

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Tuesday, May 27, 1969

Senate called to order by the President.

Prayer by the Rev. Kenneth Brookes of Augusta.

Reading the Journal of yesterday.

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

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

In the Senate May 7, 1969, the Minority Ought to Pass Report Read and Accepted and the Bill on May 21, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-172).

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

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

Non-concurrent Matter

Bill, "An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel." (S. P. 263) (L. D. 867)

In the Senate May 16, 1969, Passed to be Engrossed as Amended by Committee Amendment "B" (S-147).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-392) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Authorize Bond Issues in the Amount of \$8,200,000 to provide funds for School Building Construction under the provisions of Section 3457 and Section 3459 of Title 20, R. S. and \$1,600,000 to provide funds for the Construction of Regional Technical and Vocational Centers under the provisions of Section 2356-B of Title 20, R. S." (H. P. 402) (L. D. 513)

In the Senate May 20, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-317) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-317) and House Amendment "A" (H-379) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Resolution

Joint Resolution Honoring Mrs. Bernice M. Lee Upon Her Retirement From State Service

WHEREAS, Mrs. Bernice Merrill Lee will retire on July 10, 1969 after 39 years of dedicated service to the Government of this State; and

WHEREAS, Mrs. Lee, after serving the Revision Committee in 1942, joined the staff of the Revisor of Statutes Office in 1944 and witnessed the reorganization of that office as the Office of Legislative Research; and

WHEREAS, ever conscious of the high standards incident to the promulgation of the laws of the State, she has given freely and unselfishly of her time and energy in achieving a recognized mastery in this field; and

WHEREAS, her warm-hearted friendship and endless patience over these years have created an everlasting bond with the Members of the Legislature and the staff; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Legislature of the State of Maine now assembled, that we the Members express to Mrs. Lee on the eve of her retirement a full measure of our affection, our gratitude and our admiration, all of which she has won on the basis of her many years of outstanding service; and be it further

RESOLVED; That a suitable copy of this Resolution be presented to Mrs. Lee as a small token of our esteem. (H. P. 1220)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Orders

On motion by Mr. Katz of Kennebec,

ORDERED, that, effective May 28, 1969, the President of the Senate is hereby directed to lay

before the Senate on Tuesday, Wednesday and Thursday of each week, such tabled matters as appear unassigned on the Senate calendar, in order in which they appear, the exception being the Special Highway Appropriation Table and the Special Appropriations Table and a Special Legislative Research Table; further exceptions being such tabled matters as the Majority Floor Leader, the Minority Floor Leader, or the President of the Senate may deem necessary to keep on the table because of extenuating circumstances.

Which was Read and Passed.

Committee Reports

House

Leave to Withdraw

- Covered by

Other Legislation

The Committee on Legal Affairs on Resolve, Proposing an Amendment to the Constitution Granting Home Rule Powers to Municipal Corporations. (H. P. 712) (L. D. 926)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

- Covered by

Other Legislation

The Committee on Judiciary on Bill, "An Act Relating to Damages for Tortious Conduct of Charitable Corporations." (H. P. 519) (L. D. 690)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Increasing Limits of Liability Under Financial Responsibility Law and Uninsured Motorist Law." (H. P. 145) (L. D. 171)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act to Regulate Home Solicitation Sales." (H. P. 758) (L. D. 978)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Creating the Uniform Recognition of Acknowledgements Act." (H. P. 931) (L. D. 1192)

Reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department." (H. P. 944) (L. D. 1205)

Reported that the same Ought to Pass.

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

(On motion by Mr. Reed of Sagadahoc, tabled until later in today's session pending Acceptance of the Committee Report.)

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

Ought to Pass

- As Amended

The Committee on Business Legislation on Bill, "An Act Relating to Bank Reporting, Reserves and Loan Limits." (H. P. 542) (L. D. 721)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-376).

The Committee on Claims on Resolve, to Reimburse Walter Ware of Benton for Well Damage by Highway Maintenance. (H. P. 802) (L. D. 1041)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-377).

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

Which reports were Read and Accepted in concurrence and the Bill and Resolve Read Once, Committee Amendments "A" were Read and Adopted in concurrence and the Bill and Resolve, as

Amended, tomorrow assigned for Second Reading.

The Committee on Education on Bill, "An Act Relating to the Formation of a School Administrative District in the Machias-East Machias Area." (H. P. 721) (L. D. 939)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-930).

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

Which report was Read.

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

Mr. ANDERSON of Hancock: Mr. President, relative to L. D. 939, I move we substitute the bill for the report.

The PRESIDENT: The Chair would inform the Senator that the matter before us is the Report of the Committee, which is an Ought to Pass Report. The Chair would inform the Senator the proper motion would be to accept the Ought to Pass Report of the Committee, and then we would have the bill before the body.

Mr. ANDERSON: Mr. President, the State Board has now given permission for these four towns to form an SAD district. Therefore, this bill is no longer necessary. Would a motion to indefinitely postpone be in order?

The PRESIDENT: It certainly would.

Mr. ANDERSON: Mr. President, I move that this L. D. 939 be indefinitely postponed.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Item 6-9, Bill, "An Act Relating to the Formation of a School Administrative District in the Machias-East Machias Area" (H. P. 721) (L. D. 939), be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Ought to Pass in New Draft

The Committee on Natural Resources on Bill, "An Act Relating to Realty Subdivisions." (H. P. 680) (L. D. 879)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1215) (L. D. 1547)

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

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, I wonder if a member of the committee might explain the impact of the new draft to this bill.

The PRESIDENT: The Senator has posed a question through the Chair, which any member of the Committee may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, having just arrived back into the chamber from having been outside I would require just a minute. This is indeed an act of friendship I shall not forget.

This bill limits the size of lots which are or are not on a public sewer or public water supply facility. If a lot is more than 20,000 feet there is no restriction on it, and if the lot is less than 20,000 feet, and on a public sewer, it may be used for a single family residence. The bill is rather brief, and there is no sleeper in connection with it. It is an attempt to avoid this problem we have in areas such as some of the ski areas where we have had in the past real small lots with wells and septic tanks on obviously inadequate areas. I think this is a good bill and, as I say, I think it should pass.

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

The motion prevailed.

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

The Committee on Taxation on Bill, "An Act Relating to the Taxation of Farm Machinery, Equipment, Fowl, Broilers and Livestock." (H. P. 490) (L. D. 644)

Reported that the same Ought to Pass in New Draft, under New Title: "An Act Relating to the Taxation of Farm Machinery." (H. P. 1216) (L. D. 1548)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-394).

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, I would inquire through the Chair if a member of the committee would explain the new draft to this bill and its implications, please.

The PRESIDENT: The Senator from Kennebec, Senator Katz, poses a question through the Chair, which any member of the Committee may answer if he so desires.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: The new draft will give an exemption from local taxation of \$5,000 market value on farm equipment. House Amendment "A" No. 394, would increase the exemption from \$5,000 to \$10,000.

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

Mr. KATZ of Kennebec: Mr. President, I certainly approve of the direction this bill goes, but it looks very much to me like we are not going to be coming up with enough school subsidies for the local communities to get some relief from the local tax burdens. I would be concerned as to exactly what the state-wide cost to the local communities of this bill would be.

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

Thereupon, on motion by Mr. Barnes of Aroostook, tabled and specially assigned for May 29, 1969, pending Acceptance of the Committee Report.

The Committee on Health and Institutional Services on Bill, "An Act Closing the Military and Naval

Children's Home and Disposing of the Property." (H. P. 757) (L. D. 977)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act relating to the Military and Naval Children's Home." (H. P. 1203) (L. D. 1530)

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

Which report was Read.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I think it might be in order if I very briefly reviewed for the members of the Senate the status of this legislation.

You will recall that the original bill closing the Military and Naval Home in Bath came before the Appropriations Committee, and was reported out unanimously Ought to Pass. Following this it was passed in the other body and defeated in this branch, so that this matter was referred to the Committee on Health and Institutional Services. They, I am sure, have done a very serious and careful job of research on this emotional issue; I think really that is what it is.

Our Committee has reviewed the report of the Health and Institutional Committee, and we are still unconvinced that this is the proper way to handle this institution. We do not feel that establishing a board of directors, which their report calls for, six directors serving under the Health and Welfare Department, is a very workable arrangement. It is an exception to established procedure that we do not feel is a good thing to do.

We also do not feel that this institutional type of care for foster children is, in the long run, in 1969 the proper way to handle these unfortunate children. We feel that it is much better to place them in foster homes where they will have the benefits of a much more natural atmosphere than that of an institution. Incidentally, in the Part II recommended budget there is approximately \$750,000 additional for increasing payments for foster

home care. I also understand there is another L.D. going through the legislative process which calls for an additional \$100,000 for disturbed children, additional payments for disturbed children in foster homes. It costs anywhere from two and a half to four times as much per child to keep children in the Bath home. This, of course, depends on the number of children that are there. But this is a very substantial increase over what is being allotted for the care of the approximately 2,000 other foster children that the State looks after.

I think the other thing that the members of the Senate should be aware of here is that if we keep the Bath home open we are really embarking on a totally new concept in the care of foster home children. In other words, it is the institutional system as opposed to the foster home system. The members of the Appropriation Committee do not feel this is a wise departure, because it looks to us as though the next logical step, once you have established a board of directors for this one home that, if things follow true to form, in two or three years it will be a report from the board of trustees saying that this home is unsanitary, it is unsafe, and the State should appropriate half a million dollars, or something in that order, to replace this facility with a new facility.

By the same token, if we run this sort of a home in Bath, why isn't it feasible to build one in Bangor, one in Rockland, maybe one over in Fryeburg, and one in Presque Isle? So, it seems to us this concept really should be nipped in the bud here today, and not allowed to proliferate. So, I would like to move that we substitute the original bill for the report, Mr. President.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate substitute the bill for the report.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I am very sorry that the good Senator from Penobscot, Senator Sewall, feels as he does about this home. As he said, the

Committee on Health and Institutional Services went and looked the home over, and we concluded that it should not be closed. Then we have worked with the Appropriations Committee over the past few weeks to try to iron out the expenses and work together on this, but I can see now that he feels stronger than I thought about closing the home.

Our feeling is that this home needed a board of directors. It would iron out a lot of objections to the home. If this was set up, it would be a proper thing.

We think the home should have a sprinkler system in it, but beyond that we don't think it needs a great deal of work done on it.

I feel that, looking ahead a few years, if the home is going to eventually be closed, then let this board make that decision. This really isn't an emotional issue with me; I have tried to look at it very objectively, and I think our whole committee has. We think there should be one state home where children can go where, if the mother and father should be killed and there are no relatives, and say there were several children, they could be taken in. They took four children in there just about a month ago on short notice.

I know that it is more expensive. If the home were used to capacity of about forty, I think it would be about \$200 a month versus \$100 a month. But these foster homes, there are 2,500 children in foster homes throughout the State, and many of them are not living in very good conditions, with eight or ten children in a foster home. Certainly the majority have to be placed in foster homes, but we feel very strongly that the State should have one place. Again, I repeat, let the board decide. If they decide to close, then I would feel a lot better about it.

Being very candid about this, I think perhaps another group should take over this home. I have made some inquiries, perhaps a church group could run the home, and I think it could be run a lot less expensively. So, I think that maybe the solution. It costs about \$100,000 a year and there are thirteen employees down there. I think the

home probably could be run with half that number of employees and get the cost down to around \$60,000 or \$70,000 a year.

I guess I really would like to see the State relieved of this financial burden eventually, but, if this bill goes through now, I feel certain the home will close and the property will be destroyed and probably a store or something will be built. I want to keep a home for children to go to, and I am as concerned about the expense as anyone else in this room. I guess that is about all I have to say on the home. I oppose the motion, and request a division.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I have always been in favor of retaining this home, but under the provisions of this bill it will simply add another burden on the taxpayer. So, I go along with the thinking of the Senator from Penobscot, Senator Sewall.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: Actually, I suppose, I should not rise on this question because I am really not that well informed. I really don't quite understand what is going on here. It seems to me it is something peculiar, and I haven't put my finger on it. But, I do recall reading a few months ago a report of the Child Welfare League of America that was undertaken in 1967 - apparently the previous legislators had requested a study of the child welfare program in the State - and I remember having seen it stated in the report that the State should have an interim home; that not all of the children were adapted to foster homes. They recommended that there be an interim home, a place other than a correctional institution, other than a foster home, that we would and should maintain for our children.

I am wondering, if we phase this home out, will they be back

in a few years requesting that we do implement an interim home? I am quite confused with the whole question. I am neither speaking for or against, but I would call to your attention the report on the study that we did authorize a few years ago.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: I strongly urge the Senate to accept the Committee Report, in a New Draft Ought to Pass. I personally don't like the politics that is being played in this particular game, which involves the lives of our youngsters or our Maine citizens who are happy and content in this homelike atmosphere.

I have visited this home, spent ample time analyzing the situation, and this home, in my estimation, is a necessity. I also don't believe that this L.D. should be used as a whipping boy and be thrown from one department to another in order to get rid of it. Health and Welfare can easily provide the children to fill the complement of this particular home.

As Senator Sewall said, and I admit, the committee did do a very, very thorough and careful analysis of this particular institution. I think the Chairman of the Appropriations Committee is projecting himself a little too far in his analysis of stating that it will cost a half million dollars in three years for replacing this particular facility. The facility, as far as I am concerned, the members of the Committee on Health and Institutional Services were very much impressed with the homelike atmosphere, the way the children were handled and treated, the satisfaction and contentment of the children.

This was not an emotional matter, as far as I was concerned either, and I don't think any member of the Committee analyzed it as an emotional matter. We looked at it basically as for the best interests of the people of the State of Maine and its children, our future citizens.

There had been much discussion in reference to foster homes, and it was pointed out that many of these children do not fit in foster homes, but adjust very nicely in the homelike atmosphere of this type.

I would sincerely hope the Senate does go along with the Committee Report, to accept this Report in New Draft and, when the vote is taken, Mr. President, I would request a roll call.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I would like to support the position taken by the Senator from Penobscot, Senator Sewall. I think it would be very unwise to take one small group and one institution out from under Health and Welfare and place it under a board of directors, when everyone else in the State, all the other children in a like category in the State, are under Health and Welfare. It seems to me that this would be moving in exactly the wrong direction.

I would agree with the Senator from Cumberland, Senator Stuart, when he said that a private institution, a church group or something like that, if they want to take this over and run it, that would be fine. That, I submit, could be done if the original bill was passed. It would bring this to a head and, if there is any thought by any group along that line, they would be in the position to take advantage of the change.

This Military Naval Home at Bath has served a useful purpose over the years but again, it is something that was instituted many years ago, and times have changed and methods have changed. At present it seems the feeling is stronger in the area of placing children in foster homes, with smaller groups and the parents, than it is to put them into larger homes such as the Bath home.

We do have private institutions, both private and public, that do this: the Children's Home for Little Wanderers, Opportunity Farm,

Sweetser Home, Pride Home, and others.

The legislatures over the years have recognized the problem of foster children. In our current services budget this year we are providing ninety - four employees and about six million dollars for the biennium for the care and supervision of children. We also receive a federal grant of \$300,000 each year to educate staff members in helping this type of child. In Budget II, as the Chairman of the Appropriations said, there is \$760,000 additional money to upgrade the board payments for foster homes. We think this is the direction which we should take. We think that parents who are taking care of problem children would receive additional money under another bill, as the Chairman of the Appropriations Committee mentioned.

One thing that was impressive was the member of the clergy from that area who wrote to the Appropriations Committee. He said that if anything should happen to either he or his wife, and their children had to be taken care of somewhere else, they would much prefer they go into a foster home rather than an institution. I would hope you support the motion to substitute the bill for the report, and then pass the bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In reading the bill that we are asked to substitute for the report, I notice that it specifically says that the property shall be sold for an amount approximately, as near as possible, its appraised market value. I am confident that were some group to step forward with an offer to operate this program that this legislature would be very, very responsible and responsive in amending this to permit its sale for a dollar to the group that wanted to operate it.

In the field of institutional work there is, and always has been, a very good sense of partnership between the private sector and the government. I think in terms of the schools for the mentally

retarded children spotted around the State. I think of the day care centers, the sheltered workshops, I think of poor schools for Cerebral Palsy around the State, that are operated by the private sector, with support from the government. I have a feeling that this is probably the way that this should be operated and should be continued. I have a rather sinking feeling here, because I think I have incurred the wrath of some of you this session by criticizing, and criticizing again, our preoccupation of adding new programs without the review and reevaluation of old programs. The easy thing for me to call this is: adding program on top of program, and tax on top of tax.

Every single legislature, since I have been involved with the Maine Legislature, has tried to close this home. The Legislature isn't a particularly hard-boiled place when it comes to reducing programs, or removing programs, and yet this has come up time and time again. It comes up because the program is in question. It is questionable whether there is any equity in keeping these youngsters at a price tag that runs anywhere from \$3,000 to \$5,000 a year.

The same Legislature which authorizes this turns around and gives \$1,000 to the Cerebral Palsy Center here in Kennebec County. Now, there is a double standard there that I just don't understand. In the face of very, very substantial State needs, I think that the dollars and cents of the situation must mix with compassion.

I am satisfied, and I have been, that the proof has been offered irrefutably that these youngsters can be taken care of with compassion, to their own personal advantage, in another manner. I would certainly support the motion of the Senator from Peröbscot, Senator Sewall, that we substitute the bill for the report and subsequently pass it.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and

Members of the Senate: Just one final footnote in reference to this matter, as far as I am concerned: I disagree with the statement made by Senator Dunn, in which he made reference to the division which had charge of this particular home. It is presently under Mental Health and Corrections and, as near as we could find out, they never paid much attention to this particular home. This has been going on by itself. This was the basic reason for our decision, I believe, in setting up this board-type affair, which would administer the policies of this particular home under Health and Welfare. A great discussion was held with Dean Fisher in reference to this. He didn't seem too pleased, in my estimation, to accept this particular new job but, yet, says he would go along with it.

I believe that, if we are to be concerned with the lives of these children, that we should not place monetary value over the happiness and welfare of the citizens of the State of Maine, who themselves possibly were not able or, because of domestic problems, had to lose or give up these particular children.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I don't intend to belabor this subject any more. Someone suggested it be tabled until Friday, and maybe that is the best course I could take at this time.

I wish I could stand up here, in fact, and say that I agree and felt this home should be closed. It certainly doesn't put me in an easy position. I have been here on a number of occasions, and each time they have tried to close it, and I have tried to defend it. If there is an inefficiency here, then I think it should be closed. It seems as if everyone is on every side of the position here we have, that it is going into a new course and then we say that it has been going on for a number of years and this is why it is kept on. I just look at it simply this way: as far as that home is concerned,

its two greatest assets are its two greatest liabilities. Its two greatest assets and liabilities are, number one, it is small; and, number two, it is not under the thumb of Augusta.

Now, we have a budget of some \$350,000,000, and more, counting the dedicated revenue budget, and really the place we zero in is this home because you visit it and you can go through it in five minutes. You can go through these other hospitals and, I say, savings can take place, but we can't apprehend and we can't zero in on them. Then we come back to Augusta, and say well, what about this particular home? It has been there for a hundred years, the youngsters have been in it that long, and you can imagine that there are a few nicks and scars, and everyone here in Augusta says well, they can't justify it, and maybe it is just as well if it is closed.

The people down my way feel strongly about it simply because, as I have said so many times before, we have a number of them that went to that home, left it, got jobs around there, and they would like to see it continued.

I said last time that I would defend it, and I will this time, from a structural standpoint. I am not particularly in this line, but I feel as if it is to some extent my work. But, as far as the program is concerned, I am not going to stand here and tell you I know all the answers as far as youngsters are concerned, how they should be brought up, or even what course the State should take in regards to them. I just merely present the fact that the home has in the past been successful.

I feel, with some 2500 youngsters, that there could be forty of them that could use this home very beneficially. It might save them from having to spend a lot of money in their later years. I can only think of myself, if something had happened to my parents, and no one else wanted me, I don't know that I would particularly want to go to a foster home. I think of my own youngsters the same way. Even with all the love in the world, I think, some people

rebel against it because, when you go, or your parents have gone, oftentimes you put them on a pedestal, and if you think that someone is competing against them, your foster parents, then you rebel against this also. Now, this is in an area I can't seem to speak with experience, but I assume that there might be some youngsters that would fit in this category.

As far as the committee and their report was concerned, I had really nothing to do — I left them alone. I felt as if the decision, as far as program is concerned should be theirs. They came out with this report. I will support it and I, therefore, hope that the motion before us now does not prevail. I don't want anyone here to vote for this legislation because they are for or against it because what they might think my beliefs are; I just think that everyone should search their own conscience and vote according to it.

This is somewhat of a unique institution. I agree with that. It seems to me that to argue that therefore you shouldn't have somewhat of a unique way of handling it is not particularly consistent. I don't know that the board of directors that is proposed here will come up with the answers. They may or may not, but I think that something along this line, if the home is going to remain open, should be done. It is not that I don't have - I guess it is because I don't have complete faith with some of the departments here in Augusta, especially when it comes to this particular home. It may be, as Dr. Shumacher said, a luxury that the State of Maine can't afford. I think maybe that is what we are voting on today: is this home a luxury that the State cannot afford? My answer is that, for the price we are paying, I would like to see it one that we can afford; not particularly because it is my district, or my area, because I think you take 30 or 40 youngsters and do quite a job with them, and I also feel that the half million dollars that was mentioned here might be coming forth in a few years anyway to build an institution such as this, because this is

not a complete cycle. There was a time when they said this was the type and the avenue to go, as far as youngsters were concerned. Now they claim foster homes are the answer.

I have rambled on here for quite some time, but my only feelings are that I would like to see the home remain open and, therefore, I would vote against the motion made by the Senator from Penobscot, Senator Sewall, to substitute the bill for the report of the committee.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would just like to mention one thing that is going on down there now. The Navy personnel from the Brunswick Naval Air Station are there, and have been for the past week or two, doing minor repairs. They have purchased a front door. One objection was that the front door didn't open out, and they are installing that door now. They have saved and are saving the State a lot of money. The Topsham Air Force Station people have been there too and helped out, and taken the children to the base to entertain them.

This is a wonderful opportunity. The feeling is good for this home in the area, and they want to go there and help these children. This debate, it seems to me, is almost grim. The board that we set up is a must only because the State has left this home to one man to run, and you have to admit that this isn't a healthy situation.

This board is not going to be any expense to the State. One Senator has worried about that, but the board will meet quarterly, perhaps a little more often, and they are not getting paid, just their travel expenses, I believe, but there is no great expense there. The idea of the board is to come up with good programs.

These children could have - teenagers from the high school in the area could go there and read to them. I have a daughter who is going to college down in the Baltimore area, and she goes into the

slums once a week and tutors a small boy. This is the type of thing that could happen at this home. These children are left to one man, and I don't mean to be overly critical of this one superintendent, but the board will be people who are concerned with children and mental health, and I have great expectations for what this board can do. Hopefully, through volunteer help, they will bring the cost of running the home down. Then in a few years, perhaps, we can find a church group to turn it over to.

I beg you not to close this home down at this time. I know we must save money in this State, but there are many areas, and why do we pick on a children's home that so many people feel good about? It could be a lot better than it is now if we made a little change in the set - up down there, and that is what the redraft does.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: There is only one thing that I heard here today that I reject completely, and that is something that was said in the original comments by the Senator from Cumberland, Senator Stuart, that perhaps the correct approach would be for us to set up this committee and let them decide ultimately whether it should be phased out. The Maine Legislature has, on occasion in the past, been characterized by trying to pass the buck. I think ours is the responsibility; not an appointed board, ours is the responsibility.

I wish I could say today that we could make some spectacular savings in existing government services, and in the \$350,000,000 budget we are wrong in singling out a single institution, but if government is to survive, and government in the United States today is in jeopardy, government is going to have to be responsible; government is going to have to continually be re - evaluating.

One of the most spectacular things I have seen in my service in the legislature was done by the members of the Appropriations

Committee this year when they cut four and a half million dollars, more or less, from the current services budget. It is not possible to make big and dramatic savings.

I remember speaking to a member of a board of directors one of a large Maine corporation, who was taking issue with an increased tax on his property by the City of Augusta, and I remember saying, "What difference does it make to you, it is only \$5,000? By the time the year ends that \$5,000, by the time it reaches the bottom of your financial statement, won't amount to an awful lot." He turned to me and he was really disconcerted, and he said "Sir," he said, "in business, whether it is big or small, business survives, business makes savings, not in huge chunks, but it makes savings where savings are necessary, whether it is five cents or a dollar at a time."

Government is not going to be easy for Maine people to support this year, or next year, or the year after, and I am absolutely convinced that we share one single responsibility, and that responsibility is a continuing evaluation of programs which we have had on our books for many years, programs which are no longer filling the need for which they were instituted, for programs that could be handled in a different manner. On that basis, if singling out the Bath Home seems to be singling it out, then perhaps we had better single out a good many more programs of the State because, otherwise, my attitude toward the future of Maine government, and the future ability of the Maine taxpayer to continue to pay for our needs, is very, very black indeed.

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

Mr. DUQUETTE of York: Mr. President and Members of the Senate: This is an emotional situation, no question about it. It is also a very controversial situation. The fact that this matter has been before several legislatures now denotes to me that a problem exists there. And the fact that the Committee on Health and Institutional Services brings out a

report recommending a board of directors to supervise that home proves to me that a problem exists there.

We are all in favor of doing everything possible for children. We have our State institutions, we have foster homes, and we also have good private homes. For instance, I will cite one, the Sweetser Home, located in Saco, which is supervised by a psychiatrist. It was brought out in the committee hearing that some children there in that home need psychiatric treatment. That could be provided in that home. The State now has about twenty-four State wards at the Sweetser Home, and schools are held there, supervised by psychiatrists and other people trained in the case of these cases. Certainly, I feel, these children would receive better attention in homes like this. And there are other homes besides that one. I cite that one because I am familiar with it.

But today I believe that we should vote on the bill. I don't believe we should pass the buck. The Senate should determine whether we should keep that home open or close it. I don't believe, as Senator Katz has indicated, that we should pass the buck. I believe we should substitute the bill for the report and vote on the issue. Again, I, for one, and I know all of you do, want to do everything we can to take care of the poor unfortunates. Therefore, I support the motion of the Senator from Penobscot, Senator Sewall.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I just want to tell this Senate that everyone seems to think this is an emotional question. I guess probably, with me, I think it is the same way it is with the Appropriations Committee, no one likes to take a licking, but I am not going to break down in tears and give up if this thing is killed. I am just presenting the thing as I see it and what I feel is in the best interests of the taxpayers and the people of the State.

I am one of those - well, as I say, I talk very conservative and I usually end up being a big spender. I sort of rebel against this psychology and psychiatry, and it seems to me what we are doing, in one sense, we talk about you have got to have this and that at these institutions, and maybe we should, but it seems to be you carry the theory that parents shouldn't have their youngster because they don't know enough to bring them up. To me, this institution goes along that particular line, and I certainly am for foster homes, and for more payments for them. I just feel that there are some youngsters that rebel against it, and any way you look at it, I believe I am correct in saying this, it is the cheapest run institution beyond the State Prison. They don't spend too much money on the prisoners there in Thomaston.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the bill be substituted for the report on Item 6-12, Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property", a roll call has been requested.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the motion of the Senator from Penobscot, Senator Sewall, that the bill be substituted for the report of the committee on Bill, "An Act Closing the Military and Naval Children's Home and Disposing of the Property". A "Yes" vote will be in favor of substituting the bill for the report; a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Dunn, Duquette, Hanson, Hoffes, Katz, Logan, Martin,

Moore, Peabody, Sewall, Wyman, and President MacLeod.

NAYS: Senators Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Gordon, Greeley, Kellam, Letourneau, Levine, Mills, Minkowsky, Reed, Stuart, Tanous, and Violette.

ABSENT: Senator Quinn.

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

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

Divided Report

The Majority of the Committee on Claims on Resolve, Authorizing Payment of Personal Injury Claims of Mrs. Thomas Spillane from Prison Industries Account (H. P. 1145) (L. D. 1469)

Reported that the same Ought Not to Pass.

Signed:

Senators:

GORDON of Cumberland
LOGAN of York
QUINN of Penobscot

Representatives:

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

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

Signed:

Representatives:

MORGAN of South Portland
MARQUIS of Lewiston

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

Five members of the Committee on Claims on Resolve, to Reimburse Norman E. Dudley of Waite for Well Damage Caused by Road Construction and Highway Maintenance. (H. P. 681) (L. D. 880)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (H-378)

Signed:
Senator:

QUINN of Penobscot

Representatives:

QUIMBY of Cambridge

SHELTRA of Biddeford

LINCOLN of Bethel

CURTIS of Bowdoinham

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

Signed:

Senators:

LOGAN of York

GORDON of Cumberland

Representatives:

CROTEAU of Brunswick

MORGAN of

South Portland

MARQUIS of Lewiston

Comes from the House, Report "A" Ought to Pass as Amended, Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-378).

Which reports were Read.

On motion by Mr. Gordon of Cumberland, the Ought to Pass as Amended Report of the Committee was Accepted in Concurrence and the Resolve Read Once. Committee Amendment "A" was Read and Adopted in Concurrence and the Resolve, as Amended, tomorrow assigned for Second Reading.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Age Requirement for Kindergartens." (H. P. 458) (L. D. 595) ask leave to report: that they are unable to agree.

On the part of the House:

CUMMINGS of Newport

MILLETT of Dixmont

On the part of the Senate:

MOORE of Cumberland

KELLAM of Cumberland

Comes from the House, Read and Accepted.

Which report was Read.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to reject the report of the Committee of Conference and to further Insist and ask for a second Committee of Conference.

Senate**Divided Report**

The Majority of the Committee on Health and Institutional Services on Bill, "An Act to Require Fluoridation of Water Supplies Used for Public Purposes." (S. P. 134) (L. D. 418)

Reported that the same Ought to Pass in New Draft under Same Title.

Signed:

Senator:

STUART of Cumberland

Representatives:

SOULAS of Bangor

PAYSON of Falmouth

FRASER of Mexico

BINETTE of Old Town

NOYES of Limestone

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

Signed:

Senator:

MINKOWSKY of

Androscoggin

Representatives:

WHITE of Guilford

CARRIER of Westbrook

Which reports were Read.

Mr. Gordon of Cumberland then moved to Accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Gordon, moves that the Senate accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Cumberland. I think this matter of fluoridation of water supplies

has been an issue which has been stirred up quite considerably over the past year or so. It is a piece of legislation which I do not believe it is in the best interest of the welfare of all of the people of the State of Maine. It is a piece of legislation which would benefit a particular industry, a particular group, and I would like to point out to you that this would create a hardship on many of the small and municipal water companies that we have in this State.

I would say that there are two small municipal water companies in the 20th district, and they are very much opposed to this piece of legislation because of the cost of implementing the water fluoridation machinery. They have indicated that they would be required to go out of business. Now, if that is the case, how are these people who are now being supplied with water going to obtain water in the future if they are going out of business?

Another point which I would like to bring out to you is the present chlorine which we now put in the water to purify the water. Now, I am speaking from actual experience. We have municipal water supplies down in my area. I have a private well myself, thank goodness for that. But when I go into town, and I do need a drink of water, and I drink some of the municipal water, it almost turns my stomach with the amount of chlorine that is in that water. I am acquainted with a great many of the employees and the officials of the water company, and they have privately admitted that it is very difficult to control the chlorine in the water. Now, if it is difficult to control the chlorine in the water, why isn't it just as difficult to control the fluoride in the water?

I think another matter which should be considered is a small individual supplier of water. It may be only for his own particular business, but he is required to have his water tested as to purity. Now, if we are going to require fluoridation, I pose the question: Are we not going to require the individual, who is not supplying water as a

public supplier, but only one who is required to have his water tested as to purity periodically that he can conduct his business, what would a fluoridation process cost that individual in order to continue his business? Or are we going to pass this piece of legislation and, thereby, putting a small business and a taxpayer out of business?

I think that this legislation is very ill-timed, very ill-conceived, and very, very poor legislation for the people of the State of Maine. Gentlemen, I would ask for a division on the motion.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I will try to answer some of the questions of Senator Hoffses. First of all, I want to make it very clear that this bill that you have before you in new draft is not mandatory fluoridation which they have in some states. This has a local option. If the citizens in the community object, they can get up a petition with a small number of names and it will be voted on at the next general election.

As far as putting any small water company out of business, there is no problem there. Certainly the citizens in that community, knowing that this was going to cost a great deal of money, would vote against it. But I can assure you this is not the case. The cost of the equipment is small; probably in a very small town it would only be about \$1,000. It ranges from \$1,000 to \$5,000 for the equipment, depending upon the size of the community. So, no small water company is going to be put out of business.

As far as the chlorine, chlorine may change the taste of the water. I can assure you that fluoride does not change the taste of the water. On the question of controlling the level, we had a representative of the water district at the hearing, and I assure you this is no problem, controlling the level of fluoride. If there is any problem, it is getting the level up to one part per million. In Brunswick this was the difficulty. There has never

been any difficulty getting too much in the system.

Perhaps I missed some of the questions, those are some I recall.

I hate to belabor this, and yet you know this is something I think is a very important public health measure, and I would like to speak, and have my day in court, so to speak. I would like to read a letter from the Chancellor of the University of Maine, Dr. McNeil, who has done a great deal of work on this subject. I read this letter because he is a man who has looked at both sides of the subject, and I am sure we must all agree this is nothing that we can decide. I don't know the action of fluoride iron on the body, and you don't either. We have to take some health experts, the United States Public Health Service, or the health authorities, we have to take somebody's word for this. Now, if I may, I would like to read this letter:

"Dear Senator Stuart: As you know, I spent several years doing research on fluoridation leading to my book published in the 1950's entitled, 'The Fight for Fluoridation.'

"In the course of my investigation I talked with both proponents and opponents of fluoridation throughout the country.

"Over the course of time I came to believe that fluoridation of water supply was a safe, economical method of inhibiting tooth decay in young people. I was not, of course, a primary investigator, but read all of the literature in the field before drawing my conclusions.

"I came to respect the view of those opponents — the views of those opponents who honestly felt for various reasons they could not support fluoridation. However, I became convinced too that it was most difficult for the individual layman (myself included) to understand the chemical and physiological complexities of adding fluorides to the water supply. I would make this same statement about water purification, food processing, etc.

"In this republic of ours at some point we must, with proper safeguards, entrust the control and safety of what we ingest with the other established authorities.

"As I said in my book the question then becomes one of — to what extent shall each citizen decide individually what power the properly constituted authorities shall have to protect him? My sincere belief is that because fluoridation has been proven safe that it is perfectly proper for a state to require the addition of fluorides to the water supply as a public health measure."

Now that letter has more equanimity, more objectivity, than any letter that I have received. That is why I wanted to read it to you, because here is a person that has read both sides, and looked at it fairly, and this is the conclusion he has reached.

Now, the President of the United States has recommended fluoridation for a number of years back. President Nixon has made a statement requesting that the states move as fast as possible in fluoridating the water, and I will just read the last paragraph of President Nixon's statement: "With water fluoridation, a highly effective method for prevention of tooth decay, today it reaches more than 82 million Americans. Those children fortunate enough to have fluoride protection suffer less than half as much tooth decay as those who are denied it. With this in mind, it is well that we now reaffirm our goal of opening for all children a ready access both to preventative measures such as fluoridation, and to a full regiment of personal dental care. I know that all my fellow Americans join me in this commitment and in the task of carrying it through."

I know of no other way to present my case, other than to let you know who supports fluoridation, because I have to believe the authorities and you have to believe the authorities in order to decide this. We cannot be primary researchers, as Dr. McNeil said.

The World Health Organization, which you all know is the United

Nations Organization, I hold before me their statement, and they state that "the effectiveness, safety, and practicability of fluoridation as a means of preventing dental cavities, one of the most prevalent and widespread diseases in the world, is now established." This is the opinion of the expert Committee on Water Fluoridation called together by the World Health Organization, which met in Geneva last week.

The United States Public Health Service endorses fluoridation, and I have before me a letter from William Stewart, who is the Surgeon General. In the last paragraph of his letter he states — now, he is talking about this criticism that it would be injurious to kidneys. You know, there was an article put out recently to that effect, and this was refuted from many resources. The Surgeon General states: "It should be pointed out again that the need to process some water supplies before therapeutic use in large quantities in artificial kidneys has no bearing on the ingestion by anyone of optimally fluoridated water from community water supplies, recommended by health authorities as a medically safe procedure for the reduction of dental cavities.

"The United States Public Health Service endorses water fluoridation as a safe and effective public health measure and urges all communities to make its benefits available to people at the earliest possible time."

A statement by Dr. Philip Lee, who is Assistant Secretary of Health at the Department of Health, Education and Welfare, just one short paragraph:

"We know perfectly well that within a single generation we could virtually eliminate decay as the cause of tooth loss if all our children were assured just two basic forms of dental health protection: regular dental care plus fluoridation of drinking water."

I have a letter from the Arthritis Foundation of the State of Maine endorsing fluoridation, a letter from the Cerebral Palsy Association of Greater Portland. They are recommending passage of L.D. 418,

which was the mandatory bill, and it is now changed with a local option.

I have a letter from the Maine Medical Center supporting fluoridation. A letter from the President of the Maine Dental Association supporting fluoridation, and a letter from Diocesan Bureau of Human Relations Services. The Catholic Church supports fluoridation. Child and Family Services supports fluoridation.

About one hundred million people in this country now are drinking fluoridated water, and it is just a matter of time before all community water supplies will be fluoridated. It makes me feel badly that the State of Maine will be the last. We have the worst tooth decay problem of any state in the nation. I hope we won't be the last to adopt the public health measure. In six states fluoridation is mandatory. This article from the New York Times: "Fluoridation law goes into effect for one million in the State of Connecticut."

I know that I will lose support if I talk too long, so I would just like to mention the cities that have it: Washington, D.C., the water supply is fluoridated there. They didn't vote on it. The public health officials suggested this to the city officials, and it was put in the water. Only in Maine, New Hampshire and Nevada do they have this local referendum law such as we have here. In New York City, all of the water in New York City is fluoridated. They didn't vote on it there. Chicago has fluoridated water. San Francisco, Detroit, Baton Rouge, Louisiana. I had a woman in the office the other day from Baton Rouge, Louisiana, and fluoridation came up and she said "Are you still debating that up here?"

They have discussed this issue long ago and decided that this was the only safe, practical way and the opponents keep coming back with well, "give the tablets." Well, this is not the answer, because the tablets do not work as well. The only really effective, inexpensive way is putting it in the community water supply. Heavens, I wish it didn't have to be that way because

of the protest that comes up from people who are fearful. But, of course, we had the same fear when we chlorinated the water, the same debate. So, this is the most effective way and we just can't - the tablets may work, and they may not work. I prescribe them to my patients, but I always tell them this. The official word of the American Dental Association is, if they don't have the community water supply fluoridated, then prescribe the tablets. The research hasn't been done on tablets, and I know of no organization that is as conservative and cautious as the American Dental Association.

The research has been done on putting fluoride in the community water supply and that is why we recommend it. It is not safe to keep a bottle of 500 fluoride tablets in the home. If you want to worry about safety, conceivably a small child can consume a whole bottle and that would be harmful. There has never been one shred of evidence - I would not stand before you and recommend this as a public health measure if there was one shred of evidence that this was harmful to anyone of any age.

There are 200,000 children in the State of Maine between zero and nine years old, and those are the ones that are helped, and these are the ones that I want to help. I could say well, I don't care, we have had fluoridated water in Brunswick for fifteen years, and why should I worry about other communities? But I do. I care as much about the children in Portland and Boothbay Harbor as I do my own in Brunswick and, therefore I hope that you will support this bill in new draft.

Yesterday I received a letter from the Governor. He read the bill, and I really will conclude with this:

"Dear Senator Stuart:

"I appreciated the opportunity to review the amendments to the Act Requiring Fluoridation of Water Supplies Used for Public Purposes.

"Maine parents and public officials should be very concerned about the high incidence of dental problems experienced by persons in the State of Maine. Fluoridation

of municipal water supplies has been recommended as important to the public health and experience in Maine and other States has met with general medical approval. I think the amendments to the fluoridation bill which would permit a referendum in a community if 20 of the persons who voted in the last gubernatorial election petition for a referendum does provide adequate and necessary protection for those communities where there is strong opposition to compulsory fluoridation.

"I think this is a good approach and is consistent with the State's desire both to improve the dental health of its people and also recognize the right of democratic choice by individual communities to secure exceptions from the general law requiring fluoridation if a majority desire it."

I hope you will support this legislation in new draft, and I request a division.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: Just one minor comment I would like to make as the signer of the Minority Ought Not to Pass Report. This was brought about by a recent article that appeared in the American Legion Magazine, entitled "The preservatives that are being used in food today." My only comment would be this: If the preservatives that we are using in our present food supply continues to mount, and we add more chemicals to our water supply, thank God for our Anatomical Gift Act, which was recently passed, to provide us with a few spare parts.

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

Mr. MOORE of Cumberland: I can't find the redraft, Mr. President. There is no number in today's calendar and I wonder if it has been distributed?

The PRESIDENT: The Chair would inform the Senator that it is L.D. 1553. It wasn't on the calendar because there wasn't sufficient time.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would commend the good Senator from Cumberland, Senator Stuart, and not for one moment did I question his sincerity and his belief in fluoridation. As a resident of the City of Portland, our citizens have voted at least twice, to my knowledge, on the fluoridation issue. I believe it was only last November in the general election that the issue had been decided, and many of the people had hoped for a good deal of time, they rejected it.

When the doctor says that fluoridation does a great deal of good for children I am sure he knows what he is talking about.

I think it is an unfortunate situation when we have other professional doctors throughout the country who continually circulate literature throughout the country, adverse literature, to the fluoridation issue. I think that this has filled a great deal of people with fear, misunderstanding, in fact, they are not sure. In fact, right in my own community we have two or three professional people, everytime a fluoridation issue comes up, who stand very vividly in opposition to fluoride. They have been willing to place their reputation on the line in rejection of this issue, and people often think that there must be some merit to their thought. As an ordinary layman, I don't know much about fluoridation. I know nothing about it, except what I hear from gentlemen like Dr. Stuart. It seems as though he has a tremendous amount of endorsement for this bill. He has got an endorsement from everyone but the people, at least the people that I talked with. I have had more dealing with my constituents back home relative to this matter than practically any other matter that has been before us. It is not so much the fact that they may be opposed to fluoridation as the fact of the way it is going about.

Now, the good Senator has stated the act is not mandatory. That is, by 20 per cent of the citizens within

the municipality getting 20 per cent of the signatures of the last gubernatorial election can bring about a referendum. But the fact of the matter is that the people who have rejected fluoridation in the past are now put on the defensive. It is mandatory only if you don't come forward with the 20 per cent of the signatures to bring on a referendum. I would think that once people had decided an issue that it should be laid to rest for a while, and the municipality given an opportunity to think it over again. I think probably the biggest thing, and I am sure the good Senator believes the same, that what is needed more than anything else in a community, as far as fluoridation, is an educational program.

I become real concerned when I hear about the decay of the teeth in children, and certainly, as the father of the tribe that I have, the dentist bill is a pretty important thing at the end of the year; never mind shoes. Naturally I want them to have the best teeth. The dentist that they go to now fluoridates their teeth, I guess, probably twice a year. Again the doctor says that really is not the best time for fluoridation; it is when they are young. I have heard different ages mentioned from various people.

I would think that under the present law that we have now, if a community wishes to fluoridate, or wished to have fluoridation placed in their water, that they can bring the issue up. I don't think that we should be putting the people now on the defense where they must, the so-called opponents, who have been the majority, must now go out and get petitions circulated to prevent mandatory fluoridation. I think this is what government is all about.

I know the good Senator from Cumberland, Senator Stuart, had told me that sometimes really you have to place yourself above an issue, or do what you think is right for the people. How can the people more express their feelings than by referendum? If they have defeated an issue at least on two occasions, then why should I come

up here and vote for something that they have rejected? Or the fact is, why should I vote for something now which is going to compel them to go out and circulate petitions to again vote against how they already have expressed themselves? I reluctantly move the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that Bill, "An Act to Require Fluoridation of Water Supplies Used for Public Purposes," be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: In my little City of Ellsworth they voted to accept fluoridation by just twelve votes. Now, this means that half of the population of Ellsworth are forced to put a drug into their blood stream which they don't want to take. I would certainly hope that the Ought to Pass Report would not prevail.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think it is a very good bill. I am going to support Senator Stuart. After listening to the distinguished Senator from Knox, Senator Hoffses, he said that there are special interests that are for this bill. So I want to praise Senator Stuart, as he is the one with the special interests that will lose money. Most of the time special interests help people out to feather their own pockets. Here is a case here where a Doctor is fighting for something that will definitely not feather his pockets, but will help the teeth of the youngsters of our State.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: In my own community a few years ago this issue was raised, and I voted for fluoridation in that town and we now have it. I see the advantage, I believe,

within my own family, my own children, and I truthfully believe that it has helped them. However, I shall support the motion for indefinite postponement because I believe that it should be left within home rule. It should be left for the majority of the people within the communities to decide. I think they can decide their own fates.

We do know that it is a very controversial issue. The proponents are very much dedicated to their belief and they are fighting hard for it. I do not contend that they are fighting for themselves; I believe that those proponents are fighting in what they believe is the best interests of all the people. However, I do think that we must leave choice within the people, and where the present law allows this. I hope that it stands that way, and I will support indefinite postponement of the bill.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would just like to make one final statement in reply to Senator Conley and others who are concerned with the people voting down fluoridation. The problem is the tactics that are used.

I would like to cite just one thing. It is called the Ott movie, which was shown over Portland television stations. It showed a cell of mouse tissue, microscopic. It showed this cell gradually decreasing in motility. This was sponsored by the anti-fluoridationists, and the comments that went with it said that this cell was dying because it was in fluoridated water. Now, I saw this over Portland television, and my goodness, I hadn't heard about this famous Ott movie which was used all across the country. It was convincing to me, and I am sure it was convincing to the voters in Portland. But you see, they were trying to say the fluoride was causing the decreased motility of this cell, and the fact is that a cell would have reacted the same way in distilled water. In order to survive, a cell has to be in what we call normal isotonic, saline solution.

That is a solution of the right pH and the right salinity. Then you could keep a cell alive a period of time, but put it in pure distilled water and it will die. It will decrease in motility.

Now, this is the kind of thing that is shown to the voters of Portland, and naturally they vote it down. They turned it down, two to one, or whatever it was. But I think that it has been said it is an education process that we have to do, but it is a hard long struggle. If I can convince you and show you enough evidence, then this is a deliberative body, and you can make this decision. The only reason you would make it is because you considered it was good for the people, and that these tactics were fraudulent. I know this is like waving a red flag before the opponents, but the fact is this movie is fraudulent, this movie was shown, and it did have a lot to do with the reason for the voters turning fluoridation down in Portland.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to bring to your attention some of the points which the good Senator from Cumberland, Senator Stuart, has mentioned. He mentioned Dr. McNeil, Chancellor of the University. Now perhaps Dr. McNeil may be well qualified in this field. I do not know exactly what his courses were that he took, what his qualifications are, but I would offer as a suggestion that the good Dr. McNeil confine his acts and comments to the Super University, and leave such matters as compulsory fluoridation to this body and to the people of the State of Maine. Dr. McNeil has a king-size job to do with the finances of the State of Maine without involving himself in fluoridation of the water supplies.

Now, the Senator from Cumberland mentioned the fact that we should not be last in the matter of fluoridation of our water supplies. We have from time to time in this State been accused of being

last in education, last in this and last in that, so I would not feel too concerned if we were the last to fluoridate our water supplies in the State of Maine.

If fluoridation is so good for the dental hygiene of the people, I raise the question: Why was the good lady from Baton Rouge, Louisiana in Senator Stuart's office? Was it to pay a social visit? Certainly it is not necessary to have dental attention if fluoride is doing, as they say, such a magnanimous job of protecting our teeth.

At the last town meeting in my home town we had this very matter brought up, as the good Senator from Hancock has mentioned, and it was a very controversial matter. I remember distinctly the vote. As the moderator, I had to be strictly impartial, and I can assure you I was, and both the proponents and the opponents will say that was impartial when this vote was taken. The vote at my town meeting was 242 in favor, 200 opposed. So, you can see there again it was a very, very close vote. Those 200 people who voted against it are required, if we pass this legislation, to drink fluoridated water.

This is, as has been mentioned, a controversial question, and I can assure you that there are just as many well-qualified people on one side of this issue as there are on the other. Now, the good Senator from Cumberland has read letters from various qualified people. Now, if you will forgive me for getting just a little bit personal, I would point out to you that I have a cousin who is a very reputable dentist down in Massachusetts. He is on the staff of the Mass. General Hospital, and I can assure you that he is just as much opposed to this as some of those that the good Senator from Cumberland has pointed out that are in favor. So, I submit to you that this matter is controversial, it is going to continue to be controversial.

It was mentioned here a little earlier that the Catholic Church is in favor of water fluoridation. Now, if we are going to require compulsory fluoridation in the water, how long, with the exploding population that we have all over

the world before a bill is going to be introduced to require compulsory birth control in the water? I think that is a matter which should be considered when we are considering compulsory fluoridation.

I certainly endorse the motion of the good Senator from Cumberland that this bill and all accompanying papers be indefinitely postponed.

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken on this measure, I move it be taken by the yeas and nays.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, "An Act to Require Fluoridation of Water Supplies Used for Public Purposes" (S. P. 134) (L. D. 418), be indefinitely postponed. 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 have arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, "An Act to Require Fluoridation of Water Supplies Used for Public Purposes" (S. P. 134) (L. D. 418), be indefinitely postponed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Beliveau, Berry, Cianchette, Conley, Dunn, Duquette, Greeley, Hanson, Hoffses, Katz, Kellam, Letourneau, Logan, Martin, Minkowsky, Moore, Reed, Sewall, Tanous, and President MacLeod.

NAYS: Senators Bernard, Boisvert, Gordon, Levine, Mills, Peabody, Stuart, Violette, and Wyman.

ABSENT: Senator Quinn.

A roll call was had. Twenty - two Senators having voted in the affirmative, and nine Senators having voted in the negative, with one Senator absent, the motion to Indefinitely Postpone prevailed.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Strikes of Insurance Agents." (H. P. 1108) (L. D. 1429)

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

Bill, "An Act Relating to Retail Sale of Wine." (H. P. 1181) (L. D. 1502)

Bill, "An Act to Allow Corporations to Enter Into Partnership or Joint Venture Arrangements with Other Corporations." (H. P. 1191) (L. D. 1512)

Bill, "An Act Increasing State Aid for Construction of Highways." (H. P. 32) (L. D. 33)

Bill, "An Act Relating to Regional Planning and Establishing Regional Councils of Governments." (H. P. 1210) (L. D. 1539)

Bill, "An Act Increasing Compensation of Councillors of Town of Mechanic Falls." (H. P. 1209) (L. D. 1538)

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

House - As Amended

Resolve, to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction. (H. P. 719) (L. D. 937)

Resolve, to Reimburse Warren F. Chapman of Skowhegan for Well Damage by Highway Maintenance. (H. P. 406) (L. D. 517)

Resolve, to Reimburse Elwood A. Jepson of Norridgewock for Well Damage by Highway Maintenance. (H. P. 623) (L. D. 811)

Resolve, to Reimburse Doris Nankervis of Franklin for Well Damage by Highway Maintenance. (H. P. 854) (L. D. 1096)

Bill, "An Act Amending the Waterville City Charter." (H. P. 958) (L. D. 1239)

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

Senate

Bill, "An Act Relating to the Small Claims Act." (S. P. 246) (L. D. 755)

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

Sent down for concurrence.

Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax." (S. P. 474) (L. D. 1550)

Which was Read a Second Time.

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

Senate - As Amended

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)

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

Sent down for concurrence.

Enactors

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

An Act to Establish a Police Training Facility. (S. P. 3) (L. D. 17)

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

An Act Creating Somerset County Commissioner Districts. (S. P. 319) (L. D. 1033)

(On motion by Mr. Dunn of Oxford, temporarily set aside.)

An Act Creating an Administrative Assistant to the Chief Justice of the Supreme Judicial Court. (S. P. 369) (L. D. 1282)

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

An Act Relating to Retirement of Justices of the Supreme Judicial and Superior Courts and Judges

of the District Court. (S. P. 461) (L. D. 1515)

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

An Act Relating to Disability Retirement and Retirement Allowances Under State Retirement System. (H. P. 242) (L. D. 297)

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

An Act Providing for Enabling Legislation for Municipal Zoning. (H. P. 843) (L. D. 1081)

An Act Establishing the Law Enforcement Planning and Assistance Agency. (H. P. 1046) (L. D. 1374)

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

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

An Act Relating to Application for Class A Restaurant Liquor License. (H. P. 1197) (L. D. 1518)

An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach. (H. P. 1199) (L. D. 1522)

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

The President laid before the Senate the matter set aside at the request of Mr. Dunn of Oxford:

An Act Creating Somerset County Commissioner Districts. (S. P. 319) (L. D. 1033)

The same Senator then moved that the matter be tabled and specially assigned for May 29, 1969, pending Enactment.

On motion by Mr. Cianchette of Somerset, a division was had. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the tabling motion prevailed.

Resolve, Reimbursing the Town of Sullivan for Winter Road Maintenance. (H. P. 853) (L. D. 1095)

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

Bond Issue

An Act to Authorize Bond Issues in the Amount of \$22,000,000 to Provide Funds for Foundation Program School Subsidies for the Period Beginning January 1, 1970 and Ending June 30, 1970. (H. P. 1143) (L. D. 1467)

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

Joint Order

Out of order and under suspension of the rules, Mr. Berry of Cumberland presented the following Order and moved its passage:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study problems relating to any discharge of grease, oil, gasoline, kerosene and related products into tidal waters or the territorial sea of this State; and be it further

ORDERED, that the Committee report the results at the next regular or special session of the Legislature.

(S. P. 476)

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The need for this order was made quite apparent at the legislative hearing on the Offshore Petroleum Production Bill. This bill made no provisions for fighting the contamination of oil brought to our shores from other than Maine produced petroleum, when that event occurs. It was hoped that an amendment could be put on this bill by the committee which would lead to the solution of this very, very present problem.

I am sure the Senators have seen recently in the papers quite a lot of concern, particularly with reference to the proposed Long Island Storage Depot area, which is currently under consideration in Portland Harbor. However, the Attorney General's office has pointed out that this is a very com-

plex subject, and work is being done on it at the federal level. It would be our hope, I am sure, that this order would eventually reach the Legislative Research Committee for study and early solution.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This area of the pollution of the coastal and tidal waters of this State is pretty thoroughly covered by federal cognizance and federal jurisdiction. I can't see any point in burdening the Research Committee with an additional study of this kind.

If the Penobscot Poultry Company, or any poultry company down around Belfast, dumps any of its refuse into the water it is a federal offense. If the tankers coming into Portland Harbor dump oil onto the waters of Casco Bay, it is not only a federal offense but subjects the ship to being seized, as they have been many, many times, and not released until a five thousand dollar bond or so is produced, and ending up in a very substantial penalty. The Coast Guard is carrying on a very extensive surveillance of the pollution of Portland Harbor and every other inlet along the coast, and the State of Maine just doesn't have any jurisdiction in that area. It has been preempted by the Federal Government.

I don't know what the good Senator thinks he is going to accomplish in studying the matter, because it has been studied, there is all sorts of legislation on the books, and there is very good enforcement being carried on. It is all right - it will end up on that table, I suppose - but I don't see any point in eventually passing such an order.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am somewhat amazed at the comments of the gentleman who has reportedly been nominated to be Federal Attorney for the

State of Maine when he says that there are laws on the books. He is completely erroneous that there is any semblance of law in the federal statutes that in any way whatsoever will stop the problem of oil pollution by tankers. I am amazed that he would make that statement.

What we have in the federal statutes at the present time is completely useless. A tanker makes a major spill, it is libeled, it posts a bond and the worse that has happened, to my knowledge, has been a small four - figure fine levied long after the tanker has departed. The truth of the matter is, Mr. President and Members of the Senate, that there is no statute on the books at the present time dealing with this problem.

Of course, the problem is centered in the determination of negligence. The federal law at the present time says that negligence must be proven in order to find anybody guilty. This is very, very difficult. The Federal Government is working on the program, but the State of Maine has a responsibility to maintain the cleanliness of its shores. This order would be a step in this direction. It is the belief of everybody familiar with the problem that we can make progress, and we certainly do need to in this area.

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

Thereupon, on motion by Mr Katz of Kennebec, the Joint Order was tabled and tomorrow assigned, pending Passage.

Orders of the Day

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

Bill, "An Act Relating to Fees of Local Sealers of Weights and Measures. (H. P. 879) (L. D. 1122)

Tabled — May 21, 1969 by Senator Kellam of Cumberland.

Pending — Enactment.

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

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

Bill, "An Act to Provide for Registration of Snowmobile Trailer Dealers." (S. P. 185) (L. D. 587)

Tabled — May 21, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then moved the pending question.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

SENATE REPORT — Ought Not to Pass from the Committee on Business Legislation on Bill, "An Act to Revise the Credit Union Law." (S. P. 200) (L. D. 609)

Tabled — May 22, 1969 by Senator Mills of Franklin.

Pending — Acceptance of Report.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't wish to belabor the point and take any extended time of the Senate. I did feel that this was a reasonable request on the part of the leagues of credit unions of this State, and that there was no infringement upon the banking fraternity in the request which they had to have the laws revised in this way. I just don't like to remain silent and see the bill go down the drain without some rationale from the committee. I would like to hear from the committee about what was wrong with this request so that we can kick it back to the credit unions and tell them how they should shape up on another occasion if they want to get their laws revised.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Certainly the committee does owe an explanation of its action on this matter. We have, of course, a fairly constant stream of legislation from financial institu-

tions seeking to liberalize and broaden their powers. In most cases it has been the attitude of the committee to encourage this, we thinking the banking-financial community in the State of Maine should move out a little bit.

Credit unions, however, are a special breed of cats. Generally, in fact universally, they are a group of people working for a common employer, perhaps in a shoe shop or a mill, who band together and form a credit union for mutual self help. It is a shareholder thing; you deposit money in it and you own a piece of it. Because the credit risk is exceedingly low, since you know the people involved, and you know they have a job, or they don't have a job, generally they are able to extend very favorable interest rates. Furthermore, they are working with a category of borrower that, well, if the credit union service were not available, might very well go to the small loan companies.

The credit unions are treated under the law as they are, sort of a family financial institution. Now this act does several things to this. It would allow a foreign credit union — and I use that in the sense of a credit union outside of the particular environs, or even another city in the State — to purchase the notes of the members of a credit union that is being liquidated.

They can do that now, but the person whose note is bought under this act would become a member of this foreign credit union, as would all of his immediate family.

The other impact of this credit union act would be for them to pay to their depositors variable interest rates tied in with Christmas clubs, tax clubs, and so forth. It would also increase substantially the amount of money that they can loan on unsecured notes. Presently the maximum limit is \$750, and this would bring it up to \$2,500.

In regards to foreign credit unions buying up the notes from liquidating credit unions, this is another approach to a concept that has been rejected in the past of central credit unions. It would mean that a credit union in upstate

Maine could have members scattered all over the State. We feel that this destroys the original concept, intent, function and advantages of the credit union system. The committee did not feel that there was a place for branch credit unions in the State.

I might also add that, because of the family relationship of a credit union, the regulations applied to them under our statutes are substantially less than they are for the savings and loans or the savings banks. Credit unions, for example, do not require an independent audit.

As to the matter of variable interest rates, which is tied into Christmas clubs and tax clubs, this would allow them, of course, to pay different rates of interest to different types of accounts. I would point out to you that Christmas clubs and tax clubs customarily pay no interest at all. There is a term in here where they refer to "deposit accounts." This in this context is primarily semantics, but I think it is noteworthy that the savings and loans people have been pushing for this terminology, rather than "shareholders."

In regard to the credit limit on personal loans that credit unions may extend, the committee felt that it was in the best interest of the depositors or shareholders, whichever you like, that the present limit remain. We feel that a \$2,500 loan to an individual on a secured note — and by "secured" in this case they mean one signature, and limited, let me add, by a person's shareholdings in the credit union — we feel that a \$2,500 limit is simply too high. Thank you, Mr. President.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am going to have a little difficulty, when those remarks are printed up, in convincing my credit union friends that those are adequate reasons for rejecting their request, which I think is rather logical. I think there is a greater interest in this measure here in the body than what has

perhaps been expressed or can properly and adequately be expressed this morning. So, if some other member feels like holding it for a few days, I am sure it would be a profitable interval.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Before this matter is tabled, I would like to add to the comments of Senator Logan that there is a very important objection to the bill. This is the provision under Section 6 which would permit them to open checking accounts. The language used is "deposit accounts."

This is a real valid objection to the bill and, in my opinion, the big objection to the bill. The banking business today is beset with all sorts of evils, and many banking institutions are attempting to branch out into other fields than their originally chartered purposes in order to survive. But we are in danger, if we are not careful, of so diluting the areas of interest of the different financial institutions that none of them will be able to survive by making money.

Now, it does seem that a credit union should not enter into the checking account field, and this, in my opinion, is a real serious flaw in the proposed legislation.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for May 29, 1969, pending Acceptance of the Committee Report.

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

SENATE REPORT — Ought Not to Pass from the Committee on Business Legislation on Bill, "An Act Relating to Small Loan Company Licenses." (S. P. 396) (L. D. 1352)

Tabled — May 22, 1969 by Senator Mills of Franklin.

Pending — Acceptance of Report.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am going to move before I am through to substitute the bill for the report, and I am not going to go into extended remarks this morning, hoping that this will be delayed further. I will give you, I believe, adequate reasons for requesting such a delay. It centers around what has become known in the last five years as "The Richards Case." Mr. and Mrs. Richards from Lewiston, Maine borrowed some money from a small loan company and they had to take out some insurance in connection with that loan. The flagrant situation which existed in regard to that and multiplied by hundreds of times throughout the business in the State of Maine, prompted this piece of legislation. It prompted also at the time of it, in 1964, the institution of what has become known as "The Richards Case." There has, within the last very few days, come down from the United States Circuit Court of Appeals a decision, which may very well be the final decision in the Richards Case.

The United States District Court of Maine and the Circuit Court of Appeals for the First Circuit which, as you know, is next to the United States Supreme Court - and encompasses Puerto Rico, Maine, New Hampshire, Massachusetts and Rhode Island, in the federal system - those courts have concerned themselves very intimately with this insurance situation as it pertains to the small loans business in the State of Maine. So does this piece of legislation. I will make a few statements in regard to it - not to go into it for full debate at this time perhaps - but I do want to orient the body as to my thinking and the reasons for this bill.

In 1961 this legislature saw fit to confer a privilege upon the small loan companies that had not existed prior to that time. That privilege was to write insurance in connection with its loans, and to make a profit from the writing of that insurance. These people running these offices, bear in mind, are not licensed insurance agents

in the State of Maine, but they got the bit in their teeth, so to speak, and they ran away with it. They have made such profits in the sale of credit life and credit disability insurance that it has become an unconscionable situation, and this bill of mine would strike that down. It would put them back where they were prior to 1961. Before I give up this fight there is going to be lots of reasons advanced, I trust, from the unanimous Business Legislation Committee as to why they have seen fit to say that it is not a proper thing to do.

Mr. President, Mr. and Mrs. Richards in 1964 owed a small loan company some money, owed them \$856.99. They didn't have any insurance on that loan. They were Lewiston people, as I have said. They went into the loan company to borrow an additional \$165.58. As I say, they hadn't been insured up until that time and, in order to get this \$165.58, they had to take out credit life and credit accident and health insurance that cost them \$151.16. Not only was the premium for life insurance higher than the maximum permitted under the insurance law, but the disability insurance was not authorized to be sold in Maine. They were, nevertheless, charged an exorbitant rate for that coverage. Over ninety per cent of this premium was turned over to a wholly owned insurance subsidiary through a re-insurance arrangement, from which the loan company realized a clear profit, after all expenses and all federal and state taxes, of forty-eight per cent of the total premiums. In fact, that company realized for that year more profits from the sale of credit insurance to its borrowers than from its primary business of small loans.

That case was taken up through the wage earner plan of the Bankruptcy Court and that practice was challenged under the Maine law. The United States District Court, in referring to it, has said - this was in the decision that went up to the United States Court of Appeals - and the judge didn't say this, but I say this: It is no wonder

that the United States District Court felt "compelled" to state in his opinion: "This record reveals abuses on the part of the lenders in insurance involved which cry out for immediate and effective regulatory action." Then the judge continued: "It is for the Maine Legislature, not this Court, to enact appropriate remedial legislation."

Now, if we want to allow continued abuses under that 1961 law such as I have outlined in the Richards Case, then you should go along with this unanimous report of the Business Legislation Committee, which has been so thoroughly lobbied since the very first of this legislature in this regard from the loan companies.

I am going to ask, Mr. President, that due to the fact that the opinion, the very fine opinion, which I haven't had a chance to study, and which was written by the highly respected Judge Coffin of the United States Court of Appeals, pending a study of that opinion and the pronouncements in it, which may be the final word in this case, and which may give us more adequate and better guidelines than I can supply in regard to the direction which this legislation should take, I am going to ask that some person who may be friendly to this endeavor of mine perhaps place this on the table. I would like to have it there, I hope, for several days, so there can be an adequate opportunity to prepare, because it is a difficult thing, as you know, to attempt to overturn a unanimous report of the Business Legislation Committee. But I think we have the arguments, and I think we have the evidence. I want to see the evidence from the other side.

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

Mr. MARTIN of Piscataquis: Mr. President, I move this item be tabled until Wednesday of next week.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that Item No. 4 on your calendar, Bill, "An Act Relating to Small Loan Company Licensees"

be tabled and specially assigned for Wednesday, June 4th.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, directing a plea only to the timing of the tabling motion, this is substantially in excess of what we have been attempting to do in moving legislation along. I would ask the gentleman if he would reconsider the length and duration of his tabling motion.

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

Mr. MARTIN: Mr. President, after hearing Senator Mills discuss this bill, it seems that there is quite a bit of work to do to clear up the bugs in it, so I, therefore, insist on tabling the bill until June 4th.

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

Mr. KATZ: Mr. President, debating also the question of timing, it is not a happy circumstance to be put in to oppose the duration of this tabling motion as unreasonable, because it has already been on the table and it has been there for everyone to look at. I would ask for a division. The purpose in my asking for a division would subsequently be to rise and make a subsequent tabling motion for a shorter duration.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Piscataquis, Senator Martin, that Bill, "An Act Relating to Small Loan Company Licensees," be tabled and specially assigned for Wednesday, June 4th, will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for May 29, 1969, pending Acceptance of the Committee Report.

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

Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon," (H. P. 1031) (L. D. 1361)

Tabled — May 22, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on Highways on Bill, "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers." (H. P. 855) (L. D. 1097)

Tabled — May 22, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: It is not my intention to express any opinion on this at the moment. This is not enabling legislation; it is funding legislation, and, if it is going to expire, I think it should expire on the appropriate Appropriations Table. I therefore move we substitute the bill for the report.

The PRESIDENT: The Senator from York, Senator Logan, moves that the bill be substituted for the report, the Bill, "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers." Is this the pleasure of the Senate?

The motion prevailed and the Bill was substituted for the Report in non-concurrence.

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

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

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

Tabled — May 23, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Stuart of Cumberland to Adhere.

On motion by Mr. Anderson of Hancock, retabled and tomorrow assigned, pending the motion by Mr. Stuart of Cumberland that the Senate Adhere.

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

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (H. P. 1184) (L. D. 1505)

Tabled—May 23, 1969 by Senator Gordon of Cumberland.

Pending—Consideration.

On motion by Mr. Barnes of Aroostook, the Senate voted to Insist and ask for a Committee of Conference.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" Filing H-354 from the Committee on Judiciary on Bill, "An Act Relating to Mandatory Discharge of Chattel Mortgages and Notes." (H. P. 929) (L. D. 1190)

Tabled—May 23, 1969 by Senator Greeley of Waldo.

Pending—Acceptance of Report.

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

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

HOUSE REPORT — from the Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Augusta." (H. P. 523) (L. D. 694) Ought to Pass in New Draft under New Title (H. P. 1205) (L. D. 1532) Bill, "An Act Increasing Compensation of Councilmen and Mayor of City of Augusta."

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

Pending—Acceptance of Report.

Thereupon, the 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.

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

HOUSE REPORT — from the Committee on Education on Bill, "An Act Relating to Election of Trustees of Maine Central Institute." (H. P. 986) (L. D. 1270) Ought to pass in New Draft under New Title (H. P. 1202) (L. D. 1529) Bill, "An Act Relating to Approval of Secondary Schools."

Tabled—May 23, 1969 by Senator Quinn of Penobscot.

Pending—Acceptance of Report.

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

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

SENATE REPORT — Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Relating to Control of Riots." (S. P. 141) (L. D. 423)

Tabled—May 23, 1969 by Senator Violette of Aroostook.

Pending—Acceptance of Report.

Mr. Logan of York then moved that the Bill be substituted for the Report.

Thereupon, on motion by Mr. Mills of Franklin, retabled and tomorrow assigned, pending the Motion by Mr. Logan of York to Substitute the Bill for the Report.

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

SENATE REPORT — Ought to Pass from the Committee on Judiciary on Bill, "An Act Relating to Communications Between Physician and Patients." (S. P. 224) (L. D. 664)

Tabled—May 23, 1969 by Senator Beliveau of Oxford.

Pending—Acceptance of Report.

On motion by Mr. Conley of Cumberland, retabled and tomorrow assigned for Second Reading.

row assigned, pending Acceptance of the Committee Report.

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

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

Tabled—May 23, 1969 by Senator Cianchette of Somerset.

Pending — Passage to be Engrossed.

On motion by Mr. Wyman of Washington, retabled and specially assigned for May 29, 1969, pending Passage to be Engrossed.

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

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

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

Pending — Passage to be Engrossed.

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

Senate Amendment "A," Filing No. S-193, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled—May 23, 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 seventeenth tabled and specially assigned matter:

HOUSE REPORT—Ought Not to Pass from the Committee on Judiciary on Bill, "An Act to Provide for the Interception of Wire and

Oral Communications." (H. P. 769) (L. D. 1002)

Tabled—May 26, 1969 by Senator Logan of York.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: This, of course, is very controversial legislation as it provides for wiretapping. I believe the constitutional problems have been solved in the states—I understand that wiretap legislation is on the books in New York State, if not elsewhere, and has been tested in the courts.

I am sure we have all made up our minds on this type of bill. Is it an undue invasion of privacy, or is it not? Do the merits outweigh the possible disadvantages? This type of legislation, I believe, is aimed specifically at organized crime, and I believe organized crime has been described as a criminal conspiracy. It has been pointed out that criminals do not conspire in public. Mr. President, I would request a divisor on the acceptance of the report. Thank you.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: The committee regarded this bill and another bill of a similar character, and I would say that there are extensive provisions in this bill which haven't been mentioned. There is a part of the bill which makes it unlawful to tap wires or to listen in on conversations and to monitor, by radio, I would say, or any other electronic device, conversations of any other person unless they come within the provisions of the second part of the bill.

The part that bothered the committee particularly was this first part in large measure, because we are aware that a great deal of interception of electronic conversations instituted by electric energy, radio communications, are monitored, they are monitored daily by the various news media to ascertain leads—you go into a large newspaper office and you

will hear the squawk boxes on the sheriff's circuit and also on the State Police circuit, and perhaps on the forestry circuit and others—and we asked questions of the witnesses in regard to this, and they said, of course, the intent there was all right so it wouldn't be an unlawful activity. But it is a pretty nebulous thing to say that one type of monitoring is satisfactory to the enforcement officers and another type is not. We felt also that there hadn't been presented to us any shown need for this, and there was no evidence submitted to the committee that any crime detection had been hampered in this state by the lack of this law, or that in the foreseeable future that it would be a great improvement in the law enforcement activities.

Then the particular part in regard to the police wiretapping that gave the most offense, I think, to the committee's sense of what ought to be done was the part that says that in an emergency situation they can go in and tap anyway, whether they have court authority or not. We think that before these authorizations are given there should be a compelling need, and a showing that this would counter-balance the invasion of privacy and the harm that can be done by this type of legislation.

I might as well mention the other type of legislation which is before us in this general area, as I think it is germane to these remarks, and that would allow the officers to go to the telephone company and find out everybody that you have been talking to during the last month or several months. We have that back in committee or, at least, it was so voted yesterday, and that bill we regarded in the same light. Who I call when I pick up the telephone in my house is nobody's business but my own and the telephone company's. I enter into a contract with the telephone company to pay a bill for services rendered, and that telephone company has got no right giving that information to anyone else.

It is the same thing here. You are entitled to certain privacy in this country. It may be that there

are constitutional exceptions, but if you want to pick up the telephone in your own home and call someone, you have a right to the sanctity, the secrecy, the privacy of that conversation, and not have to wonder if big brother is listening. When you start to strike that down, and say that should no longer exist, at least if you are coming to the Judiciary Committee, you have got to show some real evidence that you need it. We didn't get any. We didn't get anything, except that it would be a nice thing and that they are doing it in other places.

So, I think there is a motion to substitute the bill for the report, and I hope the motion will not prevail.

The PRESIDENT: The Chair will inform the Senator that there is no motion other than to accept the Ought Not to Pass Report of the Committee. A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move the bill be substituted for the report, and I would speak briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the bill be substituted for the report.

The Senator may proceed.

Mr. BERRY: Mr. President and Members of the Senate: I think that we realize the significance of this legislation, and it certainly is no defense against it that no need was presented at the hearing and that such legislation is unneeded.

In perusing it I don't see obviously in print the word "monitor," so I assume that people can listen in, as all federal communication laws do apply; they say you can listen but you can't repeat. It is the disclosure that brings you in trouble under this law, and quite properly so.

We have seen in the paper that the Federal Government has set up a special ad hoc strike force fifty miles from the border of the State of Maine. I suppose there are people who would say there is no problem of organized crime in the State of Maine and, therefore, we don't need to enact laws which

could be used against organized crime. I am sure many of us differ on this viewpoint. This law protects the law-abiding citizen and it does give our enforcement officials a tool to use. The discretion is left with the judge, and the revelation of what is heard is very carefully protected under the provisions of this law. I would hope that this could be passed through to enactment.

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

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

The PRESIDENT: The Chair would inform the Senator that the bill came from the House recommended to the Committee on Judiciary. The Senator from Cumberland, Senator Berry, has moved that the bill be substituted for the Ought Not to Pass Report of the Committee.

Mr. VIOLETTE: Mr. President and Members of the Senate: I suppose that, not having been here yesterday, I didn't watch the calendar too closely and didn't know that this was coming up for debate this morning.

I would say that this legislation is exceedingly serious and before we enact it we ought to think very, very seriously about what it does to each and every one of us. We do know that we have problems of crime and our law enforcement agencies have to be able to operate in this field, but I do submit to you that wiretapping is one of the primary and most serious invasions of the rights of privacy that each and every one of us enjoy as citizens. It has been mentioned by perhaps one of the leading jurists in the history of our country, Judge Cardozo, as being one of the greatest threats to the rights of privacy that can be presented to our people. So, when we do consider this type of legislation we have to consider it in the light of which they are needed and, if we are going to place these laws on the books which allow our law enforcing authorities to be able at any time, any law enforcing agency, the Attorney General, or any-

one delegated by him, thinks there is an emergency, that they can resort to this type of investigation on the part of all the citizens of our State, that we must think and we must consider the need that there is for this.

Now, we do know that when we enact legislation that affects the rights of our citizens, the rights of every one of us, that we have to lay them side by side along with the needs. If we are going to pass legislation that is going to infringe on the basic rights that each and every one of us have that, while this infringement may be constitutional, we nevertheless have to lay them side by side and, before we enact them, we have to consider whether or not the situation demands it.

I submit to you that, although I come from the northern part of the State, an area which is relatively free of crime, or so-called organized crime, and people perhaps may say that I am not well aware of what is going on in our State with regards to crime, I have talked to law enforcement people on this and they are not all agreed. I have talked with jurists in our State as to what their thinking is on the prevalence of organized crime in this State, and whether or not there is a threat of a nature to make us think that we should have this type of legislation on the books. My conclusion is that, while we have had people come before our Judiciary Committee and say that there is organized crime, at least nobody has disclosed to me what this organized crime is. I have yet today, at least since I have been in this Senate, and prior to being in the Senate, had anyone who has come to me and said that the threats of organized crime are this and such and such, and this thing is going on in Maine or that thing is going on in Maine, and that wiretapping is necessary in order for us to assist our law enforcement agencies break this type of activity.

We have had some top legal people in this country who have given us their feelings that wiretapping ought to be resorted to only when the security of our nation is endangered, and at no other time. I

might possibly go beyond that, and I might even say that if the threat to our society by crime was such that we had to limit the liberties of our people, then I might be very willing to consider it. But I submit to you in all honesty, as a member of the Judiciary Committee, that no evidence has been placed before me which makes me feel that this legislation is required, and particularly required when it is left up to what a law enforcement authority could claim to be an emergency, without requiring and laying before a judge that there is need for it, that wiretapping can go ahead and be done anyway.

I would hope that this legislation will not be enacted, at least in its present form, and I would hope that the motion to substitute the bill for the report would be defeated. I think this is a major infringement upon the liberties of our people, the reason for which has certainly not been justified as far as I am concerned.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Directing my comments to generally the bill itself, without discussing any of the elements or specific sections of the bill, in my opinion, this bill is probably the most dangerous document that has been introduced in the legislature this year. We are dealing here with the right to be left alone.

I would like to quote for you a statement from the late Supreme Court Justice Brandeis in which he called the right "the most comprehensive of rights and the right most valued by civilized man. That is the right to be left alone. Unrestricted invasions of privacy made possible by sophisticated electronic devices are too great to permit their exploitation, even by government agents acting in the name of law enforcement. The legitimate needs of law enforcement can be met without the use of such abhorrent devices."

Thirty or forty years ago Justice Brandeis stated: "Even general warrants are but puny instruments

of tyranny and oppression when compared to wiretapping."

I have before me a copy of the testimony given before the Committee on Judiciary in the House of Representatives of the 90th Congress, in which the Attorney General of the United States, in supporting the Right of Privacy Act, which would limit severely the wiretapping and other invasions of privacy, clearly outlined his objections to wiretapping and why the F.B.I. is not permitted to resort to wiretapping, only in instances where national security is at stake, and where the F.B.I. is very reluctant to use wiretapping because they believe that the other investigative procedures are certainly more important. This is a very comprehensive document, and I hope that I will be able to have copies of it reproduced and distributed to the members of the Senate.

He cites instances where two and three men, the personnel involved, in order to conduct an effective wiretap, where you take two and three police officers for days and days on end, who do nothing but listen and record conversations between persons whom they believe to be involved in a criminal conspiracy or criminal activity, and frequently — and this is documented and supported — after countless days and weeks of wiretapping and listening, that no evidence is ever disclosed which can be used in a court of law. You must remember, if we are dealing with syndicated or organized crime, we are concerned with very sophisticated criminals.

Now, Senator Violette has stated that at the hearing on this bill frequent reference was made to organized crime in Maine, yet no testimony or no evidence was presented which would support this conclusion.

We earlier this morning rejected a bill on compulsory fluoridation because we felt this was an area where the State should not intervene. I submit this is also an area where the State should not intervene.

I want to quote, finally, a summary by the Attorney General in his testimony before the Judiciary

Committee in which he states: "If wiretapping is effective, why are jurisdictions which utilize wiretaps sometimes seriously infested with organized crime, while areas where they are prohibited are sometimes free of organized crime? Can the public be adequately protected against excessive use if use is permitted? Can innocent people be adequately protected from disclosures of false statements intercepted by wiretaps? How many cases will be lost because rights, such as that to counsel, are invaded, however unwittingly?" The Attorney General goes on to outline case after case where federal agents listened to wiretaps for days on end, without learning or disclosing any evidence which could be used in a court of law.

There is no need for this legislation here in Maine today. If the Attorney General does not permit the F.B.I. to use it, and certainly we can't quarrel with their qualifications, training or experience, are we to permit the law enforcement officers of this State, who certainly don't meet the standards of the Federal Bureau of Investigation, to resort to wire-tapping?

Now, directing my comments to the bill itself, and the section dealing with the emergency aspect of this, Section 7 on Page 7 of the document itself, it states that: "Notwithstanding any other provisions of this chapter, any law enforcement officer especially designated by the Attorney General, who reasonably determines that an emergency situation exists . . ." and it goes on to outline the waiver of the intervening tribunal. This can be abused to no end. Who is going to make this judgment? One person is going to make this judgment based on the testimony of a police officer. I don't quarrel with the police officers, but do you mean to tell me that if this document is passed, if the police and law enforcement officials are given this additional tool, that this is going to result in one additional conviction or the reduction of criminal activities in this State? It has not been accomplished in other jurisdictions, it has not been accomplished by the F.B.I., and certainly we are not going to ac-

complish this in the State of Maine. There is no need for this document, and I trust the pending motion will be defeated.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There is vital need for this document. The present Attorney General of the United States stated that legislation of this type is need and useful in the fight against organized crime.

Senator Violette and Senator Beliveau have made reference to the fact that the issuing authority is in the hands of the law enforcement people. I would point out very specifically under Subsection 711 that a judge of competent jurisdiction is the one who will issue the order permitting this. Right under that, in Section 1, there are seven requirements which must be met before such an order can issue. These are detailed and explicit requirements.

If the removal of the emergency situation is necessary, let us remove the emergency situation to get such a bill passed.

We are going to shortly consider in this body the implied consent bill. I am sure that one of the arguments which will be used against the bill, is that this is a basic intrusion on human rights, and that this is just the beginning of the erosion of privacy to take away the rights of the individual when you require him to give up his license if he refuses to take a test. As said before, I changed my mind on this, and for a very simple basic reason. That is because our civilization today is a far different one than the one that was envisaged by the founding fathers some two hundred years ago. We have to sacrifice some things. But what are you and I sacrificing under this bill?

The proponents say that this is needed and that this only applies to organized crime. The opponents are implying that it applies to the thirty-two Senators in this chamber. Now, it applies to you if you have committed or are conspiring to commit the following crimes:

murder, kidnapping, gambling, robbery, bribery, extortion, selling or dealing in narcotics, drugs, marijuana or other dangerous drugs, or other crimes dangerous to life, limb or property and punishable by imprisonment for more than one year, or any conspiracy to commit the foregoing.

I maintain that this is not an invasion of privacy. This is a vital, necessary tool in today's society to fight crime.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I read in the paper a great deal in the last few weeks, or at the time when most of these bills were submitted to the legislature, of the phantom Mafia, supposedly operating primarily in southern Maine. I think one member of this body has been quoted as saying that the Attorney General has been shadow-boxing with the so-called phantom Mafia. I wonder if perhaps the good Senator from Cumberland, Senator Berry, might have a little bit more knowledge relative to organized crime than perhaps some of the members of the Judiciary Committee?

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have never said anything about their being in existence in the State of Maine organized crime, nor have I referred to the existence of the Mafia in the State of Maine. Several of the opponents of this type of legislation have used this device in attempting to achieve their ends, that there is no Mafia and that there is no organized crime in the State of Maine.

I would say in this vein that you get your measles shot, you get your chickenpox shot, and you get your other immunization shots before you contract the disease. I think this would be a pretty good idea to apply to this field of law.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: There is one final comment I want to make on this bill. In my deliberations in voting on this bill, I consider that it is a basic infringement on the rights of our people, and that if we are going to enact this type of an infringement we should be shown the cause and the need for it.

Now, I happen to have signed the Minority Ought to Pass Report on the matter of implied consent, and some of the members of my profession have been a little bit unhappy with me for that reason. I signed it because I had reservations about it and I still do, but I did because we do have a basic problem on our highways, we have a basic problem of major accidents, and I think a case can well be made that the use of liquor and the use of automobiles is a contributing factor to the death rate and the accident rate on our highways. Now, I could be wrong but, at least I felt that type of case was made before my committee and that there was a need for it so, while still having reservations, I voted for that bill.

I submit to you that perhaps it is because of my training that, if I am going to enact into legislation this type of legislation, I will have to be shown that it is needed, and I am not willing to accept a broad statement made by someone before my committee that there is organized crime in the State and that we need this to combat it. They are going to have to provide to me, either in general committee hearings or in executive sessions, facts to back up that statement. Those facts have not been given me, and this is the basic reason I am unwilling to go along with this legislation.

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

Mr. BERRY of Cumberland: Mr. President, because of the significance of this legislation, I would 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. All those Senators in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, on Bill, "An Act to Provide for the Interception of Wire and Oral Communications," that the Bill be substituted for the Ought Not to Pass Report of the Committee. A "Yes" vote will be in favor of substituting the Bill for the Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Dunn, Greeley, Hanson, Hoffses, Logan, Moore, Peabody, Stuart, Wyman and President MacLeod.

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

ABSENT: Senator Quinn.

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

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

Sent down for concurrence.

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

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (H. P. 1185) (L. D. 1506)

Tabled — May 26, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

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

Mr. BARNES of Aroostook: Mr. President and Members of the

Senate: I wish to make a few remarks regarding this L. D. 1506. I realize the hour is getting late and I am going to be very brief. In referring to this bill I also want to call your attention to one we considered earlier in the day, Item 8 on Page 8, L. D. 1505. Both of these bills are very comprehensive, both of these bills are basically good, both of these bills have exactly the same title, both of these bills are designed and have the same objective, namely, to correct the abuses on the dealer plates.

Now, earlier in our treatment of 1505, this was in non-concurrence, and we moved to insist. As I say, these bills are basically the same; they differ only in two or three small areas — and I think those two or three small areas can be resolved and we can come out with a good piece of legislation which will be beneficial to all people in the State of Maine. But if we persist in working with both of these bills we are going to end up with nothing. What I would like to see with this L. D. 1506 is that it also be placed in a position of nonconcurrence, and we could get a committee of conference to consider both bills. I am sure that we could get together on a couple or three very minor — and they are very minor — differences, and compromise those differences and come up with a basically good bill.

Now, these two bills are sponsored respectively by two members of the other branch. Both of them have worked very hard on these bills and both of them are very sincere. As I say, both of them are basically good bills, and they only vary in a couple of small minor areas. We had these two bills in our Transportation Committee all winter and we studied them, restudied them, researched them and, as I say, they are good, they are both good, but we don't need both of them. So, in order to get this 1506 in a position of non-concurrence, where we can consider both of them at the same time, I hope, with the same committee of conference, and resolve these two or three minor things, I would, therefore, move the in-

definite postponement of L. D. 1506 and all its accompanying papers.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that L. D. 1506, Bill, "An Act Revising the Motor Vehicle Dealer Registration Law," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Gordon,

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I don't want to belabor this. I just want to perhaps clear the issue and merely say that I couldn't agree more with the Senator from Aroostook. I think this is the only solution and the manner in which to handle these two bills, and I think that the good Senator from Aroostook has laid it right on the line just as it should be. I have confidence that a committee of conference could solve this problem.

The PRESIDENT: Is it now the pleasure of the Senate that Legislative Document 1506, Bill, "An Act Revising the Motor Vehicle Dealer Registration Law," be indefinitely postponed?

The motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Providing for a Legislative Program Evaluation Division." (S. P. 385) (L. D. 1297)

Tabled—May 26, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 89) (L. D. 251)

Tabled—May 26, 1969 by Senator Berry of Cumberland,

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

(See action later in today's session.)

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

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

Tabled—May 26, 1969 by Senator Hoffses of Knox.

Pending—Enactment.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary on May 29 presented to the Governor for his approval.

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

SENATE REPORTS — from 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) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—May 26, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Katz of Kennebec to Accept the Minority Ought to Pass Report.

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

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

The Committee on State Government on Bill, "An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department." (H. P. 944) (L. D. 1205) reports that the same Ought to Pass.

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

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

Mr. REED of Sagadahoc: Mr. President and Members of the Sen-

ate: My reason for tabling this was to find out a little more about it, which I haven't had a chance to do. But at this time I have no objection to the pending question, which is the acceptance of the Committee Report.

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

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

An Act to Establish a Police Training Facility, (S. P. 3) (L. D. 17), pending Enactment.

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

The President laid before the Senate the second matter tabled earlier in today's session by Mr. Sewall of Penobscot:

An Act Establishing the Law Enforcement Planning and Assistance Agency, (H. P. 1046) (L. D. 1374), pending Enactment.

Thereupon, on motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

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

Mr. MILLS of Franklin: Mr. President, on Item 20, Bill, "An Act Relating to Comparative Negligence in Civil Actions" (S. P. 89) (L. D. 251), which we passed to be engrossed, I apparently made some commitment about an amendment, which I have just been reminded of. The amendment hasn't been drafted, so I would, therefore, make the motion to reconsider our action whereby we passed this matter to be engrossed.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate reconsider its action whereby it passed to be engrossed Legislative Document 251, Bill, "An Act Relating to Comparative Negligence in Civil Actions." Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, tabled and specially assigned for May 29, 1969, pending Passage to be Engrossed.

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