

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

Friday, May 23, 1969

Senate called to order by the President.

Prayer by Rev. Fr. Louis J. Fortier of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn they adjourn to Monday, May 26, at 4 o'clock in the afternoon.

(S. P. 473)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Bill, "An Act Relating to Hunting, Fishing and Trapping by Indians." (H. P. 1155) (L. D. 1477)

In the Senate May 21, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-370), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians." (S. P. 85) (L. D. 279)

In the Senate May 20, 1969, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-153) in non-concurrence.

Mr. Stuart of Cumberland moved that the Senate Adhere.

Thereupon, on motion by Mr. Mills of Franklin, tabled and specially assigned for May 27, 1969, pending the motion by Mr. Stuart of Cumberland that the Senate Adhere.

Non-concurrent Matter

Bill, "An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections." (S. P. 412) (L. D. 1368)

In the Senate April 29, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-103).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-375) in non-concurrence.

On motion by Mr. Logan of York, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (H. P. 752) (L. D. 970)

In the House May 16, 1969, the Minority Ought Not to Pass Report Read and Accepted.

In the Senate May 19, 1969, the Majority Ought to Pass, in New Draft, Report (H. P. 1184) (L. D. 1505) Read and Accepted, and the Bill, in New Draft, on May 20, 1969, Passed to be Engrossed in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Gordon of Cumberland, tabled and specially assigned for May 27, 1969, pending Consideration.

Non-concurrent Matter

Bill, "An Act Relating to Molesting Game Animals by Snowmobiles." (H. P. 890) (L. D. 1149)

In the House, May 12, 1969, Passed to be Engrossed.

In the Senate May 16, 1969, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist and Join in a Committee of Conference.

Communications

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

May 22, 1969

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

The House having voted to Insist and join with a Committee of Conference on May 14, the Speaker today appointed the following Conferees on the part of the House 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. 97) (L. D. 307)

Messrs. BIRT of

East Millinocket

RICHARDSON

of Stonington

BRAGDON of Perham

Respectfully,

s BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered
Placed on File.

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

May 22, 1969

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

The Governor of the State having returned to the House:

"An Act relating to Retirement of Chief Liquor Inspector" (H. P. 943) (L. D. 1204) with his objections to the same, the House proceeded to vote on the question

"Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken 64 members voted in the affirmative and 75 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Sen-

ate: It was with a great deal of regret that this veto message was received by many of us seriously concerned with the future of the administration of our liquor laws and the administration of the enforcement of them. I was somewhat new to this field when I came to Augusta this year. I had what I hoped then and I had what I hope still is an open mind on this problem. I have become increasingly aware with the passing of months that the State is facing a severe problem in this field, and I think that the action of the Chief Executive in vetoing this message underscores it, and indicates a certain disdain for the future problems that are bound to arise now as a result of his action.

I am sure your desk has been covered, as has mine, and our mail boxes filled with the reports, the stands, and the concern of many of our organizations. I would quote from a publication of the Maine Civic Christian League, wherein they state their concern, and it puts in words the concern of many of us: "Why would the Governor seek to replace Mr. Murphy who, after more than thirty years of dedicated service, has demonstrated his broad knowledge of the liquor laws and his ability to crack down on their enforcement?" I say, Mr. President and Members of the Senate, that it is in this sphere we are going to see trouble ahead.

The Governor has been reported in the news media as quite in concord with the directives of the Chairman of the State Liquor Commission that the Chief Enforcement Officer's duty and place of operation is within the offices of the State Liquor Commission. I maintain that this is, on the face of it, an absurd directive; the place for an enforcement official obviously, practically, is in the field. Is an attempt to keep the chief law enforcement officer inside the commission office an attempt to control and stifle law enforcement in the liquor field? This is a question that deserves an answer. Is this the same Chairman who found fault with our legislative action when he said he felt that legislative defeat of the Commission's agency store

proposal is unfair to the citizens of Maine? I think the legislature, in its wisdom, has the right to make such a decision, and there will be another bill before this body shortly of a similar nature. I think that the legislature has the right to determine if agency stores for hard liquor and wine are going to be established in this State or not. The criticism from the department head affected is ill - placed.

As I said, I was sorry to see this action. I have always maintained a position completely disregarding the personality involved. I feel that the principle involved here is for the future welfare of the State of Maine, and I do indeed see this as an unfortunate milestone that we are passing on the road.

The PRESIDENT: Is it now the pleasure of the Senate that this Communication be placed on file?

Thereupon, the Communication was Placed on File.

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine
May 22, 1969

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

Sir:

The Speaker today appointed the following Committees of Conference on the disagreeing actions of the two branches of the Legislature on:

Bill "An Act Providing for Presidential Preferences in Primary Election" (H. P. 1151) (L. D. 1473)

Messrs. ROSS of Bath
HENLEY of Norway
Miss WATSON of Bath

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

Messrs. LEWIN of Augusta
SCOTT of Wilton

Mrs. BOUDREAU of Portland

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

Messrs. BERMAN of Houlton
HEWES of Cape Elizabeth
MORESHEAD of Augusta

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

On the disagreeing action of the two branches of the Legislature on Bill, "An Act relating to Installation of Sprinkler Systems in Hotels" (H. P. 260) (L. D. 336), the President appointed the following Conferees on the part of the Senate:

Senators:
LOGAN of York
BERRY of Cumberland
BOISVERT of
Androscoggin

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

May 22, 1969

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

The House today voted to Adhere to its action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Liquor Control on Bill "An Act Increasing Certain Liquor License Fees" (H. P. 1005) (L. D. 1307) and the Senate had accepted the Majority Report reporting "Ought to Pass" as amended by Committee Amendment "A" and passed the Bill to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and ordered
Placed on File.

**Committee Reports
House**

**Leave to Withdraw -
Covered by Other Legislation**

The Committee on State Government on Bill, "An Act Increasing the Salary of the County Attorney for Washington County." (H. P. 300) (L. D. 376)

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

The Committee on State Government on Bill, "An Act Relating to Regional Planning Commission." (H. P. 828) (L. D. 1067)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Leave to Withdraw

The Committee on Natural Resources on Bill, "An Act Relating to Logging Near Waterways and on Slopes." (H. P. 149) (L. D. 175)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 256) (L. D. 332)

Reported that the same Ought Not to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Provide for Night Pay Differentials for State Employees." (H. P. 916) (L. D. 1177)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Liability of Landowners to Operators of Snow Traveling Vehicles." (H. P. 285) (L. D. 361)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act Relating to Trial and Ratio Evidence in Appeals for Abatement of Property Taxes." (H. P. 449) (L. D. 572)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Admission to the Pineland Hospital and Training Center." (H. P. 550) (L. D. 729)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Revising the Short Form Deeds Act." (H. P. 556) (L. D. 737)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for the Operation of the Maine Mining Commission." (H. P. 882) (L. D. 1141)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities." (H. P. 1187) (L. D. 1511)

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

Ought to Pass - As Amended

The Committee on Claims on Resolve, to Reimburse William E. Hodgdon of Embden for Well Damage by Highway Maintenance. (H. P. 263) (L. D. 339)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-352).

The Committee on Claims on Resolve, to Reimburse Tilton Davis of Solon for Damage by Highway Construction. (H. P. 264) (L. D. 340)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-351).

The Committee on Judiciary on Bill, "An Act Revising Certain Probate Laws." (H. P. 522) (L. D. 693)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-356).

The Committee on Claims on Resolve, to Reimburse Irving M. Greenleaf of Rome for Well Damage by Highway Maintenance. (H. P. 596) (L. D. 777)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-353).

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

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

The Committee on Judiciary on Bill, "An Act Relating to Mandatory Discharge of Chattel Mortgages and Notes." (H. P. 929) (L. D. 1190)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-354).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

On motion by Mr. Greeley of Waldo, tabled and specially assigned for May 27, 1969, pending Acceptance of the Committee Report.

The Committee on Judiciary on Bill, "An Act Relating to the Men's and Women's Correctional Centers." (H. P. 934) (L. D. 1195)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-355).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the

Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Taxation on Bill, "An Act to Exempt Certain Paraplegic Veterans from Property Taxation." (H. P. 358) (L. D. 466)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Exempt Unremarried Widows of Certain Paraplegic Veterans from Property Taxation." (H. P. 1206) (L. D. 1533).

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

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

The Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Augusta." (H. P. 523) (L. D. 694)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Increasing Compensation of Councilmen and Mayor of City of Augusta." (H. P. 1205) (L. D. 1532)

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

Which report was Read.

On motion by Mr. Katz of Kennebec, tabled and specially assigned for May 27, 1969, pending Acceptance of the Committee Report.

The Committee on Education on Bill, "An Act Relating to Election of Trustees of Maine Central Institute." (H. P. 986) (L. D. 1270)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Approval of Secondary Schools." (H. P. 1202) (L. D. 1529)

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

Which report was Read.

On motion by Mr. Quinn of Penobscot, tabled and specially

assigned for May 27, 1969, pending Acceptance of the Committee Report.

The Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement of Fish and Game Wardens and Coastal Wardens Under State Retirement System." (H. P. 177) (L. D. 216)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Service Retirement of Law Enforcement Officers in the Department of Sea and Shore Fisheries and Department of Inland Fisheries and Game." (H. P. 1200) (L. D. 2523)

Comes from the House, the report Read and Accepted and the Bill Indefinitely Postponed.

Which report was Read.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am quite concerned with this piece of legislation that has just been reported out allowing our Inland Fisheries and Game wardens and our Sea and Shore wardens to retire after twenty years. That means that a young man who joins the service when he is twenty - one, at the age of 41, 42, and 43, he is eligible for retirement and goes on at half-pay the rest of his life. I think we are setting a bad example, although I understand the State Police are under this. But each term from now on other men from other departments will want to come under the twenty - year retirement.

I am very much opposed to this, and you will notice that the dedicated wardens are exempted from this. Some of my best friends have been on for twenty years, twenty - five years, but they exempted them because they joined the service before 1950, because those men don't want to retire and they are able men. I see no reason why we should retire a man after he reaches 41, 42, or 45 years of age. In fact, I think he is in his prime as a good law enforcement man in these fields. I move for indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Moore, moves that Bill, "An Act Relating to Retirement of Fish and Game Wardens and Coastal Wardens Under State Retirement System" (H. P. 177) (L. D. 216), be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Hanson.

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: This is a redraft, the committee put in many hours on this, and it was taken under very serious consideration. I was a little surprised at the opposition to this piece of legislation and the action that was taken in the other body. I believe, my good friend, the Senator from Cumberland, if this is reviewed, why, it could be permissive as to the retirement age.

It was on July 1, 1967, the legislature, recognizing the hazardous duties as well as the efficiency of the Maine State Police, further improved their efficiency by enacting for the State Police Service a retirement bill similar to this one. Now, in the early session of this legislature bills were presented designed to provide the same type of retirement for the coastal wardens of the Sea and Shore Fisheries and wardens of the Department of Inland Fish and Game. We combined the bills, and felt that we had done a fairly good job, but because of the comparable responsibilities and requirement of the three State law enforcement agencies, namely, the State Police, Coastal Wardens, and Inland Fish and Game Wardens, these three agencies, we thought, should be provided with an equal retirement. The three law enforcement agencies work closely together, each has called upon the other to provide services in an emergency, operating on the same radio frequency, and providing the same caliber of enforcement which Maine can rightly feel proud of. Coastal Wardens and Inland Fish and Game Wardens are assessed seven and a half per cent, which is equal to what is contributed by the State Police, and is two and a half per cent more than is required by the employees that belong to the retirement system.

Now, as Chairman of the Retirement Committee, and after hearing the testimony given before us at the public hearing, I would certainly hope that this bill could be passed. To further back up the statement of the working together, and so forth, possibly some of you can remember, I believe that the warden's name was Pelletier who came close to being shot in the Bangor - Hampden area in trying to apprehend a fellow. Possibly you remember a while back a warden was blown up trying to remove a beaver dam. I hope you will take these things into consideration. The warden will work many times eighty hours a week, he may be out with a sleeping bag trying to catch some poacher somewhere, the boat may be laying off - shore, in regards to the Sea and Shore Wardens, waiting there to try and pick up the violators. Some people think they do not have too dangerous a job, but I think that this should be permissive, that they could retire at the end of twenty years if they so desired. If this bill should pass this morning, which I hope it will, there will be an amendment prepared striking out Section Two of the bill, of approximately \$70,000, which is a price tag that was added to the \$21,000 for Sea and Shore Fisheries, because those with Inland Fish and Game are dedicated funds. If this bill should pass, it would require a \$21,000 appropriation from the general fund. I oppose the motion to indefinitely postpone, and when the vote is taken I would request a division.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise in support of the good Senator from Kennebec. I believe that many people seem to think that Sea and Shore wardens or Inland Fish and Game wardens do not take their lives in their hands when they are going out to enforce the laws of this State. I can say, I believe, that they do take their lives in their hands when they are trying to apprehend some of these violators.

It was said just a few moments ago that one particular warden would have been retired had the gun discharged; he would have been retired permanently.

These wardens, both Coastal and Inland Fish, as the good Senator from Kennebec has said, do put in at certain times of the year many, many hours on-duty. They spend long cold nights out in a sleeping bag trying to apprehend the poachers. When they reach a retirement age after twenty years in service - and I do not believe that this very frequently happens at the youthful age of forty - one, forty-two, I think you will agree that by and large these men, when they go into the service, are in their late twenties and oftentimes in their thirties, which would mean they are approximately fifty years of age - and I think I can speak with some degree of authority, that I would not appreciate laying around on the cold ground or in a boat trying to catch some law violator.

I believe that these men are dedicated men. If they were not they would never have entered into the service in the first place. I believe that they are deserving of this retirement, if they so desire. It is my understanding, as the good Senator from Kennebec has pointed out, Section Two will be deleted by an amendment if this bill is passed. I would join in opposition to the motion which is before you, and I would hope that this body could pass this bill.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise in support of the motion of the good Senator from Cumberland, Senator Moore. Forty - two years of age is right in the prime of their life. If it was sixty that would be something else. Now, these men have sought this kind of service. They knew what this kind of service was like before they went into it, whether they were lying out in sleeping bags, or something else. They have been in our service for twenty years, they have

been paid for this service, they are right in the prime of life, and they are at a point where they become of more value to the State, and I think they should be continued in service.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Some of the things that I was going to say, Senator Quinn has already said them. These young fellows, and there is always a long list of men trying to get into both of these services, and each and every man knew that it was twenty - five years when they joined. They can retire now in twenty - five years or at the age of fifty. It isn't anything very painful, as it is now.

It doesn't make very much difference where we say the costs come from, whether they come from the general fund or a dedicated fund, it is a cost to the people of the State of Maine just the same. It is awfully easy to say "well, it is not from the general fund," but somebody is paying the bill regardless.

Now, as far as anyone joining the service after they are twenty - nine years old, I don't know how they would get in; that is the age limit. If you are any older than twenty - nine you can't join, so that means that the maximum here would have to be forty - nine. But most of these young fellows are just out of school. Every two years they give an examination, and there will be twenty and thirty left on that list that have to take that examination over because they can't use them all; there are so many men trying for this job. They knew what this job was, they knew they would have to stay out at night in sleeping bags, and I have done it and that isn't bad either. I move for indefinite postponement, and I hope that you will support my motion.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that Bill, "An Act Relating to Retire-

ment of Fish and Game Wardens and Coastal Wardens Under State Retirement System" be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Hanson.

Mr. HANSON: I request a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Hanson, has requested a roll call. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of 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 have arisen, a roll call is ordered. The pending question is the motion of the Senator from Cumberland, Senator Moore, that Bill, "An Act Relating to Retirement of Fish and Game Wardens and Coastal Wardens Under State Retirement System" (H. P. 177) (L. D. 216), 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 Anderson, Beliveau, Berry, Boisvert, Conley, Dunn, Gordon, Greeley, Letourneau, Levine, Logan, Martin, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall, Stuart, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Cianchette, Duquette, Hanson, Hoffses, Katz, Mills, and Violette.

ABSENT: Senators Barnes and Kellam.

A roll call was had. Twenty - two Senators having voted in the affirmative, and eight Senators having voted in the negative, with two Senators absent, the motion prevailed and the bill was Indefinitely Postponed in concurrence.

The Committee on Legal Affairs on Bill, "An Act Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 424) (L. D. 548)

Reported that the same Ought to Pass in New Draft as Amended

by Committee Amendment "A" (H-357) Under New Title: "An Act Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 1100) (L. D. 1417).

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by Committee Amendment "A" (H-357).

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

Divided Report

The Majority of the Committee on Transportation on Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (H. P. 1056) (L. D. 1409)

Reported that the same Ought Not to Pass.

Signed:

Senators:

REED of Sagadahoc
BARNES of Aroostook

Representatives:

CROSBY of Kennebec
CAREY of Waterville
ERICKSON of Union
IMMONEN of West Paris
FINEMORE

of Bridgewater

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1185) (L. D. 1506)

Signed:

Senator:

GORDON of Cumberland

Representatives:

LEBEL of Van Buren
KEYTE of Dexter

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

Which reports were Read.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: Senator Barnes and Senator Reed have pointed out to me that this new draft does contain

perhaps inequities. I think that they can be corrected. I would, therefore, move for acceptance of the Minority Ought to Pass Report to move this bill along, and perhaps we can correct any inequities that might be in it.

The PRESIDENT: The Senator from Cumberland, Senator Gordon, moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I have no objection to accepting the Minority Report. I notice the Chairman of the Committee is not here at this time. As you notice, Item 1-4 is related to the same subject, and there seems to be disagreement on which is the best method to accomplish this between this branch and the other. I feel as if something should be worked out, or else we are liable to be right back where we were when we started the session. Therefore, either this bill or the other one, I hope, would be amended so it would be satisfactory to both bodies. So, I do not object, and I doubt if the Senator from Aroostook, Senator Barnes, would, to move this along to its second reading.

The PRESIDENT: Is it the pleasure of the Senate to accept the Minority Ought to Pass Report of the Committee.

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

Divided Report

The Majority of the Committee on Education on Bill, "An Act to Authorize the Town of Swan's Island to Form a School Administrative District." (H. P. 1082) (L. D. 1403)

Reported that the same Ought to Pass.

Signed:

Senators:

STUART of Cumberland
KELLAM of Cumberland
KATZ of Kennebec

Representatives:

CUMMINGS of Newport
RICHARDSON of Stoning-

ton

WAXMAN of Cumberland
KILROY of Portland

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

Signed:

Representatives

MILLETT of Dixmont
CHICK of Monmouth
ALLEN of Caribou

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

Which reports were Read.

Thereupon, 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 State Government on Bill, "An Act Creating a Maine Medical School Commission." (H. P. 1011) (L. D. 1319)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

M A R S T A L L E R, of
Freeport

WATSON of Bath
STARBIRD of Kingman
D'ALFONSO of Portland
RIDEOUT of Manchester

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1211) (L. D. 1540)

Signed:

Senator:

WYMAN of Washington

Representatives:

DENNETT of Kittery
DONAGHY of Lubec

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

Which reports were Read.

Thereupon, the Majority Ought Not to Pass Report of the Com-

mittee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Retirements and Pensions on Bill, "An Act Relating to Contributions Payable by Participating Local Districts Under State Retirement System." (H. P. 833) (L. D. 1071)

Reported that the same Ought Not to Pass.

Signed:

Senators:

DUQUETTE of York
CIANCHETTE
of Somerset

HANSON of Kennebec

Representatives:

SHELTRA of Biddeford
BARNES of Alton
MEISNER of Dover-
Foxcroft

LINCOLN of Bethel

PRATT of Parsonsfield

MARQUIS of Lewiston

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

Signed:

Representatives

TEMPLE of Portland

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Claims on Resolve, to Reimburse Levi Hanson of Ripley for Property Damage by Highway Maintenance. (H. P. 545) (L. D. 724)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LOGAN of York
GORDON of Cumberland
QUINN of Penobscot

Representatives:

SHELTRA of Biddeford
CROTEAU of Brunswick
LINCOLN of Bethel

MORGAN of South
Portland
CURTIS of Bowdoinham
MARQUIS of Lewiston

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

Signed:

Representative:

QUIMBY of Cambridge

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

Which reports were Read.

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

**Senate
Ought Not to Pass**

Mr. Violette for the Committee on Judiciary on Bill, "An Act Relating to Control of Riots." (S. P. 141) (L. D. 423)

Reported that the same Ought Not to Pass.

Which report was Read.

On motion by Mr. Violette of Aroostook, tabled and specially assigned for May 27, 1969, pending Acceptance of the Committee Report.

Mr. Letourneau for the Committee on State Government on Bill, "An Act Providing for a Legislative Program Evaluation Division." (S. P. 385) (L. D. 1297)

Reported that the same Ought Not to Pass.

Which report was Read.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: In a very real sense this speech has been in preparation, I think, since last November when, as all of us who are elected here, I began receiving masses of information from the various departments, agencies, bureaus, commissions, in operation within the State. It quickly became apparent to me that I was going to be asked to make some very crucial decisions on the basis of largely unevaluated information from unevaluated

sources. As a businessman, my instincts rebelled. I wondered if I were a board member of a rather large half a billion dollar conglomerate and we were in this situation, what I would do, and the answer came rather quickly that I would provide myself with independent information which would assist me. Now, this bill was an attempt to do this. It would provide under the office of Legislative Research a staff, and it instructs the office of Legislative Research to retain people versed in modern business techniques; operations, researchers, systems analysts, and so forth, and gives them a mandate under the legislature to evaluate the program in operation within our State Government and to report back to the legislature.

I have watched with sympathy and admiration the labors of our Appropriations Committee. Here are men that have worked day and night devising a financial plan for the State of Maine for the next two years, largely on the basis of information given to them by people who want something. I have watched us as individuals, with a mass of information, that we can hardly read let alone totally evaluate, come across our desks. I have watched our committees, some of our very highly technical committees, operating beyond capacity, and I know that there is more than one committee chairman and committee member that is going to be holding his breath for the next year.

As originally devised, our State Government was intended to be an equal partnership between the legislative and executive branches. I would submit to you that there has been added a third and ravenous partner, our departments. The growth of these departments has been exponential. The growth of these departments, the size and the scope of them, their complexity, I would submit to you, has outstripped the ability of the legislature to control it or, in fact, to understand it. I would submit that we are getting into the position where we are legislating by intuition.

I would call on our leadership to draw together the best minds in the legislature to turn their attention to this problem, so that we can provide for our successors the necessary staff, the necessary tools, to do this job properly, and perhaps we can spare our successors the feeling of helplessness and despair that is the constant companion of all of us. Thank you, Mr. President.

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

Mr. KATZ of Kennebec: Mr. President, I move we substitute the bill for the report. I think that this is probably as important as any other legislation before us this session, and I think all of us share the sense of frustration that has been expressed very well by the Senator from York. I am not sure that this bill is in the form that will accomplish the job we want to accomplish, but I think that the concept is significant and is a concept that we must move on, and must move on during the life of this legislature.

I would suggest to the Senate that it might make sense to permit the substitution of the bill for the report, and give us a chance to think about this over the weekend, and perhaps either attempt to change it in a meaningful manner, or perhaps refer to it to our next special session of this same legislature, at which time we will have even a little bit more time to decide the final form we want it in, but we need tools and we need them badly. We need them badly, and this is the only tool in front of us that might accomplish the purpose that I think is so significant for us to accomplish.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves the bill be substituted for the report.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I share the views of Senator Logan and I also share the views of Senator Katz. We had this bill before State Government, and truly we could not give the

consideration to all these 175 bills which we should have given. Our feeling in the committee was that the Legislative Research Committee, with its power of subpoena, had the authority to go ahead and do a good deal of this, but I am not sure that they do have the staff to do it, and I certainly am not going to oppose the motion to substitute the bill for the report.

The PRESIDENT: Is the Senate ready for the question? It is now the pleasure of the Senate that the bill be substituted for the report on Bill, "An Act Providing for a Legislative Program Evaluation Division?"

The motion prevailed

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

Ought to Pass

Mr. Mills for the Committee on Judiciary on Bill, "An Act Concerning Admissibility of Hospital Records and Copies of Records as Evidence." (S. P. 104) (L. D. 317)

Reported that the same Ought to Pass.

Mr. Logan for the Committee on Claims on Resolve, to Reimburse Clyde Rollins of Rumford for Damage by Highway Construction. (S. P. 132) (L. D. 416)

Reported that the same Ought to Pass.

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Communications Between Physician and Patients." (S. P. 224) (L. D. 664)

Reported that the same Ought to Pass.

(On motion by Mr. Beliveau of Oxford, tabled and specially assigned for May 27, 1969, pending Acceptance of the Committee Report.)

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds to Establish Renal Dialysis Centers." (S. P. 292) (L. D. 972)

Reported that the same Ought to Pass.

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Juvenile Offenses." (S. P. 404) (L. D. 1357)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Mills for the Committee on Judiciary on Bill, "An Act to Conform the Statutes to the Rules of Civil Procedure." (S. P. 168) (L. D. 542)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-186)

Mr. Tanous for the Committee on Labor on Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 156) (L. D. 474)

Report that the same Ought to Pass as Amended by Committee Amendment "A" (S-184).

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

Ought to Pass in New Draft

Mr. Hoffses for the Committee on Inland Fisheries and Game on Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 295) (L. D. 975)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 464) (L. D. 1543)

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

Mr. Greeley for the Committee on Highways on Bill, "An Act Providing for a Feasibility Study for a High Level Bridge or Vehicular Underwater Tunnel Across Fore River." (S. P. 416) (L. D. 1391)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River." (S. P. 472) (L. D. 1544)

Which report was Read.

On motion by Mr. Sewall of Penobscot, tabled and tomorrow

assigned, pending acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Claims on Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction. (S. P. 446) (L. D. 1482)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GORDON of Cumberland
LOGAN of York
QUINN of Penobscot

Representatives:

MARQUIS of Lewiston
MORGAN of South

Portland

QUIMBY of Cambridge
CROTEAU of Brunswick
SHELTRA of Biddeford
CURTIS of Bowdoinham

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

Signed:

Representative:

LINCOLN of Bethel

Which reports were Read.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 89) (L. D. 251)

Reported that the same Ought to Pass.

Signed:

Senators:

QUINN of Penobscot
MILLS of Franklin
VIOLETTE of Aroostook

Representatives:

BRENNAN of Portland
MORESHEAD of Augusta
DANTON of Old Orchard

Beach

FOSTER of Mechanic

Falls

BERMAN of Houlton

The Minority of the same Committee on the same subject matter

report that the same Ought Not to Pass.

Signed:

Representatives:

HEWES of Cape Elizabeth

HESELTON of Gardiner

Which reports were Read.

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

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize General Fund Bond Issue in Amount of Fifty Million Dollars for Planning, Construction and Equipment of Pollution Abatement Facilities." (S. P. 343) (L. D. 1209)

Reported that the same Ought to Pass, as Amended by Committee Amendment "A", (190).

Signed:

Senator:

DUQUETTE of York

Representatives:

BRAGDON of Perham

BENSON of

Southwest Harbor

LUND of Augusta

JALBERT of Lewiston

BIRT of

East Millinocket

MARTIN of Eagle Lake

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

Signed:

Senator:

DUNN of Oxford

Representatives:

SAHAGIAN of Belgrade

Which reports were Read.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I signed the Ought Not to Pass Report, and I would like to give a little bit of my thinking on this matter. I think probably I should start with a statement of general belief along these bond issues lines.

We have in this case pollution abatement, which certainly is not-

ing that is going to be cleared up in a matter of a few years; it's a long - range affair. It is a proper subject for bonding and, on the other hand it is something that I presume twenty years from now will still be on the books and we will still have to get the money to be raised for it. It isn't anything that we are going to clear up in any one lifetime probably. The estimated cost is something like \$350,000,000, and out of that the State pays roughly the general amount. The basic amount is 30 per cent, which would be about \$105,000,000. Whether you want to put that out in one or two big bond issues or not is up to you. I am not sure what reception it will get.

I intend to think of this bond issue for pollution abatement, and the school construction subsidies, —to me, the subsidies in the construction on school buildings are just about the same as those going in for operational expenses. That is a yearly expense that we will be living with from now on. There is a good many millions of dollars worth of buildings that are going to be constructed in the next few years. We have had to live with it, and to me it is a current expense. I would be most happy if it could be treated that way. We seem to be willing to vote for sixty, seventy, or eighty million dollars in new taxes to either add new services or extend current ones, ones that are in existence now. I think we would do well to give some thought to putting twelve or fifteen million dollars of that into these two areas, and try to get away from bonding as much as possible. That is the basic thought on these two fifty - million dollar bond issues, this one and the one on school construction.

To get back to the bond issue in front of us, we have had an allotment of \$8,000,000 for the next few years that has just gone through here this morning. There is still a million and a half dollars left of the original bond issue of \$25,000,000. Those of you who were here the last time remember that we took three and a half million dollars of State funds and advanced

the federal share on several projects to keep them going. I have some reservations, some fears, that if the bond issue of \$50,000,000 goes through, and is approved by the people, that this might be continued, and I don't believe that we can afford to do that.

At the present time there are about \$8,000,000 worth of projects, the State's share is about \$8,000,000. The Federal Government this year, our allotment was supposed to be in the neighborhood of \$6,000,000, and it is about 1.865, I believe, now matched on a 30 per cent - State and 50 per cent - Federal, that means that only a little over a million dollars of State funds is all that we can use to match the federal money that we are going to get. I do not believe that this bond issue needs to go out for at least two years. I think they have more money than they can use if we wait and match the federal money, which I believe we should; I don't think we can afford to otherwise. I was told the other day in our committee room, by one of the House members reading the law, that the three and a half million dollars of federal money that we advanced was supposed to be paid back first. That was the interpretation; I haven't checked it out to make sure that is right. If that is so, we don't have any federal money for this year or probably next.

This \$6,280,000 worth of projects, the statement here from the Water Improvement Commission is that the above projects were all scheduled to be under construction by June 30, 1969, based upon anticipation of full funding of the 1966 amendment of the Federal Water Pollution Act. Well, they didn't get full funding. They are down below a third, and that means to me that funds aren't necessary, the State's funds aren't necessary, because there is not going to be federal funds to match.

This is my position on this bond issue. We have to find the money sometime. I don't think we are going to need it, and I don't think there is going to be any use for it for at least two years.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I was hoping that I wouldn't have to speak on this subject. I first ran for this legislature, I think it was fourteen years ago, or whatever it was, and at that time I thought I'd do great things as far as cleaning up our rivers is concerned. All I can say is I look upon it so far as that I have failed miserably.

I agree with the Senator from Oxford, Senator Dunn, that at the pace we are going now it is going to be a long time before our rivers become clean. I personally am one, and I have never felt this way, that this is necessary. I feel as if we could go a lot faster and we could do a lot more than we are.

I think that there are many things that we here in this State can thank our forebears for, but this is one area in which I felt they took the same position that the Senator from Oxford, Senator Dunn, is taking, that it is going to cost a lot of money, and we will spread it out and we will put it off. You can see what has happened. Now, I believe that future generations are going to be the ones that benefit from this and I see no harm in bonding for it. All I can say is that if the federal government isn't going to participate, if they are not going to help us out - and I think that they will—but if they are not, I am one that is willing and more than happy to go it alone. I don't think that this apple that they hang before us should make us jump necessarily. Now, this isn't that I am talking against the federal funds, but I do feel that this is needed. We just passed Item 6-11 earlier today, which was an allocation of some \$8,000,000 for '69-'70, and '71. We need this bond issue if we are going to continue.

I feel already that the State has made a tremendous commitment in this area, and I believe that it has wide popular support. I have no qualms about putting this out before the people. I think that they

are generally upset that the results have not shown up to the degree that they would hope but, nevertheless, I believe they have made the commitment, they will support this bond issue, and I think this legislature should put it before the people for their decision. Therefore, I hope that the Ought to Pass Report of the Committee would be accepted.

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

Mr. BERRY of Cumberland. Mr. President, I would move that the Senate accept the Ought to Pass Report of the Committee, and I would speak very briefly to the subject.

Senator Reed need take no back seat in his constructive efforts to fight the pollution situation in the State, and I am sure he is recognized, not only by the members of the legislature, but by the people of the State, as being an effective leader in this field.

I would point out just one thing of a practical nature in support for the bond issue. I think it is easy to say, without any fear of contradiction, that there is no type of construction which is a greater victim of the inflation spiral we find ourselves in than the sewer construction industry. The installation of the collectors, the pipes, and the treatment facilities themselves seems to be going up at an astronomical rate. The most recent figure I have come across is in the vicinity of over seven per cent a year. Now, this is just the increased cost. We can ill afford to postpone construction when we are faced with an increase we cannot control in any way, shape or manner. We have the hope that federal funds will become available, and from time to time they do trickle out. Let's hope that this trickle will increase a little bit too.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland, to Accept the Ought to Pass

as Amended Report of the Committee.

Divided Report

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development. (S. P. 390) (L. D. 1315)

Reported that the same Ought Not to Pass.

Signed:
Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

DENNETT of Kittery
MARSTALLER

of Freeport
STARBIRD of Kingman
DONAGHY of Lubec
D'ALFONSO of Portland
RIDEOUT of Manchester

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

Signed:
Senator:

BELIVEAU of Oxford
Representative:

WATSON of Bath

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Member of the Senate: I move that the Senate accept the Minority Ought to Pass Report.

This is one of a series of housing bills that will be before us. This is a proposed constitutional provision which will make it possible for other legislators to be active in the field of guaranty of home mortgages, if they so choose. It is a step in a direction that I think that this legislature might contemplate. For those of you who are, like me, in the dark, or was in the dark, about the L. D. number, it is 1315, which was left off the Advance Journal.

I would call this amendment to the attention of the Senate, and I would ask the Senate to consider it well over the week-end. I do not

propose that the Senate take action on the acceptance of the Minority Report at this time, and perhaps it might be well to have this bill tabled over the week-end.

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 Mr. Katz of Kennebec to accept the Minority Ought to Pass Report of the Committee.

Second Readers

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

House

Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 694) (L. D. 894)

Which was Read a Second Time.

On motion by Mr. Cianchette of Somerset, tabled and specially assigned for May 27, 1969, pending Passage to be Engrossed.

Bill, "An Act Authorizing the Legislative Bodies of Municipalities to Reapportion Council Districts." (H. P. 838) (L. D. 1076)

Which was Read a Second Time.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-187, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Relating to Compensation of Councilmen of City of Biddeford and Prohibiting Contracts of Councilmen and Mayor with the City." (H. P. 1055) (L. D. 1387)

Bill, "An Act to Authorize Municipalities to Incorporate by Reference the Provisions of Nationally Known Technical Codes Prepared by State or Regional Agencies." (H. P. 607) (L. D. 788)

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

Senate

Bill, "An Act to Amend the Jet Fuel Tax." (S. P. 458) (L. D. 1504)

Resolve, Proposing an Amendment to the Constitution Regulating the Size of the State Senate. (S. P. 463) (L. D. 1537)

(On motion by Mr. Wyman of Washington, tabled and specially assigned for May 27, 1969, Pending Passage to be Engrossed.)

Bill, "An Act Regulating Snowmobiles." (S. P. 455) (L. D. 1501)

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

Bill, "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6." (S. P. 358) (L. D. 1222)

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

Sent down for concurrence.

The President laid before the Senate the matter previously set aside at the request by Mr. Tanous of Penobscot: Bill, "An Act Regulating Snowmobiles" (S. P. 455) (L. D. 1501).

The same Senator then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-180, was Read.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending Adoption of Senate Amendment "C".

Senate — As Amended

Bill, "An Act Relating to State Appropriation for Local Law Enforcement." (S. P. 357) (L. D. 1221)

Bill, "An Act Relating to the Water and Air Environmental Improvement Commission." (S. P. 322) (L. D. 1084)

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

Sent down for concurrence.

Enactors

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

An Act Permitting Acceptance of Personal Recognizances by Alagash Wilderness Waterway Rangers. (S. P. 68) (L. D. 191)

An Act Relating to Bids for Construction of State Highways. (S. P. 428) (L. D. 1427)

An Act Increasing Mileage Allowance for State Employees on State Business. (H. P. 308) (L. D. 395)

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

An Act Relating to Husband or Wife of the Accused as Witness in Criminal Cases. (H. P. 468) (L. D. 605)

An Act Relating to Arrest of Parole Violators. (H. P. 469) (L. D. 606)

An Act Appropriating Funds to Expand Homemaker Services in the Department of Health and Welfare. (H. P. 539) (L. D. 718)

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

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

An Act to Clarify the State Records Law. (H. P. 991) (L. D. 1275)

An Act Relating to the State Probation and Parole Board. (H. P. 993) (L. D. 1277)

An Act Increasing Salary of Selectmen of Town of Mount Desert. (H. P. 1110) (L. D. 1431)

An Act Relating to Sick Leave Under Lewiston City Charter. (H. P. 1160) (L. D. 1481)

An Act to Create a Hearing Aid Dealer Board and Provide for Licensing of Hearing Aid Dealers and Fitters. (H. P. 1168) (L. D. 1489)

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

An Act Relating to the Motor Vehicle Dealer Registration Board. (H. P. 1180) (L. D. 1500)

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

An Act Relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities. (H. P. 1192) (L. D. 1514)

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

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

An Act Creating Waldo County Commissioner Districts. (H. P. 586) (L. D. 771)

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.

Emergency

An Act to Validate Proceedings and Certain Action Taken by Baileyville School District. (H. P. 1194) (L. D. 1521)

This being an emergency measure and having received the affirmative votes of 24 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.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Bill, "An Act Relating to the Water and Air Environmental Improvement Commission" (S. P. 322) (L. D. 1084) was Passed to be Engrossed.

On further motion by the same Senator, tabled and specially assigned for May 27, 1969, pending Passage to be Engrossed.

Orders of the Day

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

Bill, "An Act to Revise the Pharmacy Laws" (H. P. 1175) (L. D. 1496)

Tabled — May 19, 1969 by Senator Stuart of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Mills of Franklin, retabled and specially assigned for May 28, 1969, pending Passage to be Engrossed.

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

Bill, "An Act Redefining the Bounds of Merrymeeting Bay Game Sanctuary." (H. P. 815) (L. D. 1054)

Tabled — May 20, 1969 by Senator Reed of Sagadahoc.

Pending — Passage to be Engrossed.

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

Mr. REED of Sagadahoc: Mr. President, I present Senate Amendment "A" to House Amendment "A", which is Filing No. S-189, and move its adoption. I would say that it has been cleared by the sponsor of this legislation.

The PRESIDENT: Under suspension of the rules, the Senator from Sagadahoc, Senator Reed, moves that the Senate reconsider its action whereby the Senate adopted House Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, Senate Amendment "A", Filing No. S-189, to House Amendment "A" was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: After that very enthusiastic seconding of the motion by Senator Reed, I feel a little reluctant to bring this subject up, but my understanding of this bill is—and I must admit almost total ignorance—that this proposes to put some boundary lines on Merry-meeting Bay, which is Maine's nationally famous wild fowl hunting area. As I visualize a map which was shown me covering the affected area, the boundaries of the proposed sanctuary on an east to west direction, that is, the north boundary line and the south boundary line, cross the Kennebec River in the northern part of Merry-meeting Bay. Now, this amendment, as I understand it, would require that all weapons be unloaded from these scull boats, these blinds, that are used in the area. I think that we are getting into a situation here where we would be doing the image of the State a great deal of harm. I can't for the life of me see the need for the basic legislation, but I certainly would be glad to listen to a good explanation. Quite frankly, I think that it would be kind of hard to present, but I would think, if we don't get a good explanation, that this is the sort of legislation we should defeat.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending the Adoption of Senate Amendment "A" to House Amendment "A".

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

Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Tabled—May 20, 1969 by Senator Minkowsky of Androscoggin.

Pending—Assignment for Second Reading.

Thereupon, the Bill was tomorrow assigned for Second Reading.

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

SENATE REPORT—Ought Not to Pass from the Committee on Inland Fisheries and Game on Resolve, Relating to Ice Fishing in East Grand Lake in Aroostook and Washington Counties. (S. P. 206) (L. D. 615)

Tabled—May 21, 1969 by Senator Wyman of Washington

Pending—Acceptance of Report.

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

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

SENATE REPORT—Ought Not to Pass from the Committee on Inland Fisheries and Game on Resolve, Relating to Ice Fishing in Spednic Lake, Washington County. (S. P. 207) (L. D. 616)

Tabled—May 21, 1969 by Senator Wyman of Washington

Pending—Acceptance of Report.

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

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

Bill, "An Act Relating to Time of Payment of Salaries of Members of the Legislature." (H. P. 1008) (L. D. 1310)

Tabled—May 21, 1969 by Senator Anderson of Hancock

Pending — Passage to be En-grossed.

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

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

HOUSE REPORTS — from the Committee on Liquor Control on Bill, "An Act Relating to Retail Sale of Wine." (H. P. 1041) (L. D. 1371.)

Majority Report, "Ought to Pass in New Draft Under Same Title (H. P. 1181) (L. D. 1502); Minority Report, Ought Not to Pass.

Tabled—May 22, 1969 by Senator Conley of Cumberland.

Pending — Motion by Senator Barnes of Aroostook to Accept the Minority Ought Not to Pass Report.

On motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending the motion by Mr. Barnes of Aroostook to Accept the Minority Ought Not to Pass Report.

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

RESOLVE, Proposing an Amendment to the Constitution to Provide for Direct Initiative to Amend the Constitution (S. P. 239) (L. D. 714)

Tabled—May 22, 1969 by Senator Beliveau of Oxford.

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

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I am quite disturbed that this measure here would receive such a motion, to indefinitely postpone. I am disappointed; perhaps there is a misunderstanding.

This bill here would provide the people of Maine with a little more voice in their government and, if we believe in Lincoln's words that our government should be "of the people, by the people and for the people," I think we should seriously consider this legislation, certainly before we consider the motion to indefinitely postpone.

The powers that we, as legislators and public officials, enjoy today are derived directly from the people of Maine. The history of our nation and state has shown a steady development in the philosophy of allowing the people the greatest possible participation in our governmental process. It may seem odd to us now, but not too long ago the members of the United States Senate were not elected by the people; they were elected by the state legislatures. Of course, it wasn't too long ago when the ladies were not permitted to have a voice in our government or to participate. These changes we now take for granted and continue to try to effect in our democratic process.

The entire thrust of these efforts has been made to make it as easy as possible for the greatest number of people to participate in voting and decision making. We have seen rule changes come about based on this principle, and I hope we will see many more.

The bill that is before us today would effect a change in our rules that should have been implemented years ago. In 1911 we amended our Constitution to permit the people of Maine to initiate legislation, to initiate statutes. At that time we actually gave the people of Maine half a loaf. Today I think we are offering them and granting them the other half.

As you have noted, I had prepared remarks, and I think I will deviate from them; I think that I can explain my position better if I do. I think I call to our attention that when we created our United States Constitution it was considered by many that the people did not have the knowledge nor the ability to govern themselves and, therefore, we should have a monarchy. There were others who,

thank God, thought differently. Down through the history of our nation many of our leaders have advocated initiation of legislation and the fact that we should initiate a constitutional amendment. Jefferson, Lincoln, Teddy Roosevelt and Wilson, President Wilson, and he spoke very strongly in this manner. Lincoln, I think, said once in referring to this particular measure that he felt that the great heart of the people be true. Teddy Roosevelt was responsible for placing this very same legislation on the books in Ohio.

Twenty-two states now enjoy the initiative practice. Thirteen enjoy it as it pertains to the constitution. I don't feel that at any time it has been abused. The western states have initiated changes in their constitutions. Some might say that to such a degree it might be abused. I think in California there was fifteen or eighteen changes made during the past fifty years. However, I would like to call to your attention two things here: these were not of a political nature, and our Constitution varies greatly from that of California. I might call to your attention that our Constitution is very similar to that of Massachusetts. In Massachusetts the people have tried on three different occasions, as I recall, to initiate a constitutional change, but it never succeeded, simply because their legislative bodies have the privilege of amending this initiated proposal before returning it to referendum. We enjoy this safeguard as well as many others, however, I think that we can see here that when this was initiated that pressure was brought to bear in future years to the legislature when they did perhaps not sit on their heels, and that they did perhaps propose legislation that the people so desired. Therefore, I do see the safeguards, and I do not see the abuses. I do not see the abuses in our present initiative statutes as they pertain to our legislative bodies.

I would also call to your attention that we cannot initiate measures that would affect our bonded indebtedness. We cannot initiate legislation that will affect the State's credit or initiate bond mea-

asures. I think you will recall the initiative proposal pertaining to the Chebeague Island causeway, whereby this was pointed out very clearly that we cannot alter our indebtedness.

I could go on, but the hour is a little late this morning. I feel that we should and must trust and have confidence in the people of Maine. I certainly do, and I would hope that the motion to indefinitely postpone does not prevail. I know there are members of my party who are concerned with this, and I think perhaps some of the concern is of a political nature. I think perhaps there are members in our party who are not perhaps prone to change, because I have been subject to some criticism for submitting and sponsoring this legislation. I certainly hope that the Governor doesn't harbor these views, after all of this effort. I would hope that the legislation might move along a little further and be considered. I think it is in the right direction and, again, I have confidence in the people of Maine and think that they deserve a whole loaf. I think that we shouldn't stop just with presenting them with the privilege of initiating legislation, but I think we should join the other progressive states and give them this consideration. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I support in principle, of course, the views expressed by Senator Gordon in support of his bill. I do, however, fail to see why our present system as set forth in the Constitution does not, has not and will not adequately provide for the concern which he has expressed.

I would like to read to you from Section 18 of Article 4, which is the applicable law: "the electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation, but not an amendment to the State Constitution." Now, this is specifically mentioned here by the people who wrote the Constitu-

tion and, I think, with proper concern.

Our basic form of government, of course, is the three-pronged structure of the legislature, the executive and the judicial parts of our government. Now, if we are going to bring directly into the operation of government itself a fourth party, namely, the electorate, we are certainly confusing the issue and, in my opinion, providing an instrument which would circumvent the proper application of our laws by the three-part system, which, I believe, has worked out very well.

The safety valve, the control, that I am sure is Senator Gordon's concern, is the election of people to the legislature to reflect the thinking of the people. This is where, and properly so, such corrective action can be taken. I won't say that the electorate is not ever wrong, but I do feel that ill-advised legislation, or items which have not been carefully considered, items which are emotional, can be presented on an initiative petition and do harm. We have seen bills come through the legislature representing well-meaning national interest groups, the radical conservative group, I would specifically mention to you, who do want to see our Constitution changed by, for instance, completely eliminating the federal income tax, and things like this. Such items, in my opinion, are not worthy of initiative petition and, I think, are quite properly stricken from those avenues open to the electorate. As I say, by election of officials who support the views of the people, there is our safeguard. This is the reason for my motion to indefinitely postpone.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: The constitutions of California and Oregon are a bit different from ours, and they do not have the safeguards to prevent such actions. Legislation has been initiated in those states, some rather odd legislation of the nature that Senator Berry refers to, however, I would call to his atten-

tion that history has proven that this cannot or has not been effected in these states. Now we, in our State, with our Constitution, and our Constitution similar to that of Massachusetts, I think provided more safeguards. For example, we would require ten per cent of the gubernatorial vote as the number of signatures. Massachusetts requires only three. Again I would call to your attention that they have not initiated any, but they have brought pressure to bear on their legislators so that future legislators have perhaps dealt with the problems at hand.

I would point out to you perhaps that when we, in 1907, '09 and '11, discussed this at great length, that superstition perhaps and ignorance and concern were present perhaps because we hadn't progressed as long as we might in these fields. I think we were concerned with some factors such as religious factors, where the Protestants distrusted the Catholics and the Catholics the Protestants, etc. I think we can remember when some of our resorts would conspicuously have posters "Gentiles only." I think that we have come a long way, and I would hope that we wouldn't be concerned with things of this nature, or other pressure groups that the good Senator from Cumberland might be concerned with—and I don't know what other pressure groups he is referring to—all I can say is that I think we can provide the people of Maine with a better Constitution, and I think that this is one step further in providing a better Constitution for the State of Maine and the people of Maine.

I truly have confidence in the people of Maine and would sincerely hope that we could strongly consider this proposal. I would ask for a division.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have enjoyed the discussion very much, the learned comments of the good Senator from Cumberland, Senator Gordon, and I concur in his remarks.

This matter hasn't been a matter of deep study this winter as far as any committee that I am connected with is concerned. I don't have any fear of the people initiating ill - advised or improper amendments to the Constitution, considering the requirements for initiative are so very onerous and the numbers of people required to initiate such a petition are very, very great. I noted from his remarks that Massachusetts, although it has this provision, has never used it.

I also noted with some interest his comments in reference to the years 1907, 1909 and 1911. I take it from those remarks that in those days it pertained to the great question of resubmission. I know that my father stood here on the floor of this Senate and opposed very strongly resubmission. I expect that he and I would be taking opposite positions if the issue involved liquor as it did in those days.

But this is not involved with any particular issue, except the basic one of whether the people can be entrusted with the power of initiative as far as the basic document under which we live is concerned, the Constitution. I have no fears about entrusting it to them.

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

Mr. VIOLETTE of Aroostook: Mr. President, could I inquire as to the status of this bill and the committee report?

The PRESIDENT: The Secretary will give the status of the bill.

The SECRETARY: The unanimous Ought to Pass Committee Report read and accepted on May 22, 1969. The bill was tabled on that date by the Senator from Oxford, Senator Beliveau, pending the motion by Senator Berry of Cumberland to indefinitely postpone the bill.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. VIOLETTE: Mr. President and Members of the Senate: I confess that I have not made a very deep study of the question, but I have an instinctive reaction to the

bill itself. This reaction is that it may have considerable merit.

Certainly, as I read this bill, that, regardless of the initiative taken by the people, this initiative is referred to the legislature for its consideration, so that at all times, whether or not there is going to be anything referred back to the people on amendments to our Constitution, it must necessarily clear the legislature, so there is that safeguard.

The one thing that prompts me to feel that this bill has merit is that I think there is a great deal of frustration among our people today as a result of the inevitable growth of our government at the state level and at the federal level. I think that as a result of this tremendous growth of our governments, necessarily because of the complexities of life and the great growth of our population, I think a lot of our people have come to feel that they have become somewhat numberless, faceless and, with regard to their own government, have necessarily come almost to feel that they cease to exist. I think that because of these great growths, which I think have certainly been necessary, that they have come to feel at some times that they are extremely powerless as far as ability to act regarding their own government.

It may well be that this bill has merit in allowing the voters themselves to express their sentiments directly to our legislature. It would be on this basis I would feel that this bill does have merit, and I think there are enough safeguards in it so certainly we would not be faced with any runaway situation. I would support the bill.

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 Resolve, Proposing an Amendment to the Constitution to Provide for Direct Initiative to Amend the Constitution, be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone will rise and remain standing until counted.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

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

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the 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 recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Every session of the legislature that I have been a member of this body I have proposed and seen enacted into law a constitutional amendment, and I hope that this session will be no exception. Amending the Constitution in the State of Maine is a much easier process than in many states.

I think this legislature, if it should be criticized for anything, it should be criticized for being too responsive to the constituents it represents. I urge you to take up any one of these volumes in front of you and scan the titles of the legislation. Take a look at how many Leave to Withdraw Reports you put out every session. I think the Maine Electorate has direct and immediate access to the representatives to the legislature, and the nature of the legislation that is proposed to us is direct evidence of it.

There are certain areas, I feel, that the electorate should not be involved in during the legislative process. It has been suggested here this session that we put an income tax out to referendum. According to the debate of the Senator from Cumberland, Senator Gordon, this would be in the best tradition of Abraham Lincoln. It also would lead to absolute chaos and confusion, and the legislature would not be living up to its responsibilities by passing the buck.

A little earlier this morning I suggested that we do support a

proposed constitutional revision which would be for the best interests of the people. I suggest that I have listened to the arguments here this morning, I have not been involved in this bill, and I make it very clear that I am speaking as a Senator from Kennebec at the moment, and say that I do not feel that this is one of the constitutional amendments I would like to support this session.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The report from the committee is particularly significant in this instance in that it is the only governmental reform measure that was reported out of State Government, that I recall, with a unanimous report. We felt that the bill has a great deal of merit to it, and that in amending Article 4 of our Constitution it would accomplish many of the things that the good Senator from Cumberland has outlined.

I think one additional factor should be brought to our attention, and that is, as has been mentioned earlier, the voters in this State and in many other states, for that matter, seem to be frustrated by the actions of state government, the growth of state government, and so forth. If they can accomplish anything through an initiative of this nature, it is to serve notice on the members of the legislature as to their displeasure with our actions or with the fact that they support a particular proposition.

I recall earlier this year that an initiative was attempted, I believe, to reform our election laws and, because of the strict requirements and high standards imposed before an initiative can be brought to the attention of the legislature, this initiative failed.

The safeguards are sufficient. I do not believe it will be abused in the future. It cannot be abused because of our restriction under the Constitution as to the number of signatures required. It extends, logically, the right to initiative which we now provide the electorate for a bill, resolve or resolu-

tion to a constitutional amendment. I think this is perfectly logical and proper. So, I urge the members of the Senate to oppose the pending motion so we can ultimately enact this bill.

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

Mr. KATZ of Kennebec: Mr. President, because I realize that as the debate goes on sometimes we hear all or not necessarily all of the debate, I just want to reiterate that the comments I made were particularly and personally mine, and in no sense as a representation of the Republican leadership.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Resolve, Proposing an Amendment to the Constitution to Provide for Direct Initiative to Amend the Constitution, be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of the motion to indefinitely postpone; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Dunn, Hanson, Hoffses, Katz, Moore, Peabody, Sewall, Stuart and Tanous.

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

ABSENT: Senators Barnes and Quinn.

A roll call was had. Eleven Senators having voted in the affirmative, and nineteen Senators having voted in the negative, with two Senators absent, the motion did not prevail.

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

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

Bill, "An Act Revising the Minimum Wage Law." (H. P. 1166) (L.D. 1487)

Tabled—May 22, 1969 by Senator Dunn of Oxford

Pending — Adoption of Senate Amendment "C", Filing S-181.

Thereupon, Senate Amendment "C" 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 tenth tabled and specially assigned matter:

Bill, "An Act Revising the Law Regulating the Alteration of Wetlands." (S. P. 470) (L. D. 1528)

Tabled—May 22, 1969 by Senator Berry of Cumberland

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Relating to Approval of Refuse Disposal Areas." (H. P. 1196) (L. D. 1517)

Tabled—May 22, 1969 by Senator Levine of Kennebec.

Pending — Passage to be Engrossed.

Mr. Levine of Kennebec then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-185 was Read and Adopted.

Thereupon, Mr. Mills of Franklin moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would have to debate the issue now instead of asking that this be tabled. The amendment presented by Senator Levine was, I am sure, prepared by the Attorney General's office and, in my opinion, in no way, shape or manner changes the basic bill. I think it explains to Senator Levine's satisfaction that this applies only to municipalities, and in no way applies to anybody else. The word "person" as defined in the L. D.

is defined as municipal corporations, and if Senator Levine is happy to substitute the words "municipal corporation" wherever the word "person" occurs, this is fine. But I do object strenuously to Senator Mills's motion to indefinitely postpone the bill because the bill is a compromise reached by everybody concerned. It will at least put on the books some control on future dump areas, it has eliminated the requirement for daily land fill, and I think that this is an extremely important matter which should be passed. I would request a division on his motion.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Franklin, Senator Mills, that Bill, "An Act Relating to Approval of Refuse Disposal Areas" be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion of the Senator from Franklin, Senator Mills, to indefinitely postpone the bill will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Mr. Mills of Franklin then moved that the Bill be tabled and tomorrow assigned, pending Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, a division was had. Twenty Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion to table prevailed.

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

JOINT ORDER — Relative to Proposed Consumer Code for State of Maine to be Presented to the 105th Legislature. (S. P. 465)

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

Pending — Passage.

Mr. Logan of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-183, was Read and Adopted

and the Joint Order, as Amended, then received Passage.

Sent down for concurrence.

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

Bill, "An Act Relating to Defenses of Family Relationships in Civil Actions." (H. P. 168) (L. D. 207)

Tabled—May 22, 1969 by Senator Violette of Aroostook.

Pending — Motion by Senator Beliveau of Oxford to Reconsider Action Whereby Bill was Indefinitely Postponed.

Mr. Tanous of Penobscot then moved that the matter be retabled and specially assigned for May 23, 1969, pending the Motion by Mr. Beliveau of Oxford that the Senate Reconsider its Action Whereby the Bill was Indefinitely Postponed.

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

Mr. BERRY of Cumberland: Mr. President, relative to the timing of the motion, I am wondering if, in the interest of legislative progress, the Senator from Penobscot, Senator Tanous, might advance the tabling date a couple of days.

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

Mr. BERRY: Mr. President, with further reference to the timing of the motion, I wonder if Senator Tanous would table this until next Tuesday.

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

Mr. TANOUS: Mr. President, I have kept track of the calendar this morning, and we have got all kinds of items tabled until next Tuesday. This is the reason I picked Wednesday; we haven't tabled anything for Wednesday, and we have all kinds of items tabled for Tuesday.

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

Mr. BERRY: Mr. President, with further reference to the timing of the motion, I wonder if Senator Tanous would table this until the next legislative day.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Relating to Defenses of Family Relationships in Civil Actions," be tabled until Wednesday, May 28, pending the motion of the Senator from Oxford, Senator Beliveau, that the Senate reconsider its action whereby the bill was indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, with further reference to the timing of the motion, I consider that this is, quite frankly, going to result in a legislative delay, and I would request a division on the tabling motion.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion to table until Wednesday, May 28th, will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Eighteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion to tabled prevailed.

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

Bill, "An Act Relating to Contracts for Support." (H. P. 863) (L. D. 1105)

Tabled — May 22, 1969 by Senator Violette of Aroostook.

Pending — Consideration.

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

Mr. VIOLETTE of Aroostook: Mr. President, may I inquire as to the present status of the bill?

The SECRETARY: Divided Report, the Majority Ought Not to Pass; the Minority Ought to Pass as Amended by Committee Amendment "A". In the House, May 12, 1969, the Minority Ought to Pass as Amended Report read and accepted, and the Bill, on May 13, 1969, passed to be engrossed as Amended by Committee Amendment "A". In the Senate, on May 20, 1969, the Majority Ought Not

to Pass Report read and accepted. Comes from the House, that body having insisted and asked for a Committee of Conference. On May 22, 1969 tabled, pending consideration.

The PRESIDENT: The Chair recognizes the same Senator.

Thereupon, on motion by Mr. Violette of Aroostook, the Senate voted to Insist and Join in a Committee of Conference.

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

Bill, "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 308) (L. D. 395), pending Enactment.

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

Mr. KATZ of Kennebec: Mr. President, as I was sitting here daydreaming during the enactors, it occurred to me that we in this legislature are considered State employees, and by passing this in its present form we would, in effect, be changing the nature of our own compensation during the lifetime of the 104th Legislature. We have checked into it, and there is no constitutional provision against our doing this, but it seems to me that this is not the intent of the legislature to pass a mileage increase for State employees and then, perhaps during a subsequent special session next year, find out that we each gained to the extent of twenty - three cents a week more mileage. I, therefore, move that the rules be suspended and that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that under suspension of the rules the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I would now suggest that this bill be tabled until next week, pending the preparation of an amendment

to get this legislature out of this bill.

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

Mr. MILLS of Franklin: Mr. President, I move that this matter be tabled until Wednesday next.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that this matter be tabled until Wednesday next.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, questioning the timing of the motion, the wheels are already turning, and I suspect we don't need quite that much time.

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

Mr. Mills of Franklin then was granted leave to withdraw his tabling motion.

Thereupon, on further motion by the same Senator, the matter was tabled and tomorrow assigned, pending Passage to be Engrossed.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, does the Senate have in its possession "An Act Relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies," (H. P. 494) (L. D. 648)?

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

Mr. MINKOWSKY: Mr. President and Honorable Members of the Senate: It is not my intent but my unfortunate duty to kill the amendment I presented yesterday, which I considered in the best interest of Androscoggin County. But, as per usual, the undercurrent of Androscoggin County politics prevails once again. The only intent of my amendment was to assure that this particular continuity in this particular legislation would have encumbered Androscoggin along with York and Cumberland Counties, which would set the salary level of the chief deputy and full-time deputy sheriffs. It was my feeling that

it would prevent future L.D.'s from being conceived to promise these law enforcement officials, bait them, and finally have the document killed, claiming they had no control over the matter.

Mr. President, I now move that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate reconsider its action whereby Bill, "An Act Relating to Compensation of Full-time Deputy Sheriffs and Chief Deputies," was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, the Senate then voted to reconsider its action whereby Senate Amendment "C" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "C" was Indefinitely Postponed, and the Bill, as Amended, Passed to be Engrossed.

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.

On motion by Mr. Mills of Franklin, the Senate voted to reconsider its action of yesterday whereby it accepted the Ought Not to Pass - Covered by Other Legislation Report of the Committee on Judiciary on Bill, "An Act Permitting the Inhabitants of the Town of Jay to be Within the Jurisdiction of the District Court at Livermore Falls," (H. P. 895) (L. D. 1156).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: There is another measure very much the same as this which has been re-referred to the Judiciary Committee. I would put this on the table, but the table is rather a sensitive place, and I would perhaps like to move to recommit this to the committee. In doing so, I assure you, Mr. President and Members of the Senate, that the Judiciary Committee has, in effect, completed its work - it does have two or three or three

or four measures that are not going to delay the adjournment of the legislature, I am sure, and it is our intention to hold that omnibus bill until about the last thing so that if anything comes along that has to be done we will have a vehicle for doing it - and I can assure you that if you let me refer this back to the committee it won't hold up anyone. So, I would move, Mr. President, that this matter be re-referred to the Committee on Judiciary.

The PRESIDENT: The Senator from Franklin, Senator Mills, now

moves that Legislative Document 1156 be recommitted to the Committee on Judiciary. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Monday, May 26, 1969, at 4 o'clock in the afternoon.