

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

Thursday, May 29, 1969

Senate called to order by the President.

Prayer by the Rev. William A. Chamberlain of Winthrop.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn to Tuesday, June 3, at 10 o'clock in the morning.

(S. P. 482)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Joint Order S.P. 465 — Relative to Proposed Consumer Code for State of Maine to be presented to the 105th Legislature.

In the Senate May 23, 1969, Passed as Amended by Senate Amendment "A" (S-183).

Comes from the House, Indefinitely Postponed, in non - concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate May 20, 1969, Bill Substituted for the Report and on May 26, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-174).

Comes from the House, the Bill and Report Indefinitely Postponed, in non - concurrence.

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

Non-concurrent Matter

Bill, "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 128)

In the Senate May 20, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-129) and Senate Amendment "B" (S-163).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-163) as Amended by House Amendment "A" (H-386) thereto, in non - concurrence.

On motion by Mr. Cianchette of Somerset, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate May 7, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-121).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-121) and House Amendment "A" (H-402) in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Permitting Attendance Promotions by Liquor Licensees." (H. P. 1198) (L. D. 1519)

In the Senate May 21, 1969, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-415) in non - concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the House May 22, 1969, Passed to be Engrossed as Amended by House Amendment "B" (H-375) in non - concurrence.

In the Senate May 23, 1969, Senate voted to Recede and Concur.

Comes from the House, Passed to be Engrossed as Amended by

House Amendment "B" (H-375) as Amended by House Amendment "A" (H-414) thereto, in non - concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate May 23, 1969, Bill Substituted for the Report and on May 27, 1969, Bill Passed to be Engrossed.

Comes from the House, Bill and Report Indefinitely Postponed in non - concurrence.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: When I filed this bill I had faint hope of it passing through the Legislature. However, I believe that it has served a purpose and it has perhaps started us on the road to action in this important area. I, therefore, move that the Senate recede and concur.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate May 26, 1969, Bill Substituted for the Report and on May 27, 1969 the Bill Passed to be Engrossed.

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

On motion by Mr. Kellam of Cumberland, tabled until later in today's session, pending Consideration.

Non-concurrent Matter

Bill, "An Act to Provide a Uniform Fiscal Year for Municipalities." (H. P. 98) (L. D. 106)

In the Senate May 21, 1969, Passed to be Engrossed in non - concurrence.

Comes from the House, Passed to be Engrossed as Amended by

House Amendment "A" (H-413) in non - concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill, "An Act Relating to Nonprofit Hospital or Medical Service Organizations", House Paper No. 808, Legislative Document No. 1047, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the State Department of Insurance is requested to provide the Committee with technical advice and other needed assistance in this study; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature.

(H. P. 1225)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of the Bill: "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine," House Paper No. 385, Legislative Document No. 1144, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further.

ORDERED, that the State Bureau of Taxation and Department of Insurance are requested to provide the Committee with information, technical advice and

such other needed assistance as they deem necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature.

(H. P. 1226)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

Communications

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

May 28, 1969

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

The House today voted to Adhere to its action whereby it had insisted on accepting the Minority "Ought not to pass" Report on Bill "An Act Revising the Motor Vehicle Dealer Registration Law" (H. P. 752) (L. D. 970) and the Senate had voted to insist on its action whereby it had accepted the Majority "Ought to Pass" in new draft Report and asked for a Committee of Conference.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the Maine Education Council, established under Chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education," H. P. 952, L. D. 1228, as introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, at the next regular session of the Legislature.

(S. P. 483)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: The Committee on Education was presented with a very interesting bill this session that went something like this: Inasmuch as it costs about \$1,400 to \$1,800 of tax money for every student we educate at the University of Maine, wouldn't it make sense for us to go to the private colleges and underwrite about half of that deficit through grants to the private colleges if they would increase the number of Maine students attending? This would involve, of course, the University of Maine slowing down its over - all expansion, and it would involve the private colleges of Maine accepting a greater number of Maine students. The bill has a tremendous amount of interest and the Joint Order directs the Maine Education Council to look into it. Perhaps we have discovered something of merit here.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending Passage.

Committee Reports

House

Leave to Withdraw -

Covered by Other Legislation

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

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

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

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

**Ought Not to Pass -
Covered by Other Legislation**

Bill, "An Act Amending the Sanford Sewerage District." (H. P. 706) (L. D. 920)

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

Comes from the House, the Bill Substituted for the Report and the Bill subsequently Passed to be Engrossed as Amended by House Amendment "A" (H-380).

On motion by Mr. Letourneau of York, the Bill was Substituted for the Report in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought Not to Pass

The Committee on Legal Affairs on Bill "An Act to Establish a State Department of Family Relations." (H. P. 1051) (L. D. 1382)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Committee on Taxation on Bill, "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 841) (L. D. 1079)

Reported that the same Ought Not to Pass.

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

Which report was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, might I ask through the

Chair if a member of the Committee would explain somewhat the implications of this move?

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

Thereupon, on motion by Mr. Hanson of Kennebec, tabled until later in today's session, pending Acceptance of the Committee Report.

Ought to Pass

The Committee on Legal Affairs on Resolve, Proposing an Amendment to the Constitution to Provide for Municipal Home Rule. (H. P. 343) (L. D. 451)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Resolve Passed to be Engrossed as Amended by House Amendment "A" (H-416).

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

Ought to Pass-as Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Permit the Payment of School Construction Aid Upon the Completion of a Project." (H. P. 376) (L. D. 485)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-396).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-396).

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

The Committee on Judiciary on Bill, "An Act Concerning the Adoption of State Wards." (Emergency) (H. P. 760) (L. D. 980)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-365).

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

Which report was Read and Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-365, was Read and Adopted in non-concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Claims on Resolve, in Favor of Matinicus Isle Plantation. (H. P. 922) (L. D. 1183)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1213) (L. D. 1545)

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

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

The Committee on Legal Affairs on Bill, "An Act Providing for Regulating Water Well Construction and Pump Installation." (H. P. 999) (L. D. 1301)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1214) (L. D. 1546)

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

Which report was Read.

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

The Committee on Inland Fisheries and Game on Bill, "An Act Increasing Resident Fish and Game License Fees." (H. P. 122) (L. D. 138)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Increasing Certain Fish and Game Fines." (H. P. 1204) (L. D. 1531)

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

Engrossed as Amended by House Amendment "D" (H-395) and House Amendment "E" (H-400).

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once. House Amendment "D" was Read.

Thereupon, on motion by Mr. Conley of Cumberland, tabled and tomorrow assigned, pending Adoption of House Amendment "D."

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation. (H. P. 447) (L. D. 571)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

DONAGHY of Lubec
DENNETT of Kittery
MARSTALLER of
Freeport

RIDEOUT of Manchester

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

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

WATSON of Bath
D'ALFONSO of Portland
STARBIRD of Kingman

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

Which reports were Read.

Mr. Wyman of Washington then moved Acceptance of the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending the motion by Mr. Wyman of Washington to Accept the Majority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on State Government on Bill, "An

Act Relating to State Historian.”
(H. P. 710) (L. D. 924)

Reported that the same Ought
Not to Pass.

Signed:

Senators:

LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

DONAGHY of Lubec
D'ALFONSO of Portland
M A R S T A L L E R of
Freeport

WATSON of Bath
RIDEOUT of Manchester

The Minority of the same Com-
mittee on the same subject matter
reported that the same Ought to
Pass.

Signed:

Senator:

WYMAN of Washington

Representatives:

STARBIRD of Kingman
DENNETT of Kittery

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

Which reports were Read.

On motion by Mr. Beliveau of
Oxford, the Majority Ought Not to
Pass Report of the Committee was
Accepted in concurrence.

Divided Report

The Majority of the Committee
on Judiciary on Bill, “An Act
Providing for Implied Consent Law
for Operators of Motor Vehicles.”
(H. P. 1030) (L. D. 1339)

Reported that the same Ought
Not to Pass.

Signed:

Senators:

MILLS of Franklin
QUINN of Penobscot

Representatives:

FOSTER of M e c h a n i c

Falls

BERMAN of Houlton
DANTON of

Old Orchard Beach
BRENNAN of Portland
MORESHEAD of Augusta

The Minority of the same Com-
mittee on the same subject matter
reported that the same Ought to
Pass.

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

HESELTON of Gardiner
HEWES of Cape Elizabeth

Comes from the House, the
Minority Ought to Pass Report
Read and Accepted and the Bill
Passed to be Engrossed as
Amended by House Amendment
“A” (H-327)

Which reports were Read.

On motion by Mr. Reed of Saga-
dahoc, tabled and tomorrow as-
signed, pending Acceptance of
Either Report.

Divided Report

Five members of the Committee
on State Government on Bill, “An
Act Creating the Unclassified State
Employees Salary Board.” (H. P.
9) (L. D. 9)

Reported in Report “A” that the
same Ought to Pass in New Draft
Under Same Title. (H. P. 1212) (L.
D. 1541)

Signed:

Senator:

WYMAN of Washington

Representatives:

DONAGHY of Lubec
RIDEOUT of Manchester
DENNETT of Kittery
M A R S T A L L E R of
Freeport

Five members of the same Com-
mittee on the same subject matter
reported in Report “B” that the
same Ought Not to Pass.

Signed:

Senators:

LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

WATSON of Bath
STARBIRD of Kingman
D'ALFONSO of Portland

Comes from the House, Report
“B” Ought Not to Pass Read and
Accepted.

Which reports were Read.

On motion by Mr. Wyman of
Washington, tabled and tomorrow
assigned, pending Acceptance of
Either Report.

Divided Report

The Majority of the Committee
on Taxation on Bill, “An Act Relat-
ing to Requirements for Recording
Deeds and Other Instruments.” (H.
P. 532) (L. D. 703)

Reported that the same Ought Not to Pass.

Signed:

Senators:

MARTIN of Piscataquis
WYMAN of Washington
HANSON of Kennebec

Representatives:

COTTRELL of Portland
DRIGOTAS of Auburn
SUSI of Pittsfield
ROSS of Bath
WHITE of Guilford
FORTIER of Rumford

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

Signed:

Representative:

HARRIMAN of Hollis

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General." (H. P. 181) (L. D. 220)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1190) (L. D. 1509)

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

DENNETT of Kittery
WATSON of Bath
RIDEOUT of Manchester
M A R S T A L L E R of
Freeport

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

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

DONAGHY of Lubec
STARBIRD of Kingman
D'ALFONSO of Portland

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

Which reports were Read.

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

Mr. BARNES of Aroostook: Mr. President, I move that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This document would change the arson investigation from the Insurance Department to the Department of the Attorney General. It is a redraft of the original document, and you will note that for some reason or other they believe that the existing set-up within the Division of Fire Prevention of the Insurance Department is inadequate to meet our needs.

The State Fire Chief's Association has met and reviewed this document, the new draft and the old draft, they have analyzed and discussed at length the present practice under the Insurance Department, and they have voted unanimously to oppose this document which would remove the investigation from the Insurance Department. The primary reason is that they are in the process of preparing legislation to create a Fire Marshal's Office to be responsible for coordinating all of the activities regarding fires and related matters.

Now, what we are doing here is changing a portion of the department for the sake of change. There are eight men in the Arson Investigation Unit, I understand, in the Insurance Department. Apparently they would remain where they are, but the Attorney General would assume the responsibility of investigating

suspected arson cases. At present the Attorney General and the county attorneys are responsible for the prosecution of arson crimes, and this bill would extend it to require that the Attorney General also investigate the situations. I am opposed to that because I do not believe that we are going to accomplish any more, acquire any more convictions or return any more indictments because the investigation is done by the Attorney General's office. It would either result in expanding his personnel - he certainly does not have the personnel, adequate personnel to investigate, and I would assume he would retain the present members of the Arson Division to investigate—but again, what we are doing is that we are leaving the people in the other building, transferring the responsibility downstairs without, in my opinion, accomplishing anything favorable.

The bill itself, at least the first three or four sections, appear to be simple, minor administrative changes or transfers of responsibility. If you will note Section 2397, which empowers the Attorney General to summons and compel the attendance of witnesses before him to testify in any matter which relates to arson, now, this is giving a bureaucrat subpoena power to compel and require the attendance of witnesses before him to investigate matters relating, I assume, to arson investigations. It would further compel the production of all books and documents that he believes are necessary for the investigation of this. Now, this is done by a bureaucrat, not pursuant to a court order. This is a very, very dangerous precedent to permit one person or his designee, or to arm them with the right of subpoena. It isn't needed. We have our grand jury process today, and the grand jury, if it is necessary, can issue the proper process to compel the attendance of a witness. That is the reason we have a grand jury. That is why historically we have not given any bureaucrat in this State the right to compel the presence of witnesses before him to investigate any particular matter. That

section, in any event, regardless of what we do with the rest of the bill, is absolutely, in my opinion, completely objectionable, and it should be deleted, regardless of what happens.

Now, this is a very premature document. As I say, the Fire Chiefs' Association of the State - and they met with representatives of the Attorney General's office on several occasions, and they made their views known to the members of the Attorney General's office - they say there is no need for it, it is premature, and they intend to completely revise and review this whole area, to create a Fire Marshal's Office, and have a person in that position who would possess the expertise that is necessary to investigate these cases.

Therefore, Mr. President and Members of the Senate, I trust you will defeat the pending motion to adopt the Ought to Pass Report so that the Ought Not to Pass Report may be finally adopted.

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

Mr. WYMAN of Washington: Mr. President, I move this be tabled until the second legislative day.

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

Mr. BERRY of Cumberland: Mr. President, speaking to the timing of the tabling motion, I am sure we members of the Senate have sat here this morning seeing items being tabled which merit debate, regardless of the absence of one or two members of the Senate, on which perhaps our minds are made up well enough to move these documents along in the preliminary legislative stages. I am wondering if this is not a document which falls within the purview of that, and if the good Senator might either change the time of his tabling motion or withdraw his motion, if we couldn't accomplish what we are really trying to do.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending the motion by Mr. Barnes of Aroostook

to Accept the Ought to Pass in New Draft Report of the Committee.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issues in the Amount of \$50,000,000 to Provide Funds for School Building Construction Under the Revised Statutes, Title 20, Sections 3457, 3458 and 3459." (H. P. 158) (L. D. 197)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-397)

Signed:

Senators:

SEWALL of Penobscot
DUQUETTE of York

Representatives:

JALBERT of Lewiston
BRAGDON of Perham
BENSON of

Southwest Harbor
SAHAGIAN of Belgrade
BIRT of

East Millinocket
MARTIN of Eagle Lake
LUND of Augusta

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

Signed:

Senator:

DUNN of Oxford

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-397).

Which reports were Read.

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

Senate

Ought Not to Pass -

Covered by Other Legislation

Mr. Katz for the Committee on Education on Bill, "An Act Relating to the Distribution of School Subsidy." (S. P. 161) (L. D. 535)

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

Which report was Read.

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

Ought to Pass in New Draft

Mr. Cianchette for the Committee on Retirements and Pensions on Bill, "An Act Altering Formula for Retirement Under State Retirement System." (S. P. 337) (L. D. 1135)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 480) (L. D. 1558)

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

Divided Report

Five members of the Committee on Retirements and Pensions on Bill, "An Act Relating to Retirement Benefits for Institutional Heads, Deputies and Assistants and Correctional Officers and Employees of the Bureau of Corrections Under State Retirement System." (S. P. 174) (L. D. 577)

Reported in Report "A" that the same Ought to Pass in New Draft under New Title. "An Act Relating to Retirement Benefits for the Warden, Deputy Warden, Superintendent, Assistant Superintendent, Correctional Officers or Guards of the Men's Correctional Center and the Maine State Prison Under State Retirement System." (S. P. 481) (L. D. 1559)

Signed:

Senators: HANSON of Kennebec
DUQUETTE of York

Representatives:

MEISNER

of Dover-Foxcroft
SHELTRA of Biddeford
TEMPLE of Portland

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

Signed:

Senator: CIANCHETTE

of Somerset

Representatives:

LINCOLN of Bethel

PRATT of Parsonsfield

MARQUIS of Lewiston
BARNES of Alton

Which Reports were Read.

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

Mr. HANSON of Kennebec: Mr. President, I move that we accept the Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Hanson, moves that the Senate accept the Ought to Pass Report "A" of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: As a signer of the "B" Report I think I should point out something on this bill. If you will note, another bill which was reported out of the Retirements and Pensions Committee with a unanimous Ought to Pass Report was defeated in the other branch just recently, a bill that would give about the same provisions under retirement to the Inland Fish and Game Wardens and the Coastal Wardens that this bill would give to the guards in the prisons. I think certainly if the other bill, as badly as it was defeated in the other body, does not stand any opportunity of passage, if this is to be true, then I certainly believe that this bill should not receive passage, inasmuch as it would give these people benefits that are being denied the other enforcement officers. I hope that the motion does not prevail.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I appreciate the remarks from my good friend, the Senator from Somerset, and I would like to explain to the members of the Senate why I signed the Ought to Pass Report.

In the first place, on the rewrite of this bill it includes only the enforcement officers in the State Prison and at Windham as well. Now, at the hearing there was no opposition to this bill, and on the

rewrite it gives them the same set-up as the State Police have. If this bill should pass, there should be an amendment on it which would increase their contributions, their State employees' contributions, by two and a half per cent to put them on an equal basis with the State Police.

Mr. Raines, the Director of the Department, was in support of this, and Superintendent Johnson, I think that they have a problem of recruitment, and whether this would help them any or not could be a question. They would like very much to have young men who are able to cope with the problems that arise in dealing with these younger boarders that they have in particular, because they feel that, due to the extreme pressure within the prison, it is very nerve-racking to many of their employees. I would like to give you a little idea as to why this could be, and explain to you some of the problems that many of those who are working within the prison are up against.

I will use the carpenter foreman as an example. He possibly may have sixty or seventy of these boarders under his supervision. Actually he is not armed in any way, because he is within the prison, but immediately, if there should be a break or disturbance or something, as soon as he can get out he is immediately armed properly and he then becomes a guard. This question was brought up, as to how much of an enforcement officer he was, and this was the explanation we received and it is very understandable.

These are just a few of the implements they make within the prison, of course, it is on the side. The supervisor of this group, watching over so many men, is unable to cope with these fellows that can do this on the sly. These, we will all admit, are rather vicious weapons. I know that not many of you can see this very fine wire, but this is a wire with which one of their boarders can walk up behind whoever the guard might be, or whoever their supervisor might be, slip it around their neck and immediately there is damage done.

I feel, as far as enforcing the law, that their occupation is fully as dangerous as the State Police, and I feel that they should be recognized in their wishes. Warden Robbins would like very much to have this age lowered to fifty. It would have cost a great deal more, and I don't think it would have helped them any in their recruitment program, but we feel, or some of us felt, that any enforcement officer - and possibly there should be a study made by our Legislative Research Committee or by some committee in regards to enforcement officers, so as to put them all on the same level within the State.

That is why I signed the Ought to Pass Report, because of the dangerous duty that they have.

I will say that there is a price tag on this, and I believe that the cost for '69 and '70 for the prison would be \$10,569, and for the Men's Correctional Center, \$36,631, which makes a total for the biennium for the State Prison employees of \$41,410, and for the Men's Correctional Center at Windham a total of \$57,587. I know that we are searching for funds, but this is my true feeling, that the enforcement officers which are on the same level should be recognized under the retirement system as on the same level as well.

I naturally am leaving this to the judgment of the members of the Senate, but I would like to see this bill on its way. If the money is available, it would be wonderful, and I think I feel the same as many of you that it is questionable whether it will be. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel I should make some very brief remarks in regards to this particular piece of legislation because part of those who will be benefitted by this piece of legislation are the guards at the Maine State Prison, which comes within my district.

It is true that these guards within the confines of the prison in the workshops are not armed.

Only those who are on the walls, who are behind the locked doors, which are the escape routes, are the men that are armed. However, when there is a break, as the good Senator from Kennebec has mentioned, those men are immediately armed.

Now, I have been in the maximum security institution at Thomaston on several occasions and I have seen the type of inmates there. They are all young men. If I am not mistaken, the average age is only 25 or 26. These are young men, and some of them are very vicious men, they are bent on any method of escape or retaliation that they may feel inclined to, and those men's lives are in jeopardy when they are within that institution, or when they are out searching for them after they have executed a break.

I will be the first to admit that those guards are standing around and they are sitting around. That is their duty, that is what they are hired for. But let me assure you that they cannot go to the cafeteria for a coffee break, they cannot go downtown for something or other any time that they want to do it. When they go in there they are behind those locked doors for a period of time and, as far as I am concerned, the monotony which they have to endure certainly offsets any physical exercise which they might have to do in some other category working for the State of Maine.

I know, in fact, that these men that are in the State Prison at Thomaston as guards are not men who cannot find work anywhere else, who are lazy, who are indolent, and that this is an easy life for them. I can assure you that is not the case. Warden Robbins, I can assure you, runs a very, very tight ship, and the men that he has got in there, any time that any of them go out of there seeking other employment, I for one, as an employer, would be most happy to employ them in my service. I know they are qualified, dedicated men, and I believe that this is a good piece of legislation and is deserving of your consideration.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am opposed to this twenty-year retirement at the Prison and at the Men's Correctional Center as much as I was opposed to the Sea and Shore Wardens and the Inland Fisheries and Game Wardens retiring at 20 years. I don't know what the thinking is of people. Other people work until they are 65 before they can get a pension, and here we want to retire these men any time after forty-one years of age.

Now, the Senator from Knox, Senator Hoffses, says that the State Prison is within his district. Well, the Men's Correctional Center is in my district. A lot of the men working there are my friends, but they know just how I feel about twenty-year retirement. I am definitely opposed to it, I think it is putting too much of a burden on the pension fund and it won't be too long before we will realize it. I certainly want to oppose the pending motion.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I trust when I stand here to oppose this motion that I don't become a star boarder in this institution in the near future; I don't know just what might happen to me at that point.

The Senator from Kennebec has intimated that the warden did tell us in Committee that he was in hopes that this measure, a better retirement for the officers, would help him in his recruitment. This, I think, was his leading point in the Committee. He related to us that he was unable to recruit young men because of the fact that they could go next door to the Dragon Cement Plant and probably get \$2.75 or \$3.00 an hour. I don't see any relationship between the retirement of these people and recruiting men of this age who can go next door and earn \$3.00 an hour. I don't think that they are going to be thinking during that

period of life of their retirement which might come in twenty years, or would come in twenty years under this bill, or at age 55.

I don't think the positions are equated with the State Police. The State Police are on 24-hour call seven days a week. These men serve regular hours, eight-hour shifts. It is a different type of enforcement altogether, and I certainly hope that the motion does not prevail. I ask for a division when the vote is taken.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Just one word that I might mention in regard to what the good Senator from Somerset has said. It is true that they work eight hours, but it also is true that when there is a break, I know of some of those men who have been on a 24-hour stretch looking for an escaped convict in all kinds of weather, because I have been stopped on many occasions when they have set up roadblocks and are trying to pick up the escaped convict. Although their regular time is eight hours a day, when there is a break they are on unlimited call.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: Just one other thing: Some feel that this is not dangerous work possibly as that which the State Police are involved with. I will admit there are circumstances in whatever department it might be when there are emergencies.

Now, there was brought before us, and the warden took it back because he must use it as evidence in a court case that will be coming up, but it was a tube that was a little bit larger than the rod here on this mike, and one end was hammered down tight so it was right down flat, and it was probably for a couple inches up the rod, and then there was a hole drilled in it for a fuse which they had made and inserted into this. Then they put an explosive into

this tube and filled it with bolts, scraps of iron and so on and so forth, and what they used for an explosive was matchheads. He had a box of these matchheads there. They were ordinary paper matches, and they just take the heads off and they are put in here. He also showed us another, which he was holding for evidence as well, which was a short piece of pipe with - I don't know what you call it - but a nipple on each end, and a hole was drilled into this where there was a fuse. This was about four inches long, I would judge, and this can be thrown like a grenade. One of their boarders made one of these and it was exploded very recently in the Prison. Fortunately there was nobody injured other than the fellow who made it.

Now, I consider this a rather dangerous occupation. It is one that I wouldn't care to be involved with, but I think some of these things should be brought out to you.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Kennebec, Senator Hanson, that the Senate accept the Ought to Pass Report "A" on Bill, "An Act Relating to Retirement Benefits for the Warden, Deputy Warden, Superintendent, Assistant Superintendent, Correctional Officers or Guards of the Men's Correctional Center and the Maine State Prison Under State Retirement System." A division has been requested. As many Senators as are in favor of accepting the Ought to Pass in New Draft Report of the Committee will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Creating Oxford County Commissioner Districts." (S. P. 462) (L. D. 1525)

Reported that the same Ought to Pass.

Signed:

Senators:

PEABODY of Aroostook

MARTIN of Piscataquis

Representatives:

WIGHT of Presque Isle

DYAR of Strong

HAWKENS

of Farmington

LABERGE of Auburn

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

Signed:

Senator: MILLS of Franklin

Representatives:

HANSON of Vassalboro

CROMMETT

of Millinocket

FORTIER of Waterville

Which reports were Read.

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

Mr. PEABODY of Aroostook: Mr. President, I move we accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Aroostook, Senator Peabody, moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: A week or two ago we debated at some length this same bill when it was in the form of an amendment to the Somerset County Commissioner District Bill. It was then redrafted and presented as a bill, referred to the Committee on Towns and Counties, and finally we have the report before us.

The objections which I raised several weeks ago are just as valid today as they were then. This bill differs from the other commissioner district bills that were before us, and are before us, in that this is the only document that

has not received a public hearing. It is a substantive bill, it affects every citizen of Oxford County, it will affect, of course, the board of county commissioners; it will affect the municipalities of Oxford County, and yet they have not been given an opportunity to be heard.

Early in the session we had occasion to discuss this very same issue as to whether, when the Towns and Counties Committee is considering legislation affecting various counties, whether the commissioners and others who are concerned and interested in these matters should be heard. We all agreed then that they should be heard although, because of custom and tradition, we have not provided for hearings in matters of this nature.

Now, this bill does not deserve to be passed for several reasons. First of all, because it was introduced late in the session, and it is a substantive bill that should be heard and given a full hearing to permit all the people in Oxford County to be heard. It is a partisan bill and I am certain that, if the citizens of Oxford County were given an opportunity to vote on this, they would reject it. There is no need for it. Certainly the Supreme Court has not directed us to reapportion our counties. The one man-one vote rule of our United States Supreme Court does not apply to county commissioner districts, because they all run at large. No person is deprived of a vote. Each vote is given the same weight.

I think it is time that the members of the Senate realized that to resort to this type of practice, to permit legislation of this nature to be passed without public hearing, is denying the citizens of Oxford County one of the fundamental rights of due process, that is, the right to be heard.

The citizens of Somerset County, of Aroostook County, were given this opportunity, and rightly so. As a matter of fact, there were several members of the Committee on Towns and Counties who were not there, who merely signed the bill after very little if any discussion.

It is bad legislation, and I hope we will reject the pending motion

so that if at the next session a bill like this is introduced we will all be given an opportunity to be heard.

I conferred with the county commissioners, both Republican and Democrat, about this and asked them their positions. They said they wanted to come down and testify before the Towns and Counties Committee, they wanted to relate to them the peculiar situations that exist in Oxford County, to give the members of the Committee their opinions based on the experience that they have had in Oxford County. Certainly, as I understand it, I don't believe there are any members on the Committee which are from our county, so I doubt that you are familiar with some of the problems that exist up there. In any event, my position is very clear on this. I am opposed to the pending motion, and I trust it will be defeated.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending the motion by the Senator from Aroostook, Senator Peabody, to Accept the Majority Ought to Pass Report of the Committee.

Final Report

The Committee on Health and Institutional Services submitted its Final Report.

Which was Read and Accepted.
Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council." (H. P. 998) (L. D. 1300)

Bill, "An Act Relating to Adoption of Children." (H. P. 1218) (L. D. 1551)

Bill, "An Act Relating to Inspection and Advertising of Farm Products." (H. P. 1219) (L. D. 1552)

On motion by Mr. Barnes of Aroostook, temporarily set aside.

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

The President laid before the Senate the matter set aside at the request of Mr. Barnes of Aroostook: Bill, "An Act Relating to Inspection and Advertising of Farm Products." (H. P. 1219) (L. D. 1552)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BARNES: Mr. President, in regard to L. D. 1522, I would like to make up an amendment for this bill just to change one word, which I think would put it in better form. I hope somebody would table it for a couple of days.

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

Mr. KATZ of Kennebec. Mr. President, I move to table this matter until the next legislative day.

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

Mr. BARNES: Mr. President, unless I say here over Memorial weekend I don't think we are going to have time to get this amendment prepared by the next legislative day. I would request that the good Senator from Kennebec give us one more day.

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

Mr. KATZ of Kennebec: Mr. President, regarding the timing of the tabling motion, I have been and will continue to try to motivate the members of the Senate to be conscious of the calendar. This was my purpose of my Tuesday tabling. However, Mr. President, I will withdraw my motion.

The PRESIDENT. The Senator from Kennebec, Senator Katz, withdraws his tabling motion.

The Chair recognizes the same Senator.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending Passage to be Engrossed.

Resolve, Relating to Retirement Allowance for Hal G. Hoyt of Augusta (H. P. 868) (L. D. 1110)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

House — As Amended

Bill, "An Act Relating to Tuberculosis Sanatoriums" (H. P. 686) (L. D. 885)

Bill, "An Act Relating to Release of Persons Found Not Guilty of Crime by Reason of Mental Disease or Mental Defect." (H. P. 601) (L. D. 782)

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

Senate

Bill, "An Act to Amend the Credit Union Law." (S. P. 402) (L. D. 1354)

Resolve, Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises. (S. P. 391) (L. D. 1316)

(On motion by Mr. Wyman of Washington, temporarily set aside.)

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 478) (L. D. 1557)

Bill, "An Act Appropriating Moneys for a State Vocational and Technical Institute in Waterville." (S. P. 477) (L. D. 1554)

Bill, "An Act Creating the Maine Power Commission." (S. P. 471) (L. D. 1536)

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

Bill, "An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River." (S. P. 472) (L. D. 1544)

Bill, "An Act Relating to Communications Between Physicians and Patients." (S. P. 224) (L. D. 664)

Bill, "An Act Relating to Control of Riots." (S. P. 141) (L. D. 423)

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

The President laid before the Senate the matter set aside at the request of Mr. Wyman of Washington: Resolve, Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises. (S. P. 391) (L. D. 1316)

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: As usual I lost my papers, but I have found them now. I am not a very good housekeeper. I present Senate Amendment "A" and move its adoption. This merely covers an oversight on the part of the committee. At the last special session the Legislature, and the voters afterwards, provided for an \$80 million limit on the guaranteed loans in order to take care of the Bath Iron Works deal. Somehow this was cut back to \$40 million in the L. D. This merely changes the \$40 million to \$80 million.

The PRESIDENT: The Senator from Washington, Senator Wyman, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-203 was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine." (S. P. 338) (L. D. 1136)

Which was Read a Second Time.

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

Mr. BELIVEAU of Oxford: Mr. President, I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, now moves that Bill, "An Act Pro-

viding for a State Pilotage System for the Penobscot Bay and River, Maine" be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I move this item lie upon the table until the next legislative day.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that Item 7-15, L. D. 1136, be tabled and specially assigned for Tuesday next.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, as an exercise in futility, I request a division on the tabling motion.

Thereupon, a division was had. Nine Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the tabling motion did not prevail.

Mr. Anderson of Hancock was granted unanimous consent to address the Senate.

Mr. ANDERSON: Mr. President and Members of the Senate: I find myself in agreement with the Senator from Cumberland, Senator Berry. If I have counted correctly, fourteen bills have been tabled here today, and I think that many of them could have been debated. If we keep this up we will be here until August.

Mr. Mills of Franklin was granted unanimous consent to address the Senate.

Mr. MILLS: Mr. President, I hesitate to depart from obvious leadership requests like this one for tabling, but we have got to work today and we have got to get something done. I have got some things that I might like to table later on, but I am not going to ask for it. I will go to bat on everything else I have got on there, and I will work here until six o'clock if the rest of you will. We have got to get this work done.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President and Members of the Senate: Yesterday was our talking day. Our journal was longer than that of the House, as it was the day before. Today

is our tabling day. The ways of the Senate are particularly mysterious to me, but I have had a feeling that within reason we should permit tabling as a courtesy, perhaps not as a gimmick to get our own end, but as a courtesy to somebody who has to do some work on a bill. This is why, as Majority Floor Leader, I have not been popping up and asking for divisions. I think the discipline is going to have to be more self-imposed than imposed from the rest of us, because my position has been not to slap somebody across the nose, but make a plea that we should table only when absolutely essential, and then extend the courtesy to the person whose judgment it is that the tabling is absolutely essential.

My Wyman of Washington was granted unanimous consent to address the Senate.

Mr. WYMAN: Mr. President and Members of the Senate: I agree with the good Senator from Kennebec, Senator Katz. Just because it is the closing weeks, we hope, of this Senate, and the fact that we do have a lot of bills, I think we want to be responsible, and a good many of them need careful consideration. I think to move these bills along immediately a good many times can result in irresponsible legislation. The bills come fast, we have had a good many of them and haven't had time to read them, and I certainly am not going to object to tabling them for just one day. I agree we shouldn't table them for a week, or three, four or five days, but I would rather stay here longer and have responsible legislation develop.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by Mr. Beliveau of Oxford that the Bill be Indefinitely Postponed.

Enactors

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

An Act to Exempt Unremarried Widows of Certain Paraplegic Veterans from Property Taxation. (H. P. 1206) (L. D. 1533)

An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities. (H. P. 1187) (L. D. 1511)

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

An Act Relating to Boilers and Unfired Steam Pressure Vessels. (H. P. 1100) (L. D. 1417)

An Act Regarding the Membership of School Committees and Boards of School Directors. (H. P. 981) (L. D. 1265)

An Act Relating to the Men's and Women's Correctional Centers. (H. P. 934) (L. D. 1195)

An Act Appropriating Funds for the Operation of the Maine Mining Commission. (H. P. 882) (L. D. 1141)

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

An Act Revising the Short Form Deeds Act. (H. P. 556) (L. D. 737)

An Act Relating to Admission to the Pineland Hospital and Training Center. (H. P. 550) (L. D. 729)

An Act Revising Certain Probate Laws. (H. P. 522) (L. D. 693)

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

An Act Relating to Trial and Ratio Evidence in Appeals for Abatement of Property Taxes. (H. P. 449) (L. D. 572)

An Act Relating to Liability of Landowners to Operators of Snow Traveling Vehicles. (H. P. 285) (L. D. 361)

An Act Licensing Administrators of Medical Care Facilities Other Than Hospitals. (S. P. 311) (L. D. 1026)

An Act to Prohibit Possession of Machine Guns. (S. P. 298) (L. D. 991)

An Act Revising the Laws Relating to the Law Court. (S. P. 170) (L. D. 544)

An Act Increasing Salaries and Duties of Liquor Commissioners Other Than the Chairman. (S. P. 151) (L. D. 432)

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

An Act Creating the Maine Meat Inspection Act. (H. P. 306) (L. D. 493)

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

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

Resolve, Changing Name of Louse Island, Penobscot County, to Thoreau Island. (S. P. 457) (L. D. 1503)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

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

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

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

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

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

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

The President laid before the Senate the matter set aside at the request of Mr. Katz of Kennebec:

Resolve, Changing Name of Louse Island, Penobscot County, to Thoreau Island. (S. P. 457) (L. D. 1503)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Earlier this session I knew the bitter disappointment of seeing one of the major pieces of legislation go down to defeat concerning the towing of golf carts along the highway. I know that the sponsor of this bill will hear with reluctance my motion that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Item 8-17, Resolve, Changing Name of Louse Island, Penobscot County, to Thoreau Island, be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I had hoped not to go into the background of my motion because it is a little embarrassing, but apparently there has been seriously substantial opposition that has developed from the people who own this property. I think that this motion is in order for the Senate, and I hope the Senate will vote for it. I also should say that my motion is with the full advance knowledge and approval of the sponsor.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I guess I didn't sense what was happening, and I withdraw my motion for a division.

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

Sent down for concurrence.

Emergency

An Act to Authorize the Town of Swan's Island to Form a School Administrative District. (H. P. 1082) (L. D. 1403)

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

Emergency

An Act Amending the Municipal, Industrial and Recreational Obligations Act. (H. P. 599) (L. D. 780)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed

by the President, was by the Secretary presented to the Governor for his approval.

Bond Issue

An Act Providing a Bond Issue in the Amount of One Hundred Thousand Dollars for Docking Facilities for Passengers and Freight at Matinicus Island. (S. P. 374) (L. D. 1284)

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

Orders of the Day

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

HOUSE REPORT — From 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) Ought to Pass in New Draft Under New Title (H. P. 1216) (L. D. 1548) Bill, "An Act Relating to the Taxation of Farm Machinery."

Tabled — May 27, 1969 by Senator Barnes of Aroostook.

Pending — Acceptance of Report. Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once. House Amendment "A", Filing No. H-394, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

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

Tabled — May 27, 1969 by Senator Dunn of Oxford.

Pending — Enactment.

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

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

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 27, 1969 by Senator Minkowsky of Androscoggin.

Pending — Acceptance of Report.

On motion by Mr. Logan of York, retabled and tomorrow assigned, 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 Licensees." (S. P. 396) (L. D. 1352)

Tabled — May 27, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Mr. Mills of Franklin moved to Substitute the Bill for the Report.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves the Senate substitute the bill for the report.

The Chair recognizes the same Senator.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would like to say in preface to my remarks that I hope I don't find myself eating a sizable portion of the record that I have made, perhaps impetuously, a few moments ago in which I dedicated myself to not tabling anything for the remainder of the session. I will say this: I am certainly not going to try to get anyone else to table this measure or wish to have it tabled; I wish to have it disposed of if I can. I did notice something on the next page, however, which is pending an amendment. I will impose this rule upon myself that if I can't give a good reason for having something tabled, and asking someone to do it, then I certainly would expect the body to refuse to table it. I think I was carried away a little with this great avalanche of tabling matters without any apparent reasons given. I certainly concede to the judgment of the good Senator Katz from Kennebec and the good Senator

Hoffses from Knox in their leadership and knowledge of procedure here, and the work to be done, so that I am certainly willing to follow their lead and I intend to do so in these matters.

This bill, gentlemen, is very close to my activities, to my practice, to my living to some extent, and I specialize in wage earner cases to quite an extent in the bankruptcy court. I have seen many, many of the poor of this State, and I have seen their problems in meeting their debts. I know the relationship between them and the loan companies. I know that in many, many instances, hundreds and thousands of instances, because of the activities of the loan companies, because of their impositions upon the poor of the State, they have forced them to the wall so that Maine has become one of the leaders in the nation in the use of the so-called wage earner plan. It is a debtor relief plan. It is not only a debtor relief plan, but it is a creditor relief plan, because it provides for honorable payment of debts through a supervised program running over a three-year period.

In the administration of that program the debts are analyzed and studied. If the debts are questionable then the debts have to be proved. It is the one place, not only in Maine but throughout the nation, where the interests of the debtor are very well protected, and the interests of the court, under the constitutional amendment of the United States Constitution, are safeguarded. If a debt is questionable, if it is usurious in nature, that is, calling for illegal interest, and if the debt is contrary to the laws of the State, then that Federal Court is charged, under the Constitution of America, to see that the matter is rectified and looked at.

Now, there came into being, as you all know, I think, some fifty-two years ago, in 1917, this small loans act, under which the state granted the privilege of high interest rates because of the high risk involved on the part of the lenders who were lending without security in most instances and were taking high risks. Because

of the great high and premium rates of interest allowed, the State of Maine said, as did other states that adopted this legislation, you must toe the line, you must be very careful what you do. This is a very sensitive area because you are dealing with people who can't look after themselves, in general, because they are hard-up and can't hire lawyers. The State of Maine said, through its last legislature in 1917, if you charge them too much, if you pack the interest rate, if you put on charges that you have no right to put on—then they specified what they were—then you lose your loan. They said the loan is void if you do that, because we are giving you a lot of money, we are giving you the privilege of charging much more than anybody else can charge for the loan. Your obligation to us, as the State, is that you look after these people and you don't overcharge them.

So, we went along for many, many years. The first amount was \$300, I think, a small loan in those days. Over the years, the interests of the small loan companies were very well represented, but the interests of the borrowers were not. There was no organization, no consumers council, nothing of that sort to look after their interests. Year after year, with inflation, of course, and other factors, and properly so in many instances, the amount to be loaned was increased by the legislature time after time, until it reached proportions which no longer was a small loan, up to two years ago when it got up to \$2500, and that certainly is getting into the banking area. During this period the amount of interest allowed was increased periodically. Other privileges were extended to the loan companies.

We made a monumental mistake in 1961, and I say it was a mistake on the part of the legislature. I believe it can be rationalized in this way: that the loan companies are an awfully potent, awfully big, awfully influential group. Just to give you an illustration, I will cite to you from Forbes Magazine, May 15th of this year, and ask that you might refer to the article therein on the financial institu-

tions and the businesses of America. There you will find that two of these loan companies—Household, which is the largest in the world, it has over a billion dollars in loans, and Beneficial is a close second, last year they had \$986 million in loans—they are up with the Chase National Bank. I have forgotten which one of these companies it is, whether it is Household or Beneficial—Liberty is right up there too—I have forgotten whether it is Beneficial or Household, but one of those companies is big enough so that it owns Western Auto Stores and also owns Spiegels, and those are nationwide stores, as you know. As I say, as financial institutions they are right up with the Chase National Bank.

Now, you may say well, that is the national picture, but we are dealing with a loan company of Lewiston, Public Finance of Lewiston, or Liberty Loan of Lewiston, but don't fool yourself; they are all the same. Liberty Loan of Lewiston is a separate corporation, of course, it is a Maine corporation, but it is owned by Liberty Loan nationally. Household is part of the great family of Household, it is part of this billion dollar organization. So when they want something in the legislature, whether it be in Massachusetts or Illinois, or wherever it is, they have got the resources. When you compare the resources of the borrower, they are miniscule and, of course, of no account in protecting themselves against legislation that will hurt their interests.

So, it was in 1961 that they came into the picture and got themselves the privilege of making a profit by going into the insurance business in regard to their loans.

Now, I have said a few words on this floor from time to time that indicated perhaps that I have quarrels with the bankers. Let me tell you that my respect for the bankers is boundless compared to my feelings in regard to these people. The bankers, when they went into this field, would buy, say, a policy that would protect them against the losses that they might occasion by reason of the death of a borrower. They didn't pass it on to the customer; they

took it as a part of the cost of doing business, although they have the right and they have the power to pad the loan with a substantial premium. But they were too honorable for that and they didn't do it, by and large and generally speaking, and when they did do it they did it in a modest way. When they did it, they went to companies like the Union Mutual in Portland and bought a master policy, and they bought the policy at the best rate that they could buy it for. They tried to save their customers money. Do you think these people would go to Union Mutual? Do you think they would go to anything other than a company that they own themselves? They go to Old Republic, one of their privately owned companies.

In this area what you may call "reverse competition" takes place. They don't try to buy for the lowest amount this big policy; they pay the largest premium that they can because they are good at one thing, they are going to make a profit out of it. Their own company is going to make a profit out of it, the company they own. For another thing, they are going to take that premium and they are going to put it into this loan and they are going to get thirty per cent interest on it, the first \$150 of it. So they are really going to double up. That has been going on since 1961 in this State. Now, we gave them that privilege and they have abused it. We have the power to take it away, and I am asking you today to do that.

In 1959, when this first came up, the legislature hesitated about giving this authorization, but in 1961, as I have said, they went along with it. But unfortunately the regulatory control over these transactions has failed. The small loan lenders in Maine have been able to milk our citizens out of millions of dollars over the last seven or eight years by charging excessive, unauthorized and, in fact, exorbitant premium rates in addition to the high rates of interest allowed for the loan. As I said, the lenders seek to purchase the insurance at the highest possible cost in order to provide an opportunity for receiving greater profits through kick-backs from

the insurance companies. Although this has been going on for the last seven years, it was only last week, as I mentioned the other day, that the First Circuit Court of Appeals, which is, as you know, the court next to the United States Supreme Court, in an excellent opinion written by our highly esteemed Judge Frank M. Coffin finally decided that these kick-backs on the basis of unauthorized premiums were illegal, therefore, rendering a small loan entirely void.

Now, you may think that this decision would provide a satisfactory and simple standard for governing all small loans in which such questions are involved. But let me tell you something about this case to show you the fantastic problems and the obstacles with which any borrower would be confronted in order to compete with the giants of the small loan industry in the litigation before our courts. I mentioned the other day that this case involved Mr. and Mrs. Richards of Lewiston, who had borrowed money from — I didn't tell you the company — it was Aetna Finance Company. At that time they owed about \$850, and they decided they needed an additional loan of \$165. Now, in order to receive this small amount of new money they were required by the lender to pay \$151.16 as insurance charges for credit life and disability coverage protection. This was in addition to the maximum interest on the amount of around twenty-six per cent per annum that was being charged on this loan. It was developed that the premium rates and policies were more than twice the commonly prevailing rate throughout the country for this type of coverage, and twice as much as what Aetna had previously paid for such coverage when it was providing insurance at no cost to its borrowers.

I would like to allay any fears that you might have that passing this legislation would prevent insurance from taking place in regard to these loans. They had the insurance before 1961, and they will have it from now on, because this insurance is a great benefit, and it is primarily for the benefit of the lending company, which

would be stuck pretty much on the death of the borrower if it didn't have life insurance on the loan. They can carry it on just the same as our reputable banks do today with insurance to cover their loans, and they could pass on the cost, but not obtain a profit from it.

So, Aetna was charging twice as much as what it had been able to do before when it wasn't able to make a profit on this. The evidence disclosed that these rates were excessive, unauthorized and illegal. It is no wonder that the evidence from Aetna's own financial records revealed that it made a net profit before taxes of \$1.4 million on a total 1962 premium income of \$2.2 million of its national business, or sixty-three per cent. Anyone in the insurance business knows that sixty-three per cent is exorbitant and an unconscionable profit which the Maine borrowers should not be compelled to bear in addition to the exceedingly high interest we have authorized to these lenders to charge.

It strikes me that they are overreaching at the expense of the poor and taking unfair advantage of this legislature's generosity in permitting these lenders to receive additional security for their loan. No one, I am sure, would contend that our legislature would be so insensitive to the demands and needs of our citizens to permit the unconscionable profits as demonstrated in this test case.

As clearly as it may seem that this loan is void, nevertheless, it took Mr. and Mrs. Richards nearly four and one-half years to litigate this case in both the State and the Federal Courts.

Many thousands of dollars in costs for discovering the facts, payment of witnesses, counsel fees and other expenses were spent in order to determine the validity of a claim of a little more than \$900. As an example, just the costs of preparing the record for the Court of Appeals was slightly more than \$2,400. This cost alone is more than two and one-half times the amount of the loan in controversy. Fortunately these debtors appear to be on the threshold of victory, and the First Circuit has provided a

standard for determining when and under what circumstances charges for credit insurance may render loans void. But no standard can be applied automatically in order to decide any question as to the validity of a particular loan. Counsel must be retained, facts must be discovered, court proceedings must be initiated. This takes much time and involves considerable costs.

As if this were not enough of an obstacle, you must appreciate that there is one area in which the small loan companies combine in order to protect their selfish interests. They have ample resources involving billions of dollars. They have numerous skilled lawyers throughout the country and they are in a position where they can share the costs and expenses involved in any particular case.

Now, you probably are curious, particularly the lawyers among you, as to how this was financed by the Richards. Let me say that that was a bitterly fought matter, as some of you may know. But from a pool that was created from the deposits made into the wage earner plan, the interest from those deposits, time deposits, was made available for this particular test case. Otherwise they would never have been in any position, the Richards themselves, would never have been in any position to carry on any such four and a half year litigation.

The financial burden, as far as any particular company is concerned, is disproportionately small in relation to the financial burdens imposed on the borrower. As a practical matter, therefore, despite the victory which the Richards may likely achieve, it is impossible for other Maine borrowers to undertake similar litigation to question the validity of a particular loan transaction.

Moreover, when you consider that there are over sixty thousand small loan transactions in Maine each year, and in view of the lack of definitive standards for regulating these transactions, it is unreasonable to assume that our Insurance and Bank Commissioners can adequately enforce laws and

regulations in order to prevent any extensive overreaching by lenders.

Now, it seems to me that we should make it absolutely clear with the small loan industry that they can charge for credit insurance and receive the additional security for the loan that they may need. But, very frankly, the small loan lenders are unprincipled and have prostituted the license which we graciously extended them back in 1961. They have made millions of dollars through illegal profits. Very likely they will never be challenged on these small loan transactions made over the last few years. But it does come to a point when we must bring this opportunity for illegal profits to an immediate and effective halt.

The United States Senate Subcommittee on Anti-trust and Monopoly Legislation, after an extensive national study, has concluded that the only effective means by which overcharging by small loan lenders can be prevented is to deny them any opportunity to profit directly or indirectly from the charges for credit life and disability insurance. This legislative document merely implements that study. It is a simple and direct means of plugging this loophole for easy evasion for receiving exorbitant and unconscionable profits. This simple standard will provide our Maine borrowers with the underlying protection which the Maine Small Loan and Credit Insurance Laws was intended by our legislature to provide.

Therefore, I urge you to reject this Ought Not to Pass Report and to vote for the passage of this measure in order to promote the general welfare and to protect the citizens in these small loan transactions.

I may say, Mr. President, that if I sound harsh about these people, it is intentional. If I have indicated that they are unprincipled, that is deliberate. If I say to you that they have been convicted in the State of Massachusetts, a number of them, for violating the criminal laws of that State, that is a fact. There was a 104-day trial in Massachusetts of the companies themselves, several of the companies, Beneficial, Household, Lib-

erty, several of the local companies there, and Public was the informer which brought the evidence to the threshold of prosecution, in which bribery was involved over state officials, conspiracy to bribe, and they have had two long trials.

These companies, the ownership of Beneficial, Household, Liberty, is the same group throughout the nation that own companies here in Maine. Although they have been thoroughly represented in the lobby of this legislature, adequately represented, by honorable people, paid very well undoubtedly, there hasn't been any representation in the lobby of the borrowers or the interests of the consumers. So perhaps it is understandable that a respected committee of this legislature should make a mistake. I submit, gentlemen, that there has been a mistake made in this report, and I ask you to please rectify it today by accepting my motion to substitute the bill for the report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: The State of Maine, I have heard described here from time to time, as being backward. I can assure you that in the area of consumer protection and consumer credit the State of Maine leads the nation, and Senator Mills has been in the vanguard of that movement. Hopefully we are going to move forward again in this session.

In the discussion of this bill, I hope you will separate in your mind the possible problem of enforcing our laws, abuses of the statute, and the value of the statute on the bill itself. I would also like you to bear in mind, and I will amplify on this a little later, that insurance works both ways; that a man can and indeed does usually buy insurance for the purpose of protecting his family. Now, I would like to give you, if I may, a little background of the law in this area. Section 3082 of Title 9 was completely rewritten two years ago by this legislature. Prior to that time the statute prohibited excess charge beyond legal interest, and

if such charges were made the loan was declared void. However, insurance premiums were excepted. This was interpreted to mean that excessive and abusive insurance premiums did not render the loan void, even if the small loan companies took gross advantage of the borrower, which they did, I can assure you. This was prior to 1967.

Now, in 1967, among other things, insurance premiums for this type of loan were defined as being automatically group premiums, which brings a lower rate. The law specifically states that if there is illegal charge of insurance premiums that the loan is rendered void. That loophole was closed, and properly so. It also provides that a borrower shall be awarded attorney fees and his note cancelled.

Now, let me, if I may, describe to you the world of the small loan borrower. He is a very financially unsophisticated person. He knows nothing about banking; a bank is foreign to him. The only thing he knows is that he always needs money, and he goes to the small loan people. This type of borrower deserves and must have the protection of the State. This type of borrower, if he cannot get insurance from the source of his borrowing, and at the time of his borrowing, simply is not going to buy it. He simply is not going to go out and shop for insurance. He wouldn't know where to go or how to go about it.

Now, those of us who have taken mortgages on our homes have all seriously considered taking life insurance, simply because if something happens to us our families then will not be saddled with this debt. The same thing, the same protection, we believe, should be available to the small loan borrower. He should be allowed to protect his family if he so chooses.

In hearing this bill, the arguments were presented at several levels. One objection was made that the borrower should not be allowed, as he can do now, to finance his premium. That is, he should not be allowed to make his premium a part of the loan. The committee offered the suggestion: well, all right, perhaps then the

premium should be separated from the loan and the man required to pay cold cash. The proponents of the bill indicated dissatisfaction with this and stated, as a matter of philosophy, that the small loan companies should not be in the insurance business. We examined this concept and concluded that if we took them out of the credit life, health and accident business, that we would be denying the borrower the opportunity to buy this protection for his family.

We looked at the possible areas of abuse in charging interest rates. Credit life is a particular type of life insurance. I am using this as an example. There is no physical examination required, the rate is the same, regardless. It is a class of insurance. What you pay for credit life is exactly the same, whether you get it from the Friendly Finance Company or Lloyd's of London. The rates are fixed by the Insurance Commissioner, and the standard rate is fifty cents per hundred dollars of borrowing per year on the declining balance. For example, if you borrow one thousand dollars and take out life insurance to cover it, to be repaid over a period of a year, your total premium on that life insurance would be \$2.50. Let me add, parenthetically, that these rates are reviewed annually by the Insurance Commissioner and are totally controlled by the Insurance Commissioner. He sets them, period.

Although the problems of enforcement were not under consideration, I happened to have had a little familiarity with it and, as Senator Mills pointed out, it is extremely difficult for a person, particularly a person of this nature, to fight one of these things through the courts. Now, it happens that the Banking Commissioner, as a leverage to keep these people in line - and they have to do this all the time - has the prerogative of lifting their license. They use an administrative procedure to keep these people in line. They don't go to the courts. They hold a hearing, and they tell these people "You take care of that person, and quit this practice or we

are going to lift your license." These are the realities of how this thing is enforced. These small loan companies are in business at the pleasure of the Banking Commissioner, or perhaps I should say at the whim of the Banking Commissioner.

Now, once again, enforcement is not under consideration, and if that is lacking then perhaps we should grant the Attorney General or the Banking Department more money for them to do something about it. And we are not here debating whether the small loan companies should be in business or not. There are men here in this chamber that feel that the small loan companies should be out of business, but that is actually not the question. What we are deciding here now is whether they should be in the insurance business and, with that, whether their borrowers should be allowed to buy this protection. I hope you will vote against the motion to substitute. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Franklin, Senator Mills, that the bill be substituted for the report on Bill, "An Act Relating to Small Loan Company Licensees."

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, may we have a division?

The PRESIDENT: A division has been requested. As many Senators as are in favor of substituting the bill for the report -

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I would request a roll call.

The PRESIDENT: The Senator from Franklin, Senator Mills, requests a roll call. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call stand and remain standing until counted?

Obviously more than one fifth having arisen, a roll call was ordered.

ROLL CALL

YEAS: Senators Anderson, Beliveau, Berry, Conley, Gordon, Greeley, Hanson, Kellam, Levine, Martin, Mills, Reed, Stuart and Violette.

NAYS: Senators Barnes, Boisvert, Cianchette, Dunn, Duquette, Hoffses, Katz, Letourneau, Logan, Minkowsky, Moore, Peabody, Tanous, Wyman and President MacLeod.

ABSENT: Senators Bernard, Quinn and Sewall.

A roll call was had. Fourteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with three Senators absent, the motion to substitute the Bill for the Report did not prevail.

The **PRESIDENT:** Is it now the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. **MILLS** of Franklin: Mr. President, I move that this lie on the table until the next legislative day.

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

Mr. **KATZ** of Kennebec: Mr. President, I ask for a division.

The **PRESIDENT:** A division has been requested. As many Senators as are in favor of the motion that Bill, "An Act Relating to Small Loan Company Licensees" lie on the table until the next legislative day will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Sent down for concurrence.

The President laid before the Senate the fifth 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 27, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

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

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

Tabled — May 27, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

(See action later in today's session.)

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

Senate Reports — from the Committee on Business Legislation on Bill, "An Act Relating to Qualifications of Savings Bank Trustees and Other Officers." (S. P. 406) (L. D. 1370) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 28, 1969 by Senator Conley of Cumberland.

Pending — Acceptance of Majority Ought Not to Pass Report.

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

Mr. **KATZ** of Kennebec: Mr. President and Members of the Senate: I call the Senate's attention to an amendment which was just put in front of me this morning under Filing No. 204. This is not exactly a grandfather's clause, but it permits an orderly phasing out of the trustees who are affected by this bill, and I think it might be a common meeting ground. So I hope the Ought Not to Pass Report is not accepted, so we can give the bill its first reading. Then on Tuesday let's consider putting this amendment on which, I think,

will soften the situation for those who oppose it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I urge the members of the Senate to support the pending motion, which is to accept the Majority Ought Not to Pass Report. It seems to me we are cluttering up the law books, the statute books, if we put on a law and then amend it so that it won't take effect until two years from next January. Certainly the next session of the legislature in its wisdom can take such action. I think the arguments given yesterday are applicable today, and I would hope that the Senate would maintain its position and reject this bill by the passage of the pending question.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am surprised to hear the remarks of the Senator from Cumberland, Senator Berry, because we are pursuing orderly procedure which is quite customary in this Senate when we make a radical change, whether it is pollution, whether it is conflict of interest among members of school boards and their spouses, or legislation affecting some mighty good people around the State who are presently members of boards of directors of banks that will be affected. I say that no matter what we should do, if we do take positive action, we should phase it out easily and pleasantly. That is the intent of the amendment, and I urge you to vote against the motion to accept the Ought Not to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am basically against the bill itself and I consider it not good legislation. I merely say that the attempt to amend it and have the bill go into effect two years from

next January is not good legislative procedure.

I see no point in phasing out the bankers we have on these two boards if they overlap between the national banks and the savings banks. I do not subscribe to the objections of Senator Levine yesterday that information is telegraphed from one bank to another to the detriment of the borrower. I maintain that banks make their decisions, and that if one is rejected at one he would receive a favorable and dispassionate review at another bank.

As I pointed out yesterday, the smaller communities particularly in the State would be suffering if it were necessary to separate overlapping boards of directors. I hope you would support the pending motion.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I have been looking into this matter since we adjourned yesterday, and I have talked with the president of the bank in Brunswick, a gentleman who has served as a trustee on two banks. Even though he has done this for a number of years, he feels that the principle is wrong, that in principle a man should not serve on two banks.

I called the President of the Maine National Bank this morning, and we discussed this. He feels the same way, and he is very much in agreement with a grandfather clause, an amendment such as Senator Katz is proposing.

I talked it over with the president of the bank in Brunswick this morning before I came up, and it almost sounds like a confession. This does work to the detriment of the borrower, and I hope you will oppose the Ought Not to Pass motion before us.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to concur with the remarks made by the good Senator from Cumberland, Senator

Stuart, and state that I have talked with a couple of the bankers around Portland. As long as they would have the time to take care of this situation, I think that would remove the greatest objection. I see no reason why we could not substitute the bill for the report and adopt the amendment offered by Senator Katz. I think that would take care of the problem.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I supported this bill yesterday. I thought that it sounded all right to me, but yesterday afternoon I called different bankers and friends of mine, men whom I have the highest regard for and the greatest respect, and I am convinced that I was wrong yesterday, and I don't think we should pass the bill at all. I think we should accept the Ought Not to Pass Report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I was reviewing my notes of the hearing, and there was very little, in fact, I don't recall that there was much of any testimony given. But there was absolutely no testimony given to the committee concerning abuses. No one came in and said they had been abused because of this situation.

I feel that banks should have talent available to them, particularly the smaller banks and, because of the very specific nature of this bill, we felt that it was without merit and was not worthy of this legislature. Thank you, Mr. President.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel, as I stated yesterday, that it is a very good bill. I signed the Minority Ought to Pass Report. Like I told you yesterday, I don't know of any case where somebody was appointed to the board of

directors of any bank and, for any reason whatsoever, that they made him resign. Usually somebody is a director because he has a lot of stock in the bank. There are a lot of times people are appointed directors of a bank, not for their qualifications, but for the amount of money they have in the bank.

If you have the same person serving on two banks—and I know of cases where a man went to borrow in one bank, and financially he was in sound condition, but he was hard up at the time—if one bank refused him, and the same man was in another bank, like I stated yesterday, on the board of directors, I don't know of any case where the other bank let him have any money. So, it puts a hardship on any businessman that gets in a tight squeeze at times and, if we pass this legislation, I think it will help out the situation.

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 comment in reply to the good Senator from York, Senator Logan. He stated that no one came in at the hearing to oppose this. I would not expect anyone to come in to oppose this. I wouldn't expect a trustee of two banks to come in and say that in principle he opposed this. It would take a very honest individual to do this. The gentleman I am referring to in Brunswick, who called me yesterday about this, is making this statement that this is a bad principle, and I believe he is speaking the truth.

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

Mr. LOGAN of York: Mr. President, for the record, what I intended to say, if I actually did not say so, was that there was no testimony of abuses presented. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Qualifications of Savings Bank Trustees and Other Officers," will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Ten Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the Majority Ought Not to Pass Report of the Committee was not accepted.

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

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

Bill, "An Act Increasing Compensation of Councilmen and Mayor of City of Augusta." (H. P. 1205) (L. D. 1532)

Tabled—May 28, 1969 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

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

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

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

Tabled—May 28, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Hoffses of Knox moved that the Bill be retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Mr. MILLS of Franklin: Mr. President, speaking to the timing of the motion, pertaining to the timing of the motion for tabling, I would ask a slight dispensation, Mr. President, to say that this

matter of tabling was brought up to me, among other matters, by two gentlemen from Massachusetts earlier today just as we were coming in, and I was perusing the calendar in rather a hurry—

The PRESIDENT: Would the Senator confine his remarks to the date of tabling which is the motion of the Senator from Knox, Senator Hoffses?

Mr. MILLS: I was trying to make it germane. I guess I had better shift, Mr. President, and ask unanimous consent to address the Senate at this point.

The PRESIDENT: Would the Senator defer until after the tabling motion has been taken care of?

Mr. MILLS: Yes, Mr. President. Thereupon, the Bill was retabled and tomorrow assigned, pending Passage to be Engrossed.

Mr. Mills of Franklin was granted unanimous consent to address the Senate.

Mr. MILLS: Mr. President, yesterday I was approached in regard to this Item 9 by a gentleman, a very fine gentleman, I am sure, who was concerned about the matter. He came to me because the bill had come from my committee, and I talked with him at some length. Then this morning as I was coming in to the session, in rather a hurry, two other gentlemen spoke to me about the bill, and I made some rather discourteous remarks to them about their appearance here and so forth, about their not being registered and so forth. I just want to apologize, for the record, for treating strangers in a way that they shouldn't be treated when they come to this body.

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

Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 49) (L. D 50)

Tabled — May 28, 1969 by Senator Violette of Aroostook.

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 eleventh tabled and specially assigned matter:

Bill, "An Act Relating to Governmental Immunity in Civil Actions." (H. P. 557) (L. D. 738)

Tabled — May 28, 1969 by Senator Berry of Cumberland.

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

On motion by Mr. Beliveau of Oxford, retabled until later in today's session, pending the Motion by Mr. Berry of Cumberland to Indefinitely Postpone the Bill and Papers.

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

Bill, "Act Concerning Admissibility of Hospital Records and Copies of Records as Evidence." (S. P. 104) (L. D. 317)

Tabled — May 28, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

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

Sent down for concurrence.

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

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

Tabled — May 28, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — May 28, 1969 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, I present Senate Amendment "B" under Filing No. S-202 and move its adoption. I would speak briefly on it.

The PRESIDENT: The Senator from Cumberland, Senator Berry, offers Senate Amendment "B" and moves its adoption. The Secretary will read the Amendment.

Senate Amendment "B", Filing No. S-202, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: This amendment solely provides that there would be exempted from the provisions of the Wetlands Control Board that portion of Portland Harbor which lies totally within the municipality of South Portland, and that portion of the municipality of Portland which is westerly of a line roughly from Eastern Promenade across to the South Portland shore. This amendment and change is requested by the Board of Harbor Commissioners of Portland because it would remove a dual hearing requirement which, under their laws, they must hold and which the Wetlands Control Board must hold.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: This amendment, if adopted, would set a precedent and other communities would be looking for the same exemption. Now, I don't think we should do a thing to break down our Wetlands Act.

As you know, wetlands are a sanctuary for fast - disappearing bird and animal life, and I don't think we should give away one inch of it. Mr. President, I move indefinite postponement of the amendment, and when the vote is taken I move it be taken by a division.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Senate Amendment "B" be indefinitely postponed, and requests a division.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the

Senate: I rise in support of the good Senator from Hancock, Senator Anderson, on this matter. I hate to differ with my Committee Chairman on Natural Resources, but I don't think if we adopt the concept of wetlands preservation that we should start creating special exemptions. Why not exempt Bangor, Rockland, Bar Harbor and other coastal communities from this legislation? So, I certainly join with Senator Anderson in his motion.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I just rise to note that the occasion is probably very worthless for anyone from Portland to get up here and make any sort of a statement in defense of that amendment offered by the good Senator from Cape Elizabeth, Senator Berry, although I do state that I am sure the Harbor Commission of Portland is just as much concerned as the good Senator from Hancock, Senator Anderson, and the rest of the good Senators here relative to this legislation.

It is difficult perhaps to have double hearings in that area, but apparently there is no other way. So, I would just support the indefinite postponement of the amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Hancock, Senator Anderson, that Senate Amendment "B" be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the amendment will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Twenty-two Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion prevailed and Senate Amendment "B" was Indefinitely Postponed.

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

Sent down for concurrence.

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

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

Tabled — May 28, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: There is still a lot of confusion in my mind in regard to this bill. It is not my bill and I have no particular interest in it. It wouldn't affect me, but I would like to help the people who are interested and are trying to find out more about it, and I hope that somebody would table it until the next legislative day.

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

Thereupon, on motion by Mr. Reed of Sagadahoc, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the sixteenth 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 28, 1969 by Senator Violette of Aroostook.

Pending — Motion by Senator Moore of Cumberland to Indefinitely Postpone Bill and Report.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have discussed this with some of the opposition, and I have an amendment which I understand is satisfactory to some of the opposition; I am not sure of the rest. It hasn't been prepared, but I want to state what it is.

The great problem in this area apparently, as it has been indi-

cated to me, is in getting the notes back. For instance, if the note is paid at a branch bank, which is distant from the depository of the original note, it would be impossible for the banks to comply with the provisions of the law, the way it was amended, in which it said: "Notwithstanding any other provisions of law, the note should be returned to the maker thereof at the time it is paid by the maker." Well, that is not the "gut" part of the bill, if you will excuse that expression, and it is very easily dispensed with as far as the proponents of the bill are concerned.

The important part of the bill is that part that follows, which says: "The holder of such note receiving final payment shall cause any recordings of the security instrument to reflect the discharge of the obligation." It doesn't say it would have to be done immediately. We would be perfectly happy, by amendment, to relieve the lending institutions of this provision which would require an immediate return of the note. We all know that the notes get back anyway to the person who pays them, but there was no reason for stating, and probably it was inadvertent to have stated or to have made any requirement that it be in the language that it is.

So, I would propose, Mr. President, to draft an amendment striking out the first two lines of the present Committee Amendment "A". If someone would table it until the next legislative day, I would prepare such an amendment.

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

Mr. VIOLETTE of Aroostook: Mr. President, I move this matter lie on the table until next Tuesday.

The PRESIDENT: The Senator from Aroostook, Senator Violette, moves that Item No. 16, Legislative Document 1190, be tabled and specially assigned for Tuesday next, pending the motion by the Senator from Cumberland, Senator Moore, to indefinitely postpone the Bill and Report.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, speaking to the timing of the motion, and in view of the statements that have been made, it seems to me that legislative progress could be made, and I would agree, to let the bill go through and have it amended, and we will all agree at the time it comes up for engrossment. It seems to me we could make progress here.

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

Mr. VIOLETTE of Aroostook: Mr. President, I withdraw my motion for tabling until the next legislative day in view of the proposal made by Senator Berry.

The PRESIDENT: The Senator withdraws his motion. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that this bill be indefinitely postponed. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: After listening to what is going on here, I would ask to withdraw my motion.

The PRESIDENT: The Senator withdraws his motion. Is it now the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-354, was Read.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, are we at the point now where we should hold this up for consideration?

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

Mr. MILLS of Franklin: Mr. President, I am trying to figure that parliamentary - wise myself, and I figure the next time around I would offer an amendment to Committee Amendment "A". That would be my intention on Tuesday next.

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

Mr. KATZ of Kennebec: Mr. President, I might suggest that we allow this to go through to its second reading tomorrow, and at that time dispose of all the amendment processes.

Thereupon, Committee Amendment "A" was Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

The President laid before the Senate the seventeenth 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 28, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, the amendment which is being prepared for this will be ready for the next legislative session, and I hope somebody might table this until then.

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

Thereupon, on motion by Mr. Barnes of Aroostook, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Non-Concurrent Matter

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

In the Senate May 20, 1969, Bill substituted for the report and on May 26, 1969, Passed to be En-

grossed as Amended by Senate Amendment "A" (S-174).

Comes from the House, the Bill and Report Indefinitely Postponed, in non-concurrence.

Pending—Consideration.

Thereupon, on motion by Mr. Peabody of Aroostook, the Senate voted to Recede and Concur.

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

Non-Concurrent Matter

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

In the Senate May 26, 1969, Bill substituted for the report and on May 27, 1969 the Bill Passed to be Engrossed.

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

Pending—Consideration.

Thereupon, on motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Consideration.

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

Ought Not to Pass

The Committee on Taxation on Bill, "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 841) (L. D. 1079) reports that the same Ought Not to Pass.

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

Thereupon, on motion by Mr. Katz of Kennebec, the Bill was substituted for the Report in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

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

Second Reader

Bill, "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine." (S. P. 338) (L. D. 1136)

Pending — Motion by Senator Beliveau of Oxford to Indefinitely Postpone the Bill.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise in objection to the motion of the good Senator from Oxford, Senator Beliveau.

I introduced this bill some time ago and, in my humble opinion, it was a very worthwhile bill. I had a great many witnesses prepared to defend this bill. There was another piece of legislation which was coming up that day, and the chairman of the committee requested that we limit our testimony to a bare minimum to allow the other bill to have a lengthy hearing. The witnesses that I had here for that hearing had come, some of them, a great distance. There were some of them who were representatives of very important shipping companies' insurance underwriters to explain the worthiness of this bill. We did abide by the request of the chairman of the committee and we limited our testimony. I might also add that when the question was raised for opposition there was not one person that rose in opposition to this bill.

I would like, for the benefit of the members of this Senate, to read to you the names of some of the people who appeared and testified, and many of the others who appeared but who did not testify. Among the witnesses that I had in support of this bill was a Captain George Laverette, the President of the Boston Pilots' Association; Captain Howard Wentworth of Portland Pilots, Inc.; Captain Richard Spear of the Maine Ferry Service; Captain Boyd Gould and Captain Sharpe of the windjammer cruises out of Camden Harbor; Ronald Green of Sea and Shore Fisheries was endorsing this legislation; Captain Cummings of Texaco was prepared to testify; Webber Tanks was also in favor of this bill, and some of the very impressive ones of J. F. Moran and Company; C. H. Sprague of Boston; the Eastern Maine Towing; we had a letter from the American In-

stitute of Marine Underwriters, and I have it here in my file, endorsing this; Chase Leavitt, Incorporated, were there and wholeheartedly supported this piece of legislation; we had letters from Peabody and Lane, Steamship Agents; I have a letter from Admiral Rogers of the Maine Maritime Academy endorsing this legislation; I have letters in my files from practically every town manager or chairman of the board of selectmen of city managers of the communities bordering on Penobscot Bay, both on the east and the western shore.

I have two very short letters here which I would like to read to you:

"As the Captain-operator of the boat Laura B, carrying U. S. Mail and passengers between Port Clyde and Monhegan Island, Maine, I am writing you to urge passage of the bill requiring licensed pilots on large vessels moving up and down Penobscot Bay, particularly during times of reduced visibility, it is reassuring to know that there is a local pilot aboard the ships whose routes we must cross going to and from Monhegan." Signed, "Earl S. Fields, Captain of the Laura B."

I have another letter:

"As Captain of the oil tanker William McLune, carrying inflammable cargoes to and from various ports in the Penobscot Bay area, I am in favor of having State licensed pilots on the ocean-going ships that ply the area. Anything that can be done to reduce the chances of collision involving oil carrying vessels should be done. Having local pilots who are familiar with not only the rocks, shoals, tides and currents, but also the other ship traffic, should help a lot. Sincerely, Clinton H. Dean, Master of the William McLune."

I would point out to you that during the month of March there were sixteen of these deep-draft vessels which came into Penobscot Bay. Of those sixteen, eleven of them carried oil. I do not know exactly how many of them carried high-octane gas, or how many of them carried Bunker C, but in the event of a grounding or a collision, with these vessels opening up and pouring their cargo out into Penob-

scot Bay, I am sure that each and every one of us knows what the net result would be.

I believe that this is necessary legislation if we are going to provide for the safety of the passengers on our state-owned ferries, for the safety of our passengers on our windjammer cruises, which I am sure all of you know ply Penobscot Bay. I am sure all of you are familiar enough with our laws on the high seas that a vessel propelled by wind, carrying sails, as its only source of motivation has the right-of-way over and above any and all other vessels.

When I was home one weekend a lobster fisherman, who is very far removed from becoming active in piloting, urged the passage of this bill. He had been a lobsterman out of Rockport Harbor for many years, and he says that with the increased traffic we have in Penobscot Bay, and these very large tankers going in and out, that it is essential and necessary that we have trained, licensed pilots, licensed by the United States Coast Guard. I know and you know that these pilots must pass rigid examinations for them to retain their licenses.

I hope that you will vote against the motion of the good Senator from Oxford, Senator Beliveau, and that this bill can receive favorable passage. I would ask for a division on the vote.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: To substantiate the remarks of the Senator from Knox, Senator Hoffses, I would just like to say that I had three telephone calls over the weekend urging me to vote for this measure, and I have also had four letters, so I will certainly go along with him.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I haven't received any phone calls, letters or telegrams on this. My attention was directed to the bill at the hearing and following the vote on this that the

committee took, and this really disturbs me.

I have no interest in this either way. In fact, my knowledge of Penobscot Bay is limited to my experience as a member of the Coast Guard Reserve in Rockland and having been aboard a 40-foot boat cruising along the islands of Penobscot Bay viewing the aids to navigation you find in the area. Certainly I am in no position and do not possess the expertise to discuss the reefs and so forth that might be found there. But I think that it is very important for us to consider whether there is a very real need to set up this commission.

Now, if you will read the document itself, we are setting up here a commission, a State piloted system for Penobscot Bay, which lists detailed various conditions, requirements and regulations regarding this system. But, if you will note very carefully, they seem to be more concerned with the fees that are going to be charged, the commissions that are going to be paid to the members of the Pilots Association, the liability for fees and so forth, the lien for pilotage fees.

I have had an opportunity to discuss this with a few people in that area. I inquired on my own, having some familiarity with the area, as to whether or not there was a very real need for this. Of course the Pilots Association is going to support a measure like this. It is a closed shop. This would be limited to a handful of people who would be required to board all these various vessels, the enrolled, registered and documented vessels, both under the United States and foreign flags, and charge a very substantial fee to guide them through Penobscot Bay.

In Penobscot Bay, as in other bays along the Atlantic Coast, we find a series of aids to navigation. We have had no problems in the past. We haven't had any difficulty where boats have gone aground, or the aids were insufficient, or where it was such a complicated bay and harbor that it requires persons who possess great familiarity with the area.

This is class legislation. The impressive list of persons supporting this that was presented earlier are those who are directly concerned, who would directly benefit from this. As I say, the Pilots Association have introduced this legislation to benefit themselves. They are doing this in the name of avoiding future collisions and future problems. But there aren't any problems. The problems do not exist, and this document is designed to protect the pilots, no one else. This is truly self-interest legislation that is not going to benefit the people of Maine, but will benefit those who are directly affected, the pilots themselves.

For instance, again directing my comments to the fees here, there seems to be more concern with collecting, levying their fees and acquiring their pay than there is with anything else. It says, for instance, "Liability for Fees:" it makes the master, owner, charterer and so forth liable for pilotage fees. "Every licensed pilot shall have a lien for his pilot's fees upon the hold of any vessel liable to him."

There is no need for this legislation. Something of this nature really runs contrary to my grain here. I don't believe that we should be passing legislation to protect or to create a poverty program for a limited number of people.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I wasn't overly interested in this particular bill until Senator Beliveau discussed self-interest bills and class legislation, and I, for one, with considerable support from other members of this body, have been fighting class legislation and special interest bills here, with or without success, for some time this session. It sounds better on a recording than it looks in the record, I might say.

Actually the bill itself has as its objective a very commendable purpose. I would agree 100 per cent with Senator Beliveau that mechanically it is in poor shape. I would support the passage of the bill to the engrossing stage with

the thought and hope that it would be put in proper shape for ultimate passage.

The waters that are covered by this legislation are dangerous waters, particularly those until you get inside the islands above Spruce Head. If anybody has been in a fog between Matinicus and Monhegan, and think you are not in dangerous waters, you are either inebriated or you are asleep below, I guess. These are really dangerous waters. Many of the reefs come up to within a few inches of extreme low tide. A lot of them are unmarked, and through these waters go cargoes that should, above all types of cargoes, arrive unscathed at the port.

I would hope that we could pass this through its initial stages, and then see that it gets properly amended.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have been very lukewarm toward this bill, and I am inclined to agree with many of the comments of Senator Beliveau. It is apparently class legislation to protect a certain group. However, when the thought comes to me that just one cargo of oil, particularly Bunker C, goes ashore or is lost in that bay, then we have to think of the damage that would be done to marine life of all kinds. That one point is enough to swing me strongly in favor of the bill.

Now, if the bill needs changing, if the fees are too high, or it needs amending, I hope the good Senator from Oxford will come up with an amendment. But, I am also entirely in agreement with the comments as stated by the good Senator from Cumberland, Senator Berry, and I certainly hope we may pass this bill at this stage.

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

Mr. BELIVEAU of Oxford: Mr. President, to show my good faith and my interest in this area, I will withdraw my motion and prepare an amendment.

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

The Chair recognizes the Senator from Franklin, Senator Mills.

Thereupon, on motion by Mr. Mills of Franklin, tabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the fifth matter tabled earlier in today's session, by Mr. Beliveau of Oxford:

Bill, "An Act Relating to Governmental Immunity in Civil Actions." (H. P. 557) (L. D. 738)

Tabled — May 28, 1969 by Senator Berry of Cumberland.

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

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Very briefly, to oppose the motion of Senator Berry, this bill would clarify and expand or extend somewhat the existing law relating to governmental immunity in civil actions.

Under our present law a person can initiate a civil action against the State of Maine or a political subdivision up to the extent of insurance coverage. It is further limited to motor vehicle actions. I fail to see any distinction between motor vehicle accidents and other torts or wrongdoings which are done by agents of the State or our municipalities. When a person is struck by a State Highway truck or a truck owned by the City of Augusta, his injuries are just as bad and severe, and he hurts just as badly as if he was struck by you or me along one of our highways in one of our municipalities.

This bill is designed to change our law to remove the ceiling which limits the recovery to the extent of insurance coverage. This would also correct a situation that exists in some municipalities where, knowing the safeguards and protections they have if they do not carry liability insurance, they refuse to carry liability insurance and, therefore, are immune from

any form of claim for personal injuries. Now, if the community or the State does not carry insurance, then the individual, that is, the agent or employee of the municipality becomes personally liable. Certainly this is not proper where he is acting as an agent for the municipality; the municipality should carry the burden.

Now, this bill was a landmark bill when it was passed several terms ago. At that time it corrected a very real problem existing here in Maine. This bill is designed solely to remove the protection of the restriction that now exists as to liability coverage. It is a very good bill. As I say, the law today permits law suits and claims against the State of Maine or any political subdivision, and this would simply remove the restriction that presently exists as to the amount. For instance, if a municipality carries five or ten thousand dollars worth of liability insurance, and a person loses a leg in a motor vehicle accident, or is badly injured with loss of wages, or is permanently injured and prevented from working for ten or fifteen years, certainly a ten thousand dollar settlement would not be sufficient. This would place the municipalities and the State of Maine in the same position which every member of this body is in. That is, we are not protected to the extent of our insurance coverage because, regardless of whether or not we carry liability insurance, we are going to have to pay. Now, this would place the State of Maine and its municipalities in the same position which we are all in. That is, we shall be liable to pay whatever reasonable amount is necessary, regardless of insurance coverage.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It would seem to me that if the real problem here is the insurance on governmentally-owned motor vehicles, and that if there are governmental units in the State of Maine so lacking in foresight that they do not carry insurance

on their vehicles and equipment, that this is the way to hit the problem. So, consequently, I would heartily support the bill if it were amended to require that vehicle insurance be included. I think that would be the way to tackle it. As Senator Beliveau knows, I very jealously guard this concept of governmental immunity. If this change would be acceptable, I would support the bill one hundred per cent.

The PRESIDENT: Is the Senator withdrawing his motion?

Mr. BERRY: Not yet.

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

Mr. BELIVEAU of Oxford: Mr. President, I am in the process of preparing an affidavit for Senator Berry to assure him that we will meet his objection. Therefore, I would prepare an amendment if some one would table this until Tuesday, and hope that we can resolve it at that time.

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

Mr. Berry of Cumberland was granted leave to withdraw his motion for Indefinite Postponement.

Thereupon, Committee Amendment "A" was Adopted in concurrence, and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Time of Payment of Salaries of Members of the Legislature." (H. P. 1003) (L. D. 1310)

Tabled — May 28, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have been trying to get an amendment which would be satisfactory for this bill, and so far I have been unable to obtain one. I have been talking this morn-

ing with the Legislative Finance Officer, and I hope somebody would table it for one more legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the seventh matter tabled earlier in today's session, by Mr. Berry of Cumberland:

Non-Concurrent Matter

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

In the Senate May 26, 1969 the Bill substituted for the Report and on May 27, 1969 the Bill Passed to be Engrossed.

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

Pending — Consideration.

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

On motion by Mr. Beliveau of Oxford, the Senate voted to reconsider its action of earlier in today's session whereby it Passed to be Engrossed Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 89) (L. D. 251)

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

(Off Record Remarks)

The President laid before the Senate the first tabled and unassigned matter:

HOUSE REPORTS — from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. (H. P. 21) (L. D. 24) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — January 30, 1969 by Senator Hoffses of Knox.

Pending — Motion by Senator Wymann of Washington to Accept the Majority Ought to Pass Report.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: To say that I was caught unexpectedly would be an understatement. Am I to understand that we are going through all these tabled items now? Are we going through them numerically, one, two, three, four, until they are all disposed of?

The PRESIDENT: The Chair would answer in the affirmative, except for those items that we decided we would leave on the table, according to the terms of the order that was passed in the Senate earlier this week.

Mr. BELIVEAU: Well, I don't have the document before me but, as I recall it, this document would permit the legislature, or the President of the Senate and Speaker of the House, to call sessions of the legislature when they felt it was necessary. I recall at the hearing that this was termed as the thinking man's answer to annual sessions, and as an alternative proposal to the bill which would create annual sessions.

I have several objections to this document. First, there isn't any need for it. As you know, under our present practice, under our present law, the Governor can call special sessions of the legislature when he believes there is a need for one. This has not been abused in the past by any of the Governors, as far as I know; that when there was a pressing need for a special session, it was called, and business that had to be disposed of was disposed of.

At the time I recall making a few notes and, as I recall, it said in the language of the bill, and more specifically, Section 1, it states: "The Legislature shall convene on the first Wednesday of January biennially and, as provided by rule, at such other times as they deem necessary, at the call of the President of the Senate and Speaker of the House." Now, "as provided by rule" is a very

vague and ambiguous phrase. Who is going to promulgate these rules? Who will be responsible for drafting them? Are we to play an active role in their adoption? Will we be conferred with? Will we have an opportunity to consider them? This is very vague and ambiguous. We will be delegating to our leaders, both of whom I have certainly a great deal of respect for, and I know it will not be abused, but we don't know who will be replacing them in the future, and not that I suggest that this will be used for partisan reasons because I know it won't — too much — in any event, if there appears to be a need for legislation like this, then we should do it properly. We should enact legislation to create annual sessions.

This is an attempt to avoid the bill which would provide for annual sessions. There could be a great deal of conflict also between an act by the Governor and an act by the Speaker of the House and the President of the Senate. Today this bill recognizes the need for annual sessions. This bill is supposedly an alternative to annual sessions. I can envision here situations where the Governor could be compelled to call an annual session with the threat that if he fails to do so the legislative leaders will.

As I said at the outset, this has not been abused in the past, and I see no need for it today. There appears to be a need because, in my opinion, this bill recognizes the need for annual sessions. Let's enact the proper document. Let's enact the document providing for annual sessions. This is piecemeal legislation. This is an attempt to kill annual sessions, and I object to it. I trust it will be defeated, regardless of the status of it now.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I join with the Senator from Oxford in suggesting that an answer to our problem is annual sessions, and I supported the concept of annual sessions, but annual sessions are not the answer that attempts to be met by this constitutional amendment.

Since 1820 our government has become tremendously complicated. Our relationship with industry, business and every facet of human existence has become tremendously more complicated, and our needs for fast legislative action seem to be increasing. Each legislature seems to have two or perhaps three special sessions of the legislature now, and governors in the past have acted with dispatch and responsibility in calling these sessions as needed.

I am concerned though as to what lies ahead in the future. If the State of Maine does find itself in a need to act quickly in a matter of broad public concern, in the event of the inability or incapacity of the Governor, there just isn't any provision for the legislature to meet it. In the absence of a meeting of the legislature, the whole State of Maine can be put in the position of being unable to meet a challenge.

The rules to which the previous speaker alluded are rules which will be promulgated by the legislature. The proponents of this legislation feel that the entire tendency in the United States has been towards increasing executive power at every layer of government, and perhaps the proponents of this legislation might entitle this as equal opportunity or equal muscles for the legislature. So, on several bases it seems to be a temperate, proper amendment.

It has been on our calendar since January 30th, and I think we have had ample opportunity to study it, evaluate its good points, and evaluate its shortcomings, if indeed there are any shortcomings. I think the time has come for us to act on it today.

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 wish to carry this debate much further, but I would just like to point out at least my feelings on this legislation. That is, it doesn't seem to me that it is really necessary. I couldn't get excited whether it passed or didn't pass.

First of all, I cannot picture the President of the Senate or the Speaker of the House calling a legislative session together unless they had approval from the Governor. If they did do this, then I feel it would be the last time, because it would be just a sideshow and they would get the best of it. I feel very strongly this way because of the position of these two presiding officers.

As far as the standpoint of succession goes, I think this might be a reason for passing this. Again, it doesn't seem to me it goes quite far enough. Let us assume that the Speaker of the House and the President of the Senate assumed that the Governor was slightly gone off his rocker and, therefore, they did call the legislature together, again, what is going to take place? I assume, and I know—I was on the Research Committee that studied this—and it was presented in good faith. I think at first glimpse it seems to have a lot of merit, but then you carry every potential avenue that this could accomplish to its ultimate end, it seems to be able to accomplish very little.

I think we do have problems, and I feel very strongly that the legislature should be strengthened. It just doesn't seem to me that this particular avenue is the way. Therefore, I can see little sense in passing this and putting it out to the people for referendum and making this constitutional change, and I hope that the bill would be defeated.

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

Mr. KATZ of Kennebec: Mr. President, I want to apologize to the members of the Senate for forgetting to mention that this is a governmental reform in the best meaning of the word.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am opposed to the passage of this bill for several basic reasons. The usurping of the powers of the executive by the legislature is something to which we all

should be opposed as we would be to the usurping by the Governor of the powers of the legislature.

We have these three cornerstones to our pyramid here in Maine: the judicial, executive and legislative systems, and the two have got to be kept separate.

I also agree with the statement that was made that we have got to strengthen the legislature, but this certainly is not the tool to use to strengthen it. As has been pointed out, the main problem would be this so-called rule. I have a letter from the office of the Attorney General, and I would read you from it with reference to that as provided by rule. "A rule would be promulgated to govern the procedure. An essential part of the rule would be a requirement that when the legislature is assembled the first business to be taken up would be the question of the necessity of convening." Now, can you see, as Senator Reed has pointed out, the chaotic situation that could result if you have a very closely balanced legislature, either or both houses, and the arguments and the interminable debates that would go on, even before the legislature got off home plate? This is just not a workable solution.

Senator Beliveau mentioned that annual sessions would be better, and I share this view. This is an attempt, and a laudable attempt to temporize with the problem but, as in so many problems we face here in Augusta, maybe we just can't temporize this one, and when we do have to make the decision we are going to have to vote on the clear-cut issue of annual sessions.

This is an unworkable bill for several other reasons, and I would invite to your attention that we have the greatest respect for the presiding officers of the two legislative bodies at the present time, but it is conceivable and I could visualize a situation arising where two such gentlemen, not as fine as our present presiding officers, might be unduly influenced by a strong personality entirely outside the legislative system and, as a result of this, the legislature could be called into session at the whim of one person.

Now, when we are doing important things like calling the legislature into special session, this has got to be by the Governor. Senator Katz's concern that the Governor might be out of his mind or out of State, of course, doesn't hold any water, because the President of the Senate would automatically and legally step into that void, and he could call a special session of the legislature. So, for these and other reasons, I do hope that this bill never sees the light of day.

The PRESIDENT: The Chair would ask the Sergeant-at-Arms if he would escort the Majority Floor Leader, Senator Katz, to the rostrum to take over as President pro tem.

At this point the Sergeant-at-Arms escorted Senator Katz to the rostrum where he assumed his duties as President pro tem, and President MacLeod retired to the floor of the Senate Chambers.

The PRESIDENT pro tem: The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: This bill probably is not the most momentous one that we will have before us this session, but I certainly think it is one of the most important as far as this body is concerned and the body at the other end of the corridor.

As the Senator from Cumberland, Senator Berry, said, he doesn't believe in the usurping of the powers of the executive by the legislature. I also don't believe that the executive should be superior to the legislative branch. We are supposed to be co-equal. If one of the three major branches of government cannot function except at the whim or the desire of another branch of government, then we certainly can't be an equal branch.

This bill is not intended to substitute for annual sessions in any sense of the word unless we can tell ourselves that if we have annual sessions we are going to be here twelve months of the year, the same as Congress is, and they are in Massachusetts and some other states that have annual sessions. This bill is to help make

the legislature more nearly an equal branch of government.

There are plenty of safeguards. The Senator from Cumberland, Senator Berry, mentioned something about this strange, outside, strong personality running the legislature. The amendment that was put on this bill in committee says: "And at such other times, on the call of the President of the Senate and the Speaker of the House, as the Legislature may prescribe by joint rules." I would assume that this would mean at least a majority vote of the legislature itself before the President and the Speaker could call them into special session.

In response to the Senator from Sagadahoc, Senator Reed, regarding the Governor who may be a little bit off and maybe doing some things he shouldn't be doing, either mental, moral, or many, many things we can think of—and thank God, we haven't had this happen in the past, and let's hope it doesn't happen in the future—but it could happen, and there is no provision for succession. There is provision for succession in the Maine Constitution when death occurs, but there isn't for mental aberrations or moral aberrations which could occur, and which could be a reason for impeachment of that Governor. Unless we should be in session during our regular biennial session or, if the annual session bill passed, be in session, maybe it is July or August of that off year, and something is going on in this State, something the Chief Executive is doing that calls for impeachment, we have no power to impeach, because we would have to wait until the next legislature regularly convenes.

This is not to try and stop annual sessions. I know that some of the backers of annual sessions believe that it is. It isn't. It is just to try and make this branch of government more nearly an equal partner to the judicial and the executive. Thank you.

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

Mr. MILLS of Franklin: Mr. President, could I address a couple of questions to the Senator from

Penobscot, Senator MacLeod, through the Chair? I would like to ask Senator MacLeod—and I don't know, I have no information myself in this regard—the question is a sincere one—maybe I am remiss in not paying better attention to the debate, but is this a common provision among the other states? Secondly, I realize the merit to the argument that has been advanced in regard to hypothetical situations, and that there could be situations arise whereby there might be the need, but I am wondering if there has been, at any time within the memory of any of us, any need for this, or has there ever been a time when there has been a felt need for the convening of the legislature which met with resistance on the part of the executive to call the legislature?

I can tax my own memory a bit in this regard, and I do recall sitting in a hotel room in Cleveland, Ohio in 1936, and prominent politicians of my party were present attending the Republican Convention which nominated Alf Landon, as you will remember. I think Governor Brann at that time had been paying old - age assistance. I think there had been a federal law providing for the payment of old - age assistance by the States. Governor Brann and his Council, which was a Republican Council, by the way, was able some way or other to use their contingent fund which, if it was abused at that time, it wasn't the first time it had been abused, they took their contingent fund and started paying old - age assistance with it. I remember the late Senator Brewster engaging in this discussion as to how in the devil we could get that Governor to call the legislature together and make him call for an appropriation for this purpose. I remember the answer was that you just couldn't do it. You couldn't make him call the legislature together unless he wanted to. That is the only time I can recall this subject ever being discussed, or ever any need, and I don't know how much the need was then. The State seemed to get along all right and it came around

a little later and did provide adequately for old-age assistance from other funds than the contingent fund.

But has there been a time in the memory of any of us when we have felt that the legislature ought to be called in session, or our legislative leadership has felt so, and hasn't been able to convince an executive that he should do it? Also, do any other states have it?

The PRESIDENT pro tem: The Senator from Franklin, Senator Mills, poses a question through the Chair to the Senator from Penobscot, Senator MacLeod.

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: At last count, fifteen states do have this power at the present time, but in many other state legislatures this winter this same proposition is before them. It is being recommended by all of your National Associations of Legislative Leaders, the National Legislative Conference, the Council of State Government, they are all now recognizing this as a need that needs to be filled and should have been filled long ago.

As far as a situation where the legislature has not been in session and perhaps they should have had this power, the Governor of Louisiana was in a mental hospital in Texas and escaped away from the mental hospital, got back across the border into Louisiana, and immediately became Governor again as soon as he crossed the border. There was nothing that anyone could do about it because legislature was not in session. This is one example. I am sure that with our recent Governors, and the present holder of that corner office, that there would be no need for this type of reason to come back into session, but at some time in the future it might well happen.

I frankly can't understand the opposition of the body itself in being opposed to granting itself the right to function as a branch of government, which we now do not have, except under the Constitution meeting biennially and except at

the call of the Governor into special session. I do agree that this would be used only in extraordinary circumstances, in times of extreme urgency, or at times when the Governor did do things that deserved impeachment. Certainly, if we are to be equal as one of the three branches of government, an equal partner in this, we should have the power to function.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I will call to your attention that we are merely considering the acceptance of a report. To be very frank and honest with you, I am not as knowledgeable and familiar with this document as I might be and all of its implications, although I do contend that I enjoy this sort of government reform. I appreciate the research and the study that goes into it, and I enjoy this study and research.

I would really hate to have us throw this proposal aside without rendering sufficient study, and I really, honestly don't see what harm it would do to accept the report. I don't see what harm it would do for the Senators in their time, if time would permit them, to review this further, and if it does have merit then I hope we would accept it. If we discover in our deliberations and our study and research that it does not, then we could reject it. But I, for one, would prefer to pursue this a little further. Thank you.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I would just like to bring up one or two points. I had forgotten the amendment which the Senator from Penobscot, Senator MacLeod, mentioned. I can remember in first looking at that—I think that amendment itself somewhat upsets me. I couldn't find the number, but I believe it goes something like "The President of the Senate and Speaker of the

House or otherwise proscribed by joint order." Now, when you do this you open up something that actually is very broad, because a joint order could be passed by this legislature in which the legislature could be convened by any member. I know this is an extreme case, but a joint order might be passed in which any member of the legislature might be able to convene that. Now, I didn't see the amendment and this may not be the case, but "as proscribed by joint order" is a pretty broad interpretation.

Secondly, I would merely say that I think if the Speaker of the House and the President of the Senate had the power to call this legislature together to start impeachment proceedings, it might be a valid argument, if you limited it to that.

I have no objection to this going on and being debated further. I sympathize with a great many of the things the Senator from Penobscot has said, and I am sure

that we all really want to do the same thing here, but I guess the question is possibly the correct way of doing it.

The PRESIDENT pro tem: The Chair will inform the Senate that the amendment in question is under Filing No. H-3.

Is the Senate ready for the question? As many as are in favor of accepting the Majority Ought to Pass Report will say "Yes"; as many as are opposed will say "No."

A viva voce vote being taken, the motion prevailed.

Thereupon, the Resolve was Read Once. Committee Amendment "A", Filing No. H-3, was Read and Adopted and the Resolve, as Amended, tomorrow assigned for Second Reading.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, June 3, 1969 at 10 o'clock in the morning.