was there I stayed at the Island Inn and the cost was only

four dollars a night, and I suspect that this gives away how long it has been since I have been there.

I have no desire at all to attempt to put anybody out of business, certainly not in a resort area, but I have a feeling that perhaps, with a big enough lead time, and with some sensible precautions not to put these people out of business to whom sprinkling is absolutely impossible, that we could meet the problem that has been graphically presented.

Of course, this is a conflict between human values and economic values. The loss of life such as occurred at Squaw Mountain Inn is a tragedy that is not easy to forget. If there is any hope of those in the committee getting together, and somewhere along the legislative life of this bill reconsidering their grandfather clause, and attempting to institute some sprinkling in the older hotels, I hope that this can be accomplished.

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

Mr. LOGAN of York: Mr. President, I couldn't agree with my distinguished colleague, Senator Katz, any more than I do, but the committee agonized over this, and we listened to a great many suggestions. If someone can come to us with a new thought that would enable old buildings to be sprinkled, without putting them out of business, I wish they would. Once again, we considered at length this five-year business and we were convinced, again from the testimony that was presented to us, that their ability to pay is simply not going to improve in five years over what it is now.

I recognize the emotional situation here and I recognize the conflict of values, but Squaw Mountain fires, frankly, don't happen every day and, as I say, to pass this bill even on a five-year basis is going to tear our tourist trade apart. Thank you, Mr. President.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: If we are going to carry this grandfather clause in this bill,

I think that a lot of consideration should be given to the fire escapes that are in the present hotels. In fact, that was one of the causes of so many accidents at Squaw Mountain, that they had to slide down a water conductor spout to get to the ground. I think that possibly this bill could be tabled and something worked out in that respect if we are not going to require them to be sprinkled.

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

Mr. LOGAN of York: Mr. President, do I need permission to speak a third time?

The PRESIDENT: A fourth time. The Senator may proceed.

Mr. LOGAN: Mr. President and Members of the Senate: Senator Moore's observation is absolutely right. This is a little aside, but our committee is absolutely convinced that this whole area of fire protection needs a complete overhaul and a complete reevaluation. The Fire Prevention Bureau has built an entire set of regulations around what is called an "Exit Provision." It is a one or two sentence provision in the code saying that buildings shall have adequate exits. Our law in this area is very bad, very faulty, and we should address ourselves to a complete overhaul. I couldn't agree with Senator Moore more.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have been listening to the various arguments on L.D. 336, and I have reached a conclusion, I think, that we started out with one bill aimed at trying to prevent future tragedies and apparently, because of the rebuttals and arguments that have been presented by the opponents of this bill we have ended up with an entirely different piece of legislation aimed at a different class of hotels and different sizes.

Now, we are talking about future construction in this area, and I wonder whether this area has been properly investigated and developed to see whether this is the safest way to protect future

construction. There may be cheaper areas. I think this matter should be studied, and I don't think we can do it overnight. In view of this, I would move that we indefinitely postpone this bill, and the proponents ought to perhaps refer this matter for further study to an interim legislative committee. Thank you.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Legislative Document 336, Bill, "An Act Relating to Installation of Sprinkler Systems in Hotels," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would reluctantly oppose the motion of Senator Tanous to indefinitely postpone this bill. I agree with the statements that have been made by the several speakers that this is a complex subject. I do believe that we should not attach to this sprinkler bill exit provisions which were not heard or which are really not the subject of the bill itself, laudable as the need perhaps for such legislation is. Such problems perhaps should best be handled, as was indicated, by a thorough study.

I would be very reluctant to see this legislation indefinitely postponed. It is significant progress to say that no public sleeping accommodations of a hotel - motel nature constructed after next January can be constructed without a sprinkler system. This is the plain fact of the bill, and I think it is extremely important not to let this problem become more compounded by constructing facilities that aren't adequately sprinklered.

As was pointed out by Senator Logan, there was plenty of testimony that we would be putting out of business existing hotels if they were forced to sprinkle. I think that the aims of Senator Katz and Representative Lewin in pushing this bill are very laudable, and that they will have realized a great deal of the progress that they desire if this bill is passed. The bill is very germane to its original pur-

pose; it is not wandering off and covering other subjects. We are just talking about sprinklering new buildings after next January, and I would hope that you would vote against the motion.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Certainly I am not opposed to this type of legislation. Frankly, I feel that probably in a built-up area or a city a particular law of this nature would be proper. Then again if you are going to consider sprinkler systems in an area which is away beyond development for this type of installation, then are we in fact going to restrict construction of this type of building? Aren't we in fact going to restrict them to one - story dwellings or two - story dwellings? Or are we going to contain them to a certain number of rooms so they won't have to comply with the law? This is why I feel this needs further study. There are some areas in the State which maybe can utilize other factors of safety rather than resorting to the sprinkler - type system of installation.

This is a very defined area. I have read the bill, I have read the amendments, and any future construction will have to comply within the very scope of this legislation. I think there is room for amendments and exceptions whereby other methods could be utilized to achieve the same end, and perhaps at a lesser cost to the particular area involved.

Frankly, in an area like the State of Maine, I can't see enacting legislation which has such a narrow scope as this one which will apply to everybody. Our State is vast, it is largely urbanized, we have vacation areas, resorts and lakes, and they are undeveloped for this type of an installation. I think we are going to impose an undue restriction and limit it to sprinkler systems, rather than other systems which may be utilized and probably equally as effective and maybe more effective. This we don't know. I feel

that by enacting this we are going to impose undue restrictions upon future construction, without having any idea of what we are going to cause for hardships on people. This is the reason I feel that this should be studied further before we take a step and enact legislation which is as far advanced as this proposes to be. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There are two provisions in this bill which give proposed developers plenty of leeway. If they want to build a hotel and avoid the sprinkler law, all they need to do is, first, construct it out of fireproof material. This is cinder block construction, masonry construction, and if they build their building out of this they don't have to put in a sprinkler system. It is, of course, highly desirable that all public accommodations of any kind be constructed of this type of material. However, if one does want to stick to wood or other combustible material, all one needs to do is stick to two stories or less of construction, and then you don't have to put in a sprinkler system. It seems to me these are avenues of approach to the problem, and we are not unduly restricting new construction.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Relating to Installation of Sprinkler Systems in Hotels," be indefinitely postponed. As many as are in favor of the motion to indefinitely postpone the bill will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session on request by Mr. Katz of Kennebec, Joint Order - Relative to Legislative Research Committee to study L. D. 1170, Bill, "An Act Relating to Legislative Ethics."

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

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

Mr. KATZ of Kennebec: Mr. President, I arise to oppose the motion of Senator Berry. I understand that it is the pending question, to indefinitely postpone, and I ask for a division.

Thereupon, a division was had. No Senators having voted in the affirmative, and twenty-nine Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail, and the Joint Order subsequently was Placed on the Special Legislative Research Table.

On motion by Mr. Hanson of Kennebec, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Relating to Truth in Packaging, (H. P. 951) (L. D. 1230) was Passed to be Enacted.

On further motion by the same Senator, tabled and specially assigned for May 16, 1969, pending Enactment.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.