

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

Wednesday, May 14, 1969

Senate called to order by the President.

Prayer by the Rabbi David Berent of Lewiston.

Reading of the Journal of yesterday.

Papers From The House
Non-concurrent Matter

Bill, "An Act Relating to Municipal Park and Conservation Commissions." (H. P. 749) (L. D. 967)

In the Senate May 6, 1969, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-298) in non - concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Resolve, Proposing an Amendment to the Constitution to Provide for Temporary Assignments of Justices of the Superior Court to the Supreme Judicial Court. (S. P. 171) (L. D. 545)

In the Senate May 8, 1969, the Majority Ought to Pass report Read and Accepted and the Resolve on May 9, 1969, Passed to be Engrossed.

Comes from the House, the Minority Ought Not to Pass report Read and Accepted, in non - concurrence.

On motion by Mr. Beliveau of Oxford, tabled and specially assigned for May 16, 1969, pending Consideration.

Committee Reports
House
Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Provide for Modifications of State Owned Landing Terminals at Long Island and Chebeague Island and to Allow for Vehicle Ferry Service." (H. P. 1019) (L. D. 1327)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

Ought to Pass

The Committee on Towns and Counties on Bill, "An Act Relating to Appointment of Town Clerk of Jay." (H. P. 363) (L. D. 471)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Orders of Care Pending Hearing in Child Custody Cases." (H. P. 554) (L. D. 735)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

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

The Committee on Towns and Counties on Bill, "An Act Relating to Vacating of Street Locations on Plans." (H. P. 495) (L. D. 649)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act to Reconstitute School Administrative Districts Numbers 31, 32, 40, 41 and 54." (H. P. 513) (L. D. 684)

Reported that the same Ought to Pass.

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

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

The Committee on Labor on Bill, "An Act Relating to Mediation Authority of State Employees Appeal Board." (H. P. 1035) (L. D. 1345)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Recommitted to the Committee on Labor.

Which report was Read.

On motion by Mr. Tanous of Penobscot, Recommitted to the Committee on Labor in concurrence.

Ought to Pass - As Amended

The Committee on Legal Affairs on Bill, "An Act Granting a Council - Manager Charter for the Town of Bucksport." (Emergency) (H. P. 605) (L. D. 786)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-303).

The Committee on Judiciary on Bill, "An Act Revising Probate Fees." (H. P. 1083) (L. D. 1404)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-302).

The Committee on Education on Bill, "An Act to Change the Time of Apportionment of Educational Subsidies to Administrative Units." (H. P. 1144) (L. D. 1468)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-301).

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

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

Divided Report

The Majority of the Committee on Highways on Bill, "An Act Relating to Tandem Trailers." (H. P. 400) (L. D. 510)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GREELEY of Waldo

PEABODY of Aroostook

Representatives:

McNALLY of Ellsworth

LEE of Albion

HALL of Windham

NADEAU of Biddeford
DUDLEY of Enfield

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-290).

Signed:

Senator:

CIANCHETTE

of Somerset

Representatives:

BURNHAM of Naples

WOOD of Brooks

Comes from the House, the Reports and Bill Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Greeley of Waldo, the Majority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 49) (L. D. 50)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin

PEABODY of Aroostook

MARTIN of Piscataquis

Representatives:

WIGHT of Presque Isle

DYAR of Strong

HAWKENS of Farmington

LABERGE of Auburn

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

Signed:

Representatives:

HANSON of E. Vassalboro

CROMMETT

of Millinocket

FORTIER of Waterville

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

Which reports were Read.

Mr. Peabody of Aroostook moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and specially assigned for May 16, 1969,

pending the motion by Mr. Peabody of Aroostook to Accept the Majority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Creating Waldo County Commissioner Districts." (H. P. 586) (L. D. 771)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin
PEABODY of Aroostook
MARTIN of Piscataquis

Representatives:

WIGHT of Presque Isle
DYAR of Strong
HAWKENS of Farmington
LABERGE of Auburn

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

Signed:

Representatives:

HANSON of Vassalboro
CROMMETT
of Millinocket
FORTIER of Waterville

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

Which reports were Read.

On motion by Mr. Peabody of Aroostook, the Majority Ought to Pass Report of the Committee was Accepted in Concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Contracts for Support." (H. P. 863) (L. D. 1105)

Reported that the same Ought Not to Pass.

Signed:

Senators:

QUINN of Penobscot
VIOLETTE of Aroostook
MILLS of Franklin

Representatives:

MORESHEAD of Augusta
HESELTON of Gardiner
HEWES of Cape Elizabeth

DANTON of

Old Orchard Beach

FOSTER

of Mechanic Falls

BRENNAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-304).

Signed:

Representative:

BERMAN of Houlton

Comes from the House, the Minority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-304).

Which reports were Read.

On motion by Mr. Mills of Franklin, tabled and specially assigned for May 20, 1969, pending Acceptance of Either Report.

Senate

Leave to Withdraw

Mr. Hanson for the Committee on Retirements and Pensions on Bill, "An Act Relating to Amount of Group Life Insurance for Retired Persons Under Maine State Retirement System." (S. P. 112) (L. D. 321)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Leave to Withdraw—

Covered by Other Legislation

Mr. Wyman for the Committee on State Government on Bill, "An Act Increasing Salary of County Attorney of Washington County." (S. P. 305) (L. D. 998)

Reported that the same be granted Leave to Withdraw—Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass—

Covered by Other Legislation

Mr. Letourneau for the Committee on State Government on Bill, "An Act Establishing the Maine Planning Commission on

Criminal Law Administration." (S. P. 318) (L. D. 1032)

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

Mr. Duquette for the Committee on Retirements and Pensions on Bill, "An Act Revising the Maine State Retirement Law." (Emergency) (S. P. 299) (L. D. 992)

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

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Relating to Homestead Exemption." (S. P. 407) (L. D. 1369)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-142).

Mr. Stuart for the Committee on Health and Institutional Services on Bill, "An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel." (S. P. 263) (L. D. 867)

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-147).

Mr. Letourneau for the Committee on State Government on Bill, "An Act to Establish a Police Training Facility." (Emergency) (S. P. 3) (L. D. 17)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-148).

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

Divided Report

Five members of the Committee on Retirements and Pensions on Bill, "An Act Relating to Service Retirement of Liquor Inspectors." (S. P. 93) (L. D. 253)

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

Signed:
Senator:

HANSON of Kennebec

Representatives:

TEMPLE of Portland
MARQUIS of Lewiston
SHELTRA of Biddeford
MEISNER

of Dover-Foxcroft

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

Signed:

Senators:

CIANCHETTE

of Somerset

DUQUETTE of York

Representatives:

PRATT of Parsonsfield
LINCOLN of Bethel
BARNES of Alton

Which reports were Read.

Mr. Cianchette of Somerset moved that the Senate accept the Ought Not to Pass Report "B" of the Committee.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that the Senate accept Report "B", Ought Not to Pass.

The Chair recognizes that same Senator.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: This bill would provide that enforcement officers in the Liquor Commission be retired at age fifty. I submit to you that it is not consistent with another bill that is here on our calendar again for later in today, in that the Chief Liquor Enforcement Officer will be extended, if that bill is enacted, to the age of seventy.

I would remind you again that the Chief Liquor Enforcement Officer, before our committee, did state that it was not a good practice for persons beyond fifty years of age to be in the enforcement field; that they were not physically capable and that it was a bad proposition. If that is not the truth, as indicated by the votes that have been taken on the other bill, and not the feeling, then I feel certainly that the age fifty - five should remain on the statutes as it presently is.

The PRESIDENT: Is the Senate ready for the question? The

Senator from Somerset, Senator Cianchette, moves that the Senate Accept the Ought Not to Pass Report "B" of the Committee. Is this the pleasure of the Senate?

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Increasing Salaries and Duties of Liquor Commissioners Other Than The Chairman." (S. P. 151) (L. D. 432)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

DENNETT of Kittery
RIDEOUT of Manchester
D'ALFONSO of Portland
WATSON of Bath

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

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

DONAGHY of Lubec
STARBIRD of Kingman
MARSTALLER

of Freeport

Which reports were Read.

On motion by Mr. Beliveau of Oxford, 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 Relating to Molesting Game Animals by Snowmobiles." (H. P. 890) (L. D. 1149)

Which was Read a Second Time.

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

Bill, "An Act Relating to Restrictions on Ice Fishing on all Inland Waters." (H. P. 1090) (L. D. 1407)

Which was Read a Second Time.

Mr. Hoffses of Knox presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-141, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House - As Amended

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

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

Bill, "An Act Creating the Uniform Limited Partnership Act." (H. P. 978) (L. D. 1262)

Resolve, Providing for Purchase of Copies of History of Auburn. (H. P. 1077) (L. D. 1400)

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

Senate - As Amended

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

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, tabled pending Passage to be Engrossed.

Enactors

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

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

An Act Relating to Parole Eligibility Hearing in Life Imprisonment and Other Long Term Cases. (S. P. 167) (L. D. 541)

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

An Act Relating to Annual Reports of Counties. (H. P. 109) (L. D. 117)

An Act Relating to Retirement of Chief Liquor Inspector. (H. P. 943) (L. D. 1204)

(On motion by Mr. Minkowsky of Androscoggin, temporarily set aside.)

An Act Relating to Mental Examination of Persons Accused of Crime. (H. P. 1113) (L. D. 1437)

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

(On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

An Act Relating to Amount Retained by Town Clerks from Fish and Game License Fees. (H. P. 1171) (L. D. 1493)

An Act Relating to Size of Coni-bear Traps for Trapping Animals. (H. P. 1172) (L. D. 1494)

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

The PRESIDENT: On the matter set aside at the request of Mr. Minkowsky of Androscoggin, An Act Relating to Retirement of Chief Liquor Inspector, (H. P. 943) (L. D. 1204), the Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: L. D. 1204 is of no paramount importance except to its recipient, Mr. Murphy. As I have mentioned in previous discussions on this obnoxious, intruding piece of legislation, that a dangerous precedent is being set in an attempt to bring this to a political party impasse. If the proponents feel so strongly that this special consideration is in the best interest of the State of Maine, then this matter should be amended to include all State personnel.

I would remind the Senate that this bill has been defeated twice in this body, and I thought this in itself set a very good precedent on what the feeling was originally. One other area I would like to remind the Senate of is the fact that was brought to my attention

yesterday by a prominent attorney, and it goes as follows: "This Nation and State is a Government of laws, and not of man." In L. D. 1204 we are substituting a man for a law.

Mr. President, I now move the indefinite postponement of this particular L.D., and I request a roll call when the vote is taken.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that An Act Relating to Retirement of Chief Liquor Inspector be indefinitely postponed and has requested a roll call.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I won't say that I resent the language of my good colleague, he is such a good friend that he can say almost anything and I wouldn't resent it, I don't think, but I just take exception characterizing this legislation as obnoxious, and also to his characterization of it as having no effect upon anyone except one man. It has an effect upon the whole State of Maine. Here is a man who has been rather a beacon in the law enforcement field over more than one generation. He is interested in continuing to serve the State of Maine, and I say that the answer that he is going to get today is that the State of Maine is interested also in having him continue to serve it as excellently as he has over the past many years. They have been swinging on Tim Murphy ever since he was a rather small sized baseball umpire in central Maine, but no one has ever been able to count him out yet, and I think he is going to be kept on continuing the very fine service that he has given.

I speak from some experience with Timothy J. Murphy, because I have been on the opposite side with him, fighting him very strongly, and I will tell you the incident which might interest you. On one occasion he didn't like it because the Federal Government, through Loring Air Force Base, had a recreation area up north of Loring, up north of Limestone, on one of the beautiful lakes of Aroostook County. Now, you know that

was a Federal area, but Tim didn't think that it was. They leased the land and ran a club up there, and they sold beer in accordance with the federal ideas of selling beer, which was quite a bit more liberal than the State of Maine enactments. Tim convinced a Municipal Court Judge in northern Aroostook County that he was right and the federal people were wrong, and he swooped down one Sunday afternoon with a corps of deputies and arrested some military personnel, and seized about forty cases of beer and took them into the Madawaska Municipal Court, which was not then being presided over, I am sure, by any present member of this Senate. The Municipal Court Judge wouldn't relinquish the beer, and wouldn't release the process against these men, and we had to take Tim Murphy all the way to the Federal Court. We had the Attorney General in the picture and we had a terrific time. I think Tim Murphy was wrong, and the Federal Judge said he was wrong. But certainly one thing about it is that he was tenacious. And the actual action of being taken into the Federal Court to relinquish his claim didn't bother him a bit because he felt he was right.

They tried to raise all sorts of things against Tim Murphy, they said all sorts of things but, as I gather it, and from what I have read of the record over the years nobody has ever been able to prove anything to besmirch his fine character and his devotion to his duty as he has seen it. I might say, as a footnote, that by the time we got the beer back it had all spoiled.

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 we are avoiding the issue here. It is important that we divorce personalities from the document before us and pass judgment on the bill itself. We all have a great deal of respect for Mr. Murphy, and I think that he has done a commendable job. I personally have had several encounters with him and I have nothing but the highest praise for

the man, but the fact remains that we should focus on this issue as to whether or not we want to establish this precedent here in Maine; whether an individual is indispensable to the operation of a particular department because, mind you, if we enact this bill today, if it does become law, I can vision in future years that other department heads and other individuals who have their own self-interest, who are motivated by no doubt honorable motives, will also request that their tenure be extended. I believe this a very dangerous precedent for many reasons. One is that when a person receives particular legislative consideration, his responsibility lies not to the department under which he is employed, or to the commissioners or the department heads, his loyalty and responsibility will be to the legislature. We all know, of course, as a practical matter, this would not work, that no one can account to us. We have problems with many of our constitutional officers who are elected by the legislature, who theoretically account to us, but, as a practical matter, of course, we have no authority or jurisdiction over them.

I think it is important again to divorce the personality from the bill and pass judgment on the document itself. Consider the potential harm that could result from the enactment of this document. So, I urge all the members of our Senate to support the pending motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am very happy to join my respected colleague, Senator Beliveau, in judging this bill on its merits and considering the potential harm that can be done if this bill does not receive the treatment it should receive. Of course, we differ a little bit on our viewpoints as to which treatment the bill should receive, and I would be very happy at the right time and in this chamber to discuss the harm that can occur if this bill is not

passed. I do hope that we will not have occasion to publicly debate the harm that can occur if this bill does not pass.

I would strongly urge the members of this body to vote for the bill. I hope this is not a party issue because there are matters behind this that certainly are not of a party issue. I do consider the bill extremely significant. Its defeat, in my opinion, would be harmful for the welfare of the State. I would urge you to vote against the motion to indefinitely postpone.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Minkowsky, that Bill, An Act Relating to Retirement of Chief Liquor Inspector, be indefinitely postponed.

A roll call has been requested. Under the Constitution, before the Chair can order a roll call, it requires the affirmative vote of at least one - fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once again. The question is on the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, An Act Relating to Retirement of Chief Liquor Inspector, be indefinitely postponed. 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 Beliveau, Bernard, Boisvert, Cianchette, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed and Violette.

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

A roll call was had. Thirteen Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the

motion to indefinitely postpone did not prevail.

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.

(Off Record Remarks)

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side on L. D. 1204, having been passed to be enacted, I would move the Senate reconsider its action, and I would hope you would vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves the Senate reconsider its action whereby L. D. 1204, An Act Relating to Retirement of Chief Liquor Inspector, was enacted.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: I move this be tabled until the next legislative day.

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

On motion by Mr. Berry of Cumberland, a division was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this bill was passed to be enacted.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU: I request a division, and I would like to inquire whether the Republican Party is making a party issue of this document, particularly in view of the past performance, and in view of the vote that was taken last week where certain enlightened members of the other party apparently felt at that time the document was without merit and it was defeated

twice. I would like to have a reply to my query.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Considering the fact that I have been probably the exponent of this matter, and that I am not overly and closely associated with the formal leadership of the Republican Party in the Senate, I think that this in itself would indicate that it is not a party issue. But I would say that it could very well become a party issue, and that I certainly wouldn't be one to hesitate under the right circumstances, with the right facts revealed, to make it a party issue. It has not been a party issue so far, and I would point to the recorded vote that was just taken to indicate that it was not a party issue. I hope you vote against my motion to reconsider.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, An Act Relating to Retirement of Chief Liquor Inspector, was enacted. A division has been requested.

As many as are in favor of the motion to reconsider will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Resolve, Authorizing Construction of Connecting Building Between Shops at Maine State Prison from Prison Industries Account. (H. P. 621) (L. D. 809)

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

Orders of the Day

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" (H-275) from the Committee on Towns and Counties on Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405)

Tabled — May 8, 1969 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Report.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: A meeting was held yesterday between the Androscoggin County Commissioners and members of the Child and Family Services in Lewiston in reference to an agreement to encompass the parts of this particular bill as far as donating money to Child and Family Services, also if Androscoggin County will receive a financial statement from Child and Family Services, and also if they would have representation upon their board. Until I receive a financial statement from Child and Family Services, and also if they would have representation upon their board. Until I receive a report on the disposition of this particular case, I would appreciate it if this matter be tabled until Friday, May 16.

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

Thereupon, on motion by Mr. Bernard of Androscoggin, tabled and specially assigned for May 16, 1969, pending Acceptance of the Committee Report.

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

SENATE REPORT — Ought Not to Pass from the Committee on Towns and Counties on Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Tabled — May 8, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and specially assigned for May 20, 1969, pending Acceptance of the Committee Report.

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

SENATE REPORTS — from the Committee on State Government on Bill, "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 1281) Report "A", Ought to Pass as Amended by Committee Amendment "A", Filing S-129; Report "B", Ought Not to Pass.

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

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

Mr. Wyman of Washington was granted leave to withdraw his motion to accept the Ought Not to Pass Report "B" of the Committee.

The same Senator then moved to Accept the Ought to Pass Report "A" of the Committee.

THE PRESIDENT: The Senator from Washington, Senator Wyman, moves the Senate Accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am sorry to see that Senator Wyman has withdrawn his motion, and I assume that it probably is because he is satisfied that a proposed amendment would put this bill in acceptable form to him. I think the bill probably could be debated now because, having reviewed the proposed amendment, in my opinion, it does not remove the many problems which will be raised by legislation such as this being put on the books.

Let me preface my remarks by saying that I am in complete sympathy with the general provisions as set forth in the purpose of the bill insofar as they apply State-wide. However, the details of the bill and the many provisions in it

are worthy of comment. There is a little background to this material in our consideration of the bill. This proposes a specific location for this activity which is on the northerly side of Bigelow Mountain, which is reasonably well into our wildlands territory. It is in an area of the State which has been opening up recently to recreational development, a type of development that all of us are very happy to see come to be.

The use of the name of the State of Maine, and the use of the many varied and powerful means available to municipalities for developing our recreational potential would, under this bill and under a companion bill to incorporate the town of Flagstaff, permit all these legal mechanics to be used to develop, to finance, and to construct a project, a project in an area where at the present time there is not one single permanent inhabitant. I do discuss the other legislative document to incorporate the town of Flagstaff because it is an essential ingredient to the whole proposal.

My interest in this proposal was aroused by the bill to incorporate the town of Flagstaff. Originally the town of Flagstaff, and it is not exactly the same township as provided in the L.D., was a small town of a few hundred inhabitants on what was then the frontier of the State of Maine, and it was purchased and all the inhabitants, dead and alive, literally, moved out of the town and most of the town was flooded by Flagstaff Lake.

The bill, as originally presented, the Flagstaff Incorporation Bill, provided that upon the acceptance by ten inhabitants the town could become incorporated. Now, I invite your attention to the measures, to which I referred previously, opened to a municipality to use state-backed, municipally - backed, revenue - backed financing. These are measures all put on the books through the years in an attempt by the State of Maine and its people to improve their lot by using legitimate financing to permit development, both industrial and recreational. In my opinion, the

preservation and the sanctity of these measures is paramount. We have had, as yet, not one single default in any of these measures. Each session we develop new legitimate methods of financing which apply to the entire State, and I think a measure of the carefulness and the attention to the possible problems which may arise that have been given to these by the legislature have been proven because no default and no problems have arisen.

Now, a proposal such as this, in my opinion, opens up the door to problems, and this is my basic objection. It seems basically wrong that we would be able to move into an unorganized territory people, I call them squatters, establish them there and, after that subterfuge, accept an act of the legislature, and give to this township all these municipal and State's rights to which I referred, I considered this a real potential danger. I consider it a misuse of public laws that we have passed.

Now, if we were to develop a mining community in northern Maine, where we have been doing some exploration work and development work, and as a result of finding a strike of asbestos or copper, then a community is established of five hundred or a thousand people, a legitimate community, in advance, such a community certainly is entitled to all the things we have on the books now. I am sure you see the difference between such a proposal for which our laws were passed and the proposal which is visualized here.

I am not going into the merits or the lack of merits of why such a proposal is before us, but I do feel that these are the real problems that were presented to the Legislature, and if somebody wants to establish a community, let them do it on a legitimate open basis with their own money or with money raised by public funds, but without the backing of the State of Maine implied or explicit. I would hope that you would go along with my reasoning, and vote

against the acceptance of the Ought to Pass Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: First, I was opposed to this bill and, after reading it, it seemed to me that it was all right. I am the first to admit that I am still confused on the bill and I would hope that somebody would table it for another legislative day.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: As sponsor of this measure, I am very pleased that the good Senator from Washington has proposed the ought to pass motion. I am also pleased that the good Senator from Cumberland, Senator Berry, recognizes the great potential that this bill offers. I would say that throughout the eastern United States increased leisure time and disposable income has resulted in a rapidly increased demand for recreation facilities. This year, for example, skiing has become a one - billion - dollar industry in the United States.

Maine has shared in this growth but it has not benefitted as much or grown as rapidly as other areas of the northeast. Within the bounds of this State are mountains which have been classified as some of the finest ski terrain east of the Rockies. In fact, when Maine a few years ago made a bid to host a future Winter Olympics, studies showed that terrain existed on which all Olympic alpine events could be conducted.

The key to the development of Maine's fullest ski recreation potential lies in making our ski areas more accessible to the population centers of the east. L. D. 1281 reflects this sponsor's belief that the best way to make Maine's ski resorts more accessible to persons seeking out ski recreation is through the construction of an airport facility in our ski resort areas. In this respect we believe that Maine has a unique and singular opportunity which,

if recognizes by this Legislature, will give Maine a sizable competitive advantage over sister states who are in direct competition with us for the ski recreation market.

Beginning in 1964, a series of studies relating to a potential development of the Bigelow Mountain - Flagstaff Lake area were conducted. A total of over \$540,000 of private capital was invested in these studies. Among these studies was an airport study by Donald J. Belcher and Associates of Ithaca, New York. That study discovered the potential for building an all-weather jet airport almost at the foot of Bigelow Mountain in the Sugarloaf - Saddleback - Bigelow Area. Major airports are seldom found near ski areas due to the obvious conflict between mountain terrain and airport requirements. The airport study determined, however, that the close proximity of mountain with low flat terrain on the southwest shore of Flagstaff Lake, combined with long flat approaches to the airport runway, created ideal conditions for the construction of an all-weather jet airport having developable runway potential of 8,800 feet. Such an airport would bring the entire west-central region of the State within one hour's flying time of the major population centers of the East.

This bill is not a money bill. It does not appropriate money for the construction of any airport. This bill merely sets up an entity through which the local share of the costs of airport construction can be raised by the sale of revenue bonds. The revenue bonds issued by the authority would not be a debt or obligation of the State. The bill expressly provides in Section 7055 that these revenue bonds are not a debt of the State. An amendment will be introduced to delete section 7056 of the L.D. so that it is absolutely clear that the credit of the State is not involved. The revenue bonds would be repaid from revenues generated from operation of the airport. In addition, the amount of bonds which the authority is authorized to issue will be reduced by an amendment from twenty million dollars to five million dollars.

No airport will be constructed until necessary approvals from the State and Federal authorities have been obtained and the Federal Government is satisfied as to its feasibility and agrees to contribute the fifty per cent Federal share toward construction cost.

L. D. 1218 assures those of the Sugarloaf - Rangeley - Bigelow Region that in seeking to obtain final approvals for the construction of an airport facility that an entity will be available for financing the local share of such costs. In fact, the availability of such an entity is necessary to prosecute the necessary applications further.

In addition to the obvious benefits accruing to the existing resort and recreation facilities in the Sugarloaf - Rangeley area, and to the general economy of this State, the development of the so-called Flagstaff - Bigelow project is contingent upon making this region more accessible to the skiing public of the East by constructing an airport. In turn, the Flagstaff - Bigelow development, in combination with existing recreational facilities, makes an airport feasible.

The Flagstaff Corporation which acquired all of the assets of the International Design and Development Corporation last August, including 8,000 acres in the Bigelow Mountain region, and the plans and studies in which that corporation invested over \$540,000, has indicated a serious interest in proceeding further with the development of a multi-million-dollar ski resort in the Bigelow Mountain area. It is proceeding with completion of the construction of a road into the mountain area.

Further development of the Flagstaff - Bigelow project is, however, contingent upon the construction of an airport which will make the region accessible to the population centers of the east. L. D. 1218 is enabling legislation, which is necessary, to provide a vehicle for financing the local share of construction costs. Such a vehicle must be made available to make such a regional airport a realistic possibility.

Further development is also contingent upon enabling legislation to

establish a municipal entity through which water, sewer, and road facilities in the resort community can be financed through municipal bonding. Such legislation has been introduced, and will be before you in the near future.

The public hearing on L.D. 1281 amply demonstrated the enthusiastic support given to this bill by the people of the entire area. Studies have indicated that the economic impact of airport construction and the Flagstaff Development in this region and on the State of Maine will be significant.

I hope that you will vote with the ought to pass motion so that no stone may be unturned in the pursuit of a potential development which will be of great significance to the State of Maine. Thank you.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending the motion by the same Senator to Accept the Ought to Pass Report "A" of the Committee.

The President laid before the Senate the fourth 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 8, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Katz of Kennebec to Reconsider Failure of Enactment.

Mr. Katz of Kennebec moved the pending question.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby this bill failed of enactment?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I rise to voice my opposition to reconsideration of this measure, and to state the reasons for my position. In the first instance, I oppose it because it is

only a half measure. I, as one of the great majority of this body and the great majority of this whole legislature, have already supported spending measures that we believe are a bare minimum to supply the needs of this State. I am not acting as a hypocrite in that I know that if I support spending measures, I must support tax measures to pay for them.

It has been suggested in these halls recently that some of us were acting as obstructionists in not supporting this measure, and thereby delaying the final adjournment of this session. I submit to you that if there are obstructionists in our ranks, it is those persons who are in a position to bring before us all of the proposed tax possibilities, and to bring before us all at one time tax measures that will produce revenue enough to finance the entire program to which we have given our support, so that we may, as a legislative body, have a free and open choice in the minds of the majority as to what is in the best interests of the State of Maine.

I, for one, believe firmly that if we are going to increase taxes and, as already stated, the majority of this legislature are already committed to that, that the fairest and most equitable manner for the greatest number of people is to raise it through a combined corporate and personal income tax at the necessary levels.

I am aware that over the years people in the greatest numbers in this State, the lower income brackets, have been brainwashed as to the horrors of income tax on a state level by self-interest groups in a position of power. It is a known fact, however, to anyone who has taken the time to factually analyze the situation that the graduated income tax theory places the greatest burden of taxation on those persons with the greatest ability to pay.

I submit to you that there are a great many fair-minded people, as evidenced in recent public hearings and printed articles, who hold this philosophy, and the ranks are swelling every day. I will agree that no one is asking for increased

taxes, though many ask for increased services, but I hold firmly to the belief that, if there is to be increased taxes, the majority will support my stand that it is the fairest.

Patchwork taxes are in every instance discriminatory and have no place in a proper tax structure. We need today, as we have needed for some years, a broader base of taxes that will be fair to all people, that takes into consideration the change in our way of living from years ago. We must give relief to the property tax which is as outdated as the horse and buggy, a tax that without doubt in those days was fair because it then reflected the ability to pay. The major portion of the property tax in years past fell on the prosperous farmer with his large stand of buildings, and the prosperous merchants or manufacturers or timberland owners, and so forth, who maintained large estates. We are all aware that today this is not the fact, but all too often the burden falls on the elderly who are trying to maintain themselves in their lifetime homes and have no possible means of catching up with today's living costs.

I will support tax measures that are fair and equitable to all people based on their ability to pay, and I believe that if taxes are levied in that manner we can support in this State the programs that have received our support, and even more. I will not support, however, taxes that are discriminatory and do not take these factors into account.

I say again to you who are in a position to do so, put all of the tax measures before us, and let us select from them in a democratic manner to support all of the appropriations that we have to this time or may in this session support. I can assure you that I do not stand alone today in these convictions.

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

Mr. KATZ of Kennebec: Mr. President, I am convinced that today is not a time for inflammatory remarks. It is perhaps the end of a very long trying road for all of us, and I think we have all acted

with a sense of humility and good faith. I know of no man here who likes the tax package which is proposed to us today, nor have I come across any man who has proposed a suitable alternative.

The Senator from Somerset, Senator Cianchette, proposes our support of an income tax. If there is one thing that I am very confident of here this morning, it is that the basic reason for confusion at this legislative session was the appalling request for \$114 million of brand new services and brand new extra taxes. No one has ever accused me of being a conservative on spending measures. My whole orientation is toward new programs and new services, but I have to admit that I shared with many of you the feeling of being appalled by a request that was so big. This whole legislative session has been wrestling with the motion of priorities, in the absence of any support for \$114 million of new taxes. Where do we draw the line, and where do we get together—and we have to get together or we go nowhere—in some kind of reasonable prudent progress? That is the question before us today.

A little later this morning, I understand, we are going to get proposals for a series of alternatives taxes, a patchwork tax system, if you will. I deny the program before us this morning is a patchwork tax system. If we were in Washington, and we were considering such things as removing exemptions on oil depletion allowances, we would call them tax reforms for closing loopholes. At a time when State services are so badly pressed upon us, at a time when needs are so very, very great, I think that we have a responsibility to take a look at existing tax structures, to close loopholes and remove exemptions if the needs are great enough to warrant it. I think this is the proven case this morning.

Mr. President, on the reconsideration motion, I ask for a division.

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

Mr. GORDON of Cumberland: Mr. President, I request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Gordon,

requests a roll call. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby Legislative Document 1458, "An Act Increasing the Sales Tax and the Cigarette Tax, and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles," failed of enactment.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Very briefly, so we can draw together in harmony this morning, I would point out to those who are interested in the presentation of a subsequent amendment that there will be no possibility for offering any amendment if this motion fails of passage.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I agree that if the motion to reconsider does not prevail there will be no possibility to offer amendments. However, in the past several weeks I have worked toward a package to supplement the trade-in tax, and I thought I was quite secure in my action to come out with a supplemental package of four other items that would remove this trade-in tax from the tax package for the Part I Budget, but due to the arm twisting this morning and lately, and due to the members of the Senate who have pledged their support to my motion, I feel at this time that my motion to reconsider the action where we passed the bill to be engrossed is lost. Therefore, in my intent to knock the trade-in tax out of this tax package, I hope that this body will vote against reconsideration and then pass this package on to the other body.

The PRESIDENT: In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will those Senators in favor of ordering a roll call please rise and remain standing until counted?

Obviously less than one-fifth having arisen, the roll call motion is denied.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, in the absence of a roll call, I would just like to state that I am going to vote for the bill.

The PRESIDENT: Is it now the pleasure of the Senate to reconsider its action whereby Bill, "An Act Increasing the Sales Tax and Cigarette Tax, and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles" failed of enactment?

The motion prevailed.

The PRESIDENT: The pending question before the Senate now is the enactment of House Paper 1138, Legislative Document 1458.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I now move that the rules be suspended and that the Senate reconsider its previous action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, now moves that the Senate suspend the rules in order to reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the same Senator.

Mr. MARTIN: Mr. President, in order for the members of the Senate to make a fair judgment on the motion for reconsideration of the engrossment of L. D. 1458, the so-called tax package, I would like to explain briefly what I would propose to do if you will go along with my motion.

It is said that good things come in small packages. If this is true, perhaps the reverse is true, namely, that bad things come in big packages. L. D. 1458 is a big package, and the fact that it is a big package is one of the things that is bad about it. Because these various patchwork tax proposals have been lumped together, it has been impossible for the individual Senator to reach a conclusion and express his judgment with reference to individual portions of the

tax plan. It has been either all or nothing.

A great deal of opposition on the part of automobile dealers and the public generally, and on the part of individual Senators, have been expressed to me against the auto trade-in provision of the package. I am strongly against its inclusion and, if my motion to reconsider prevails, I would first propose an amendment to take the auto trade-in provision out of the tax package, and I would then give you a few of my reasons for my opposition to this tax.

I have prepared amendments which would give the Senate an opportunity to consider, first, an increase in the wildlands' tax, which would produce an estimated \$2.7 million for the biennium. This tax has not been touched since the modest increase in 1965.

I would then present for the consideration of the entire Senate another amendment removing the exemption on goods consumed in the process of manufacture, which would produce an estimated \$2.3 million for the biennium.

Next, I believe the Senate should have an opportunity to consider the soft drinks tax, which was part of the package originally reported out of the other branch and which, I believe, the Senate should have a chance to consider by way of indefinite postponement of the House Amendment.

Lastly, I have prepared an amendment modeled from an intangibles tax which has been in effect in New Hampshire since 1923. This tax is basically a tax at the rate of four and quarter per cent on income received from interest and dividends, with certain exemptions and limitations to protect the people in the lower income group receiving income from these sources. That has worked well in New Hampshire for over forty-five years, and would produce an estimated \$5.2 million for the biennium.

I believe that these taxes, or some combination of them, should have the benefit of full and free discussion in the Senate, and that they would certainly be preferable and less oppressive than the automobile trade-in tax which has generated so much opposition.

In order for us all to consider the various tax proposals which I have discussed, and others which we have not heard discussed, on their merits as individual measures, I hope you will vote in favor of my motion to reconsider so that these questions may be opened up. Thank you, Mr. President.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: In order to be consistent with the stand I have taken here this morning, I would like to say that I will favor the motion for reconsideration. Although I may not favor some of the amendments that may be offered, I think it will give us a free and open choice. It will give persons here a chance to make up their minds as to individual parts of the package. As to the final outcome, of course, I am not sure in either direction, however, I will support the motion for reconsideration.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I reluctantly oppose the motion for reconsideration and the suspension of the rules, and I would ask for a division when the vote is taken.

I want to point out to the members of the Senate the implications of reconsidering and accepting the amendment that is being proposed here this morning. Upon reconsideration we are in non-concurrence with the House, and the bill then goes back to the House. Now, the House performed something of a miracle here a week or two ago when it passed this bill to be enacted with 108 votes. Getting 108 votes on a tax package in the House of Representatives is like threading a needle while standing on one foot in a hurricane, but apparently we have done it. It has taken a tremendous amount of effort and effective leadership to accomplish it. I want to point out the consequences of sending this package back to the House in the midst of increasing turmoil

and in the midst of increasing sincere differences of opinion.

I think this bill has been around a long time. It is May 14th. I will say again that I don't know anybody who is jumping up and down with joy, but one of the problems of running for office is that you are elected and you are faced with certain responsibilities and alternatives. You have a responsibility to face them, and this is the time to face them today.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I think on the matter before us it is of no consequence whether we are in non-concurrence and the package goes back to the House if this motion to reconsider does prevail. The matter of concern before us is whether we can stomach the package as it is. I feel personally that the trade-in tax is double taxation and should not be in there, so I strongly urge that this body vote for reconsideration.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that the Senate suspend the rules for the purpose of reconsidering its past action whereby this bill was passed to be engrossed. A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I guess it is no secret how I feel on this particular tax program, and I again would ask for a roll call on this vote.

The PRESIDENT: 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 ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Piscataquis, Senator

Martin, that the Senate suspend its rules for the purpose of reconsideration of its action whereby Bill, "An Act Increasing the Sales Tax and the Cigarette Tax and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles," was passed to be engrossed. A roll call has been ordered. A "Yes" vote will be in favor of suspending the rules; a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Beliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Letourneau, Levine, Martin, Minkowsky, Reed and Violette.

NAYS: Senators Barnes, Bernard, Dunn, Hanson, Hoffses, Katz, Kellam, Logan, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Tanous, Wyman and President MacLeod.

ABSENT: Senator Berry.

A roll call was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with one Senator absent, the motion did not prevail.

The PRESIDENT: The pending question before the Senate is the enactment of House Paper 1138, Legislative Document 1458.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am going to vote for the passage of this measure because it is getting late in the session and we have got to find some revenues to operate the State, but I would like to caution the Republican Leadership that when the subsidies for 1970-'71 are divided that they should be divided justly so that all towns and cities in the State should benefit from the extra money that will be given for school subsidies. I feel that the people who are dividing this pie should divide it justly. Thank you.

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

Mr. CIANCHETTE of Somerset: Mr. President, when the question is put, I ask for a roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I find my role is a rather difficult one this morning. I rise in support of the passage of this document.

I had, before this morning, no intention to speak on this tax measure, but while riding up here this morning I couldn't help but think that I didn't run for this Senate seat because it was an easy job, and neither did I seek and accept the Minority Leadership job here in the Senate because I thought it would be an easy one. For a party that is going to have to carry on its shoulders a personal and corporate income tax, I suppose it is foolhardy for me at this time to ask that this tax package be passed. Yet I feel that this legislation needs a lift. We have worked here for some four or five months, and I think that frustration is starting to set in. I think the laughs are a little lower - keyed now and farther between than they were before, and I just feel that this needs to be off our back.

Now, I know that I may be in the minority in the thinking of my own party, and certainly both Senator Cianchette and Senator Martin I have deep respect for, and I know that they are very sincere in the statements they made here this morning, but I see little political advantage in keeping this tax package before us any longer. It is true, we don't know what the entire expenditures are going to be as far as this legislature is concerned, or what the method of payment is going to be, but I don't think it takes a great deal of imagination to lay before us all the different alternatives that will be before us. There is possibly some question of procedure, but I think that it doesn't amount to a great deal more than this. I feel, with reasonable assurance, that we as the minority Party will have an opportunity to present what we feel should go beyond the Appropriation Committee's expenditures in their Part II Budget, and I have felt from the very beginning that we

should walk with the Republican Party to the point that we separate. There is no need to argue about issues which we agree on.

Now, there is a basic disagreement possibly as far as this tax package is concerned, but last January we talked about compromise and working together, and I feel that now is the time to do more than talk; I feel the time now has come to act. I have been accused at times, and maybe rightly so, that I trust the Republicans too much. If I am guilty of this, so be it, but I again feel that both parties, if we are going to get anywhere in this session, have to basically trust each other and take each other as sincere individuals interested in doing the best job possible. I still feel that any political party has one job, and that is to serve the people to their best interests. Now, we may disagree on that, and I am sure that I am no angel and don't expect others to be. We all at times maneuver and play a little politics here in Augusta, but basically that should be our objective.

So, I can only say that I hope this morning that there would be some Democrat that will go along with this tax proposal and extend a helping hand so that we may get on to the next order of business. I can only say that there are probably still plenty of areas left to disagree on, but I do feel at this time that the Part I Budget should be moved on, so that we can get on to the next order of business.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am very grateful for the words of the Minority Leader, and I want the Senate to know that since January, to the greatest extent possible, that all the plots and the proposed direction of the Majority Party have at all times been communicated to your leadership in the Minority Party. We have attempted to work together, knowing that perhaps somewhere along the line our paths would diverge.

And I want to say that one of the joys of this session so far has been the opportunity to work together in harmony up to this point. It hasn't been easy, because there have been many areas and many facets within our various parties that might very well have caused us to break apart.

I suspect that the honeymoon may very well soon be over, but I, for one, want to say this morning that I expect some Republicans to vote for this package and some Republicans to vote against it, and I expect some Democrats to vote for it and some Democrats to vote against it, and perhaps in so doing we will prove that we are indeed voting our conscience this morning.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I arise to express my feelings on this measure this morning, and they are certainly mixed feelings. I think it is going to be with great reluctance that I am going to support this measure, reluctance for several reasons.

First of all, this doesn't agree with the type of taxation that I would like to have seen this legislature enact. I know that we here in the halls of this Senate, as well as elsewhere, talk about trying to get along, and I will say very, very frankly that I have been pained and chagrined by the statements that have come from the members of the other party, not my party, but from members of this Senate concerning the irresponsibility of the Governor of my party, the Governor of my State, with regard to the irresponsibility that he has had in bringing to the people of the State of Maine and to the people of this Legislature the program, the budget, and the type of taxation he recommended to finance it.

I would want to say that, while I may not have in toto agreed with the type of budget recommendation that our Governor recommended, I think it very graphically pointed out the needs of our own State and the needs that for too long probably have been ig-

nored because we have not had the courage to face up to financing them. I think it was one of our most successful public servants a short time ago who made the statement that the State of Maine is a great one for passing legislation, but also a great one for failing to fund it and do the job. Very often we have deluded ourselves into passing laws and then have failed to finance them adequately so they have been of no effect, and we have many of those on our books.

I personally viewed the recommendations of our Governor as really bringing to the attention of the people of our State those needs that were real and ought to be attended to. While I may not have agreed with him on the total amount that this legislature ought to appropriate with regard to facing these needs in this legislature, I did wholeheartedly support the type of tax measures that he recommended in order to face our financial needs. That was the corporate income tax and the personal income tax. I think that if we are going to go ahead and really do the job that we have to do in meeting our fiscal responsibilities, as we will sooner or later have to face up to the task, we will have to go to these broad-base new ways of taxation to meet our needs. I think that for too long we have tried to do with what is called patchwork taxation — and I suppose I would in some respects support the contention that sometimes what we call patchwork taxes may well be tax reforms — nevertheless for many years we have tried to go along with hitting this segment of our taxpaying public and then another segment of our taxpaying public. I think this has had the effect of not really treating everybody equally, and particularly those people who perhaps cannot bear the effect of tax legislation that has the effect of hitting one segment of our taxpaying public. I think the Senator from Somerset, Senator Cianchette, very clearly illustrated that this morning in his statement. Nevertheless, be that as it may, certainly I don't see that in this legislature there

will come to pass what I would like to see enacted as tax measures, certainly not in toto.

I am not in favor of removing the tax exemption on trade-ins for vehicles because here again, I think, we are singling out a certain part of our taxpaying people and reimposing another tax on them. Certainly a very large part of our lower income people depend on automobiles as much as our higher income people do and our large businesses. So, in effect, with this type of measure, we are here again singling out and taxing those that may not best be able to afford the load. But I also recognize that our State has to finance its current needs, and I just don't know what other way we have available at this time to finance our current services budget. So, I will support the tax measure. I support it reluctantly, but I support it because I think we have to get to the task at hand, we have to at least take care of our current services budget.

I would hope that as we look at the remainder of our budgetary recommendations and ways of financing them that we would go beyond these measures that hit at certain segments of our taxpaying public, and go to those that will have the effect of broadening our tax base and place our State in a position where it can adequately take care of its fiscal problems.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am sorry to say this, but I cannot go along with this package as long as the trade-in credit for vehicles is in the package. Petitions have swelled to over one thousand now in opposition to this measure, and over the weekend I was besieged with telephone calls and with personal visits, so I am sorry to say that I cannot go along with this measure.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: There is one feature

of this tax package that has not been discussed here on the floor that I think should be pointed out. That is the fact that this tax measure would produce revenues for a period of thirteen months in a year. Now, there may be a little misunderstanding as to how you produce thirteen months in a year, but the proceeds from this would be used over a one-year period, whereby the tax would be imposed over a thirteen-months period. I think that this in itself indicates, if this type of taxation is again used in this session, the impact that it is going to have on future sessions. I think this should be brought to mind and, as the good Senator, Senator Anderson, has just mentioned, certainly as all of us, I have this morning even many more petitions that I haven't had the time to open yet. I certainly think it indicates the feelings of many, many people in relation to the automobile trade-ins. I hope this motion does not prevail.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I just want to add a thought for this body to place in your minds as to just what is going to happen if we pass this package as it is, we tax the auto trade-ins and then in turn, before the session adjourns, we have to go to a six per cent sales tax. Isn't this going to add insult to injury to the owners of every household within the State of Maine?

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am very hesitant to rise this morning and have to say that I am not going to support our leadership. Two of these items in our so-called package of taxes I would very gladly support, but when it comes to eliminating the allowance on trade-ins on cars, I cannot support it. I have heard a tremendous amount of comments in regard to it, and I feel that it is a very unfair tax anyway because it is double taxation. We are increasing the load on the car-owner, and

it is not a luxury; it is a necessity. A man has to have his car, and we are throwing another burden on him. Then later on this term we have got an increase in the gas tax, an increase in the registration fees and an increase in the excise tax coming up before us. I have got to vote against this package.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I hesitate to arise to speak on this subject, but I am going to support this measure this morning, with a great deal of reluctance. I don't like it, and I think it is very obvious that no member of this body does like it. But I am going to support it because I think it expedient to do so, and to date nobody has offered any alternative that is acceptable to the 104th Legislature.

I maintain that the personal income tax and some of these other measures that have been mentioned today are not the fairest and not the most equitable forms of taxation that we can impose upon the people of the State of Maine. When you talk about imposing a tax on a certain segment of the people of the State of Maine, what are you doing when you impose a personal income tax or a corporate income tax? I maintain that the most fair, equitable, reasonable and practical solution to our problem of financing the current services budget of the State of Maine is an increase in the sales tax to six per cent. I find from my contacts that ninety-five per cent of the people, at least in my constituency, want an increase in the sales tax, they expect an increase in the sales tax, and they feel this is the most fair and equitable method of taxation. With this type of taxation, everybody has a choice. With the personal income tax you have no choice.

I think that if we reject this package this morning we are indicting the members of the Appropriations Committee and the leadership of both parties who have worked for months in a spirit of

compromise, a spirit of good faith, to bring this package before us this morning. As reluctant as I am to vote for it, as much as I dislike it, as much as I have to hold my nose, I think it is the only expedient thing to do under the circumstances. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I want to state again that I am going to be for this package, although if the trade-in provision is left in it I think I will be the biggest payer on it as far as the Senate is concerned. I have a lot of vehicles, a lot of cars, but I feel that nobody has brought in any other tax package that would take care of the elimination of this one here, and we have to approve this budget here. I don't like to vote for it for personal reasons, because it will cost me a lot of money, but I don't see any other solution, so I think I will vote for it.

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

Mr. KATZ of Kennebec: Mr. President, I am not quite clear whether anyone has asked for a roll call and, if not, I would like to. I would also just like to answer one point that was raised here this morning, that seems to have substantial merit. It was also mentioned, I believe, by the Governor in his news conference. That is that somehow, by starting this tax on June 1st, we are again acting in some respect irresponsibly in under-funding because the next time around we will have a full twenty-four months in the biennium. I want to point out to the Senate that a tax which is effective on June 1st causes money to start flowing to the State in July, so indeed we will have twelve months to tax collection in the next fiscal year, which is what we would expect to have in the following biennium. There is no under-collection of taxes and there is no irresponsibility involved here.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I have listened, of course, to the debate and this has been on my mind, as it has been on yours, since the beginning of the session. I am not privy to the counsels of leadership. I freely admit that much of the interpretation I get from the news media and talking with the people. It has been my understanding that we are working within limits, we are trying to deal here with the realities of this situation, what we can get. Correct me if I am in error, but I have been given to understand that the Executive would not sign a six per cent sales tax. I have also been given to understand that this legislature right now, theory notwithstanding, will not pass a personal income tax. This act is what we have left, working between these limits, and I have heard nothing here today, except objections and criticisms to individual parts of this, but I have not heard an acceptable substitute offered. Thank you very much, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of Legislative Document 1458, Bill, "An Act Increasing the Sales Tax and the Cigarette Tax, and Removing the Sales Tax Exemption on Trade-in Credit for Vehicles." A roll call has been ordered. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The question is the enactment of Legislative Document 1458, 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; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Barnes, Beliveau, Bernard, Berry, Boisvert, Conley, Dunn, Duquette, Hoffses, Katz, Levine, Logan, Mills, Minkowsky, Peabody, Quinn, Reed, Sewall, Stuart, Violette, Wyman, and President MacLeod.

NAYS: Senators Anderson, Cianchette, Gordon, Greeley, Hanson, Kellam, Letourneau, Martin, Moore and Tanous.

A roll call was had. This being an emergency measure and twenty-two Senators having voted in the affirmative, with ten Senators having voted in the negative, the motion prevailed and 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 fifth tabled and specially assigned matter:

HOUSE REPORT — Ought to Passed in New Draft Under Same title (H. P. 1175) (L. D. 1496) from the Committee on Health and Institutional Services on Bill, "An Act to Revise the Pharmacy Laws." (H. P. 809) (L. D. 1048)

Tabled — May 9, 1969 by Senator Conley of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Conley of Cumberland, retabled and specially assigned for May 16, 1969, pending Acceptance of the Committee Report.

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

SENATE REPORTS — from the Committee on Business Legislation on Bill, "An Act Relating to Truth in Advertising." (S. P. 329) (L. D. 1128) Majority Report Ought Not to Pass; Minority Report, Ought to Pass.

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

Pending — Motion by Senator Logan of York to Accept the Majority Ought Not to Pass Report.

Mr. Logan of York was granted leave to withdraw his Motion to

Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by the same Senator, the Bill was Substituted for the Reports and, on subsequent motion by the same Senator, Referred to the Committee on Judiciary.

Sent down for concurrence.

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

SENATE REPORT — Ought to Pass in New Draft Under Same Title (S. P. 455) (L. D. 1501) from the Committee on Transportation on Bill, "An Act Regulating Snowmobiles." (S. P. 184) (L. D. 586)

Tabled — May 12, 1969 by Senator Anderson of Hancock.

Pending—Acceptance of Report.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: We are now in the process of preparing a very comprehensive amendment to this bill in order to make it acceptable to everybody concerned. This is going to take a little time, so I would hope that somebody would retable this bill for a couple more days.

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

Thereupon, on motion by Mr. Anderson of Hancock, retabled and specially assigned for May 16, 1969, pending Acceptance of the Committee Report.

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

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

Tabled — May 13, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-150, was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: The existing law, as far as breweries are concerned, is that each out - of - State brewery - of course, we have none in the State - must pay \$300 per brewery, and if a brewery selling to the State of Maine, in the State of Maine, has three breweries, it would have to pay a filing fee of three times \$300, or \$900. This has been found to be somewhat questionable and the Bill, as proposed out, did establish the legality of such a charge. However, the charge for multiple outlets seems probably questionable and, as a compromise, it is proposed that these out - of - State breweries pay an increased fee per company of \$500. This seems an equitable solution to the problem, and I would move adoption of the amendment, Mr. President.

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

Sent down for concurrence.

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

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

Tabled — May 13, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

On motion by Mr. Wyman of Washington, Recommitted to the Committee on State Government in concurrence.

The President laid before the Senate the tenth 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 13, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed in 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 Uniform Deceptive Trade Practices Act." (H. P. 950) (L. D. 1229)

Tabled — May 13, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Logan of York, the Bill was Substituted for the Report in concurrence, on subsequent motion by the same Senator, Referred to the Committee on Judiciary in concurrence.

Mr. Logan of York moved that the Senate reconsider its action of yesterday whereby Bill, "An Act Creating Somerset County Commissioner Districts" (S. P. 349) (L. D. 1033), was Passed to be Engrossed.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Logan of York to Reconsider.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table: An Act to Appropriate Moneys for the Expenditure of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971. (S. P. 372) (L. D. 1232).

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

Mr. Logan of York was granted unanimous consent to address the Senate.

Mr. LOGAN: Mr. President, I was enjoying a brief moment reading my words of yesterday, and I noticed in one area that I left some doubt. Where the question came up of our fire prevention laws and our exit provision, I

seemed to imply some criticism of the present Fire Prevention Bureau. This was not my intention at all. I was simply trying to imply that some future legislature should address itself to the problem of a complete overhaul of the statute in this area. Thank you.

(Off Record Remarks)

On the disagreeing action of the two branches of the Legislature on Resolve, in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 453) (L. D. 722), the President appointed the following Conferees on the part of the Senate:

Senators: PEABODY of Aroostook
BOISVERT
of Androscoggin
GREELEY of Waldo

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Age Requirements for Kindergartens" (H. P. 458) (L. D. 595), the President appointed the following Conferees on the part of the Senate:

Senators: KELLAM of Cumberland
VIOLETTE of Aroostook
MOORE of Cumberland

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Expert Witness Fees as Court Costs" (S. P. 103) (L. D. 312), the President appointed the following Conferees on the part of the Senate:

Senators: BERRY of Cumberland
REED of Sagadahoc
BARNES of Aroostook

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687), the President appointed the following Conferees on the part of the Senate:

Senators:
ANDERSON of Hancock
HOFFSES of Knox
LETOURNEAU of York

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Membership on the Board of School

Directors'' (H. P. 981) (L. D. 1265), the President appointed the following Conferees on the part of the Senate:

Senators:

MOORE of Cumberland
STUART of Cumberland
MARTIN of Piscataquis

97) (L. D. 307), the President appointed the following Conferees on the part of the Senate:

Senators:

KATZ of Kennebec
KELLAM of Cumberland
MINKOWSKY
of Androscoggin

On the disagreeing action of the two branches of the Legislature on Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority (S. P.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, adjourned until 9 o'clock tomorrow morning.