

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, June 4, 1969

Senate called to order by the President.

Prayer by Monsignor Thomas M. Nelligan of Augusta.

Reading of the Journal of yesterday.

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

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

In the Senate May 27, 1969, Passed to be Engrossed in concurrence

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-417) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the House May 27, 1969, the Ought Not to Pass Report Read and Accepted.

In the Senate May 28, 1969, the Resolve Substituted for the Report and the Resolve subsequently Passed to be Engrossed in non-concurrence.

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

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

Joint Order

WHEREAS, Central Maine Sanatorium at Fairfield is the last such facility in the State for the care and treatment of persons affected with tuberculosis; and

WHEREAS, this modern facility offers the latest equipment and highly specialized treatment of that particular illness; and

WHEREAS, there is a trend throughout the country to close such a facility due to the reduction in number of cases and the high

cost of maintaining such facilities; and

WHEREAS, the Central Maine Sanatorium could more usefully serve its function if it drew from and were supported by other states lacking facilities of their own; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the feasibility of providing a regional care facility specializing in tuberculosis at the Central Maine Sanatorium, available to a number of states who wish to participate in the cost and maintenance of the existing facilities; and be it further

ORDERED, that the Department of Health and Welfare of this State be requested to provide the Committee with such information and technical assistance as it deems necessary; 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. 1237)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

Communications

Blaine House
Augusta, Maine

May 29, 1969

To the Honorable Members of the Senate,
104th Legislature

I would like to take this opportunity to express my sincere appreciation for the lovely tea which was held in my honor at the Augusta House on Tuesday afternoon.

I am delighted with the beautiful gift of silver which was so thoughtfully presented to me at that time.

Again, thank you for a most pleasant afternoon.

Sincerely,
s POLLY CURTIS
(Mrs. Kenneth M. Curtis)

Which was Read and Ordered
Placed on File.

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

June 3, 1969

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

The House today voted to Adhere to its action whereby it had accepted the "Ought Not to Pass" report of the Committee on Business Legislation on Bill "An Act relating to the Small Claims Act" (S. P. 246) (L. D. 755) and the Senate had insisted on its former action whereby the Bill was substituted for the Report and passed to be engrossed and asked for a Committee of Conference.

Respectfully,
S BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

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

June 3, 1969

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

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

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

Messrs DENNETT of Kittery
BERMAN of Houlton
HEWES of

Cape Elizabeth

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

Messrs. DYAR of Strong

COX of Bangor
DAM of Skowhegan

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Reed of Sagadahoc,

ORDERED, the House concurring, that Bill, "An Act Creating Aroostook County Commissioner Districts," H. P. 49, L. D. 50, be recalled from the Governor to the Senate.

(S. P. 484)

Which was Read.

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

Committee Reports House

Leave to Withdraw - Covered by Other Legislation

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of Judge of Probate of Sagadahoc County" (H. P. 82) (L. D. 82)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of Clerk of Courts of Sagadahoc County." (H. P. 81) (L. D. 81)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Sagadahoc County." (H. P. 151) (L. D. 177)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Certain County Officials of Washington County." (H. P. 362) (L. D. 470)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials and Jury Commissioners of Lincoln County." (H. P. 496) (L. D. 650)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Jury Commissioners

of York County." (H. P. 584) (L. D. 769)

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

The Committee on Towns and Counties on Bill, "An Act to Increase the Salary of Sheriff of York County." (H. P. 585) (L. D. 770)

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

(On motion by Mr. Letourneau of York tabled and tomorrow assigned, pending Acceptance of the Committee Report.)

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Penobscot County." (H. P. 647) (L. D. 835)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Knox County." (H. P. 648) (L. D. 836)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officers of Franklin County." (H. P. 748) (L. D. 966)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of Clerk of Courts and Providing for Deputy Clerk of Courts of Somerset County." (H. P. 786) (L. D. 1019)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Somerset County." (H. P. 787) (L. D. 1020)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Clerks of Court." (H. P. 788) (L. D. 1021)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Androscoggin County." (H. P. 842) (L. D. 1080)

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

The Committee on Towns and Counties on Bill, "An Act Relating to Minimum Salaries for Probate Judges." (H. P. 844) (L. D. 1082)

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

The Committee on Labor on Bill, "An Act Creating a Public Employer - Employee Labor Relations Law." (H. P. 1036) (L. D. 1346)

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, except for the tabled matter, Accepted in concurrence.

The Committee on Taxation on Bill, "An Act to Relieve Certain Elderly Householders from Extra - Ordinary Property Tax Burdens." (H. P. 1017) (L. D. 1325)

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

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

Which report was Read.

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

Ought Not to Pass

- Covered by

Other Legislation

The Committee on Natural Resources on Bill, "An Act to Create a Use Regulation Commission." (H. P. 1042) (L. D. 1372)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought to Pass
- As Amended**

The Committee on Judiciary on Bill, "An Act to Provide that Charging More Than the Maximum Legal Rate of Interest is a Felony." (H. P. 434) (L. D. 558)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-419).

The Committee on Legal Affairs on Bill, "An Act Providing for a Council-Manager Charter for Town of Scarborough." (H. P. 736) (L. D. 954)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-408)

The Committee on Judiciary on Bill, "An Act to Provide for Discovery Procedures in Workmen's Compensation Hearings." (H. P. 930) (L. D. 1191).

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-420).

The Committee on Legal Affairs on Bill, "An Act to Grant a New Charter to the City of Belfast." (H. P. 965) (L. D. 1255)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-421).

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

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

Ought to Pass in New Draft

The Committee on Taxation on Bill, "An Act to Clarify Taxation of Annuity Contracts and Insurance Policies." (H. P. 674) (L. D. 860)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1229) (L. D. 1562)

The Committee on Judiciary on Bill, "An Act Relating to Allowance for Widows of Justices of the Supreme Judicial Court and the

Superior Court." (H. P. 919) (L. D. 1180)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1228) (L. D. 1561)

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

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Neglect of Official Duty by Municipal Officers." (H. P. 528) (L. D. 699)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-422).

Signed:

Representatives:

HESELTON of Gardiner
DANTON of

Old Orchard Beach
MORESHEAD of Augusta
HEWES of

Cape Elizabeth
BRENNAN of Portland
BERMAN of Houlton

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

Signed:

Senators:

VIOLETTE of Aroostook
MILLS of Franklin

Representative:

FOSTER of

Mechanic Falls
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-422).

Which reports were Read.

On motion by Mr. Mills of Franklin, the Minority Ought Not to Pass Report of the Committee was Accepted in non - Concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Education on Bill, "An Act

Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education." (H. P. 952) (L. D. 1228)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KELLAM of Cumberland
STUART of Cumberland
KATZ of Kennebec

Representatives:

CUMMINGS of Newport
RICHARDSON
of Stonington
ALLEN of Caribou
KILROY of Portland
WAXMAN of Portland
CHICK of Monmouth

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1232) (L. D. 1565)

Representative:

MILLETT of Dixmont

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

Which reports were Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The reading of this bill indicates that the objective seems to be quite interesting, novel, and presents an opportunity for the State to divert from its usual procedure of pouring money into the same - I might almost say hectic methods of tackling our educational problems.

The basic purpose of the bill, which could be accomplished, is to finance students going into other than State supported institutions. It seems to me that this is a novel and attractive method of cutting educational costs without cutting quality.

The bill has a tremendous price tag on it and I am sure it could be revised significantly downward. I do think we could cut our educational costs at our institutions of higher learning by following this principle of contributing a small fraction of what the State pays in the form of what amounts to, say

State subsidies, directly to the institutions by paying to private institutions a small portion of that money. I would like to hear some comment on this matter from the Education Committee with the thought and the hope that something might be done in this field to solve our current financial problems.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: A couple of weeks ago, I think it was, I introduced an order which directed the Maine Education Council to study the subject of this bill. I have confidence in the Maine Education Council as a working group and I think they will turn up some good background on it. I explained at the time that this was indeed a very interesting bill, and it says, in effect, that if each student attending the University of Maine costs the taxpayer \$1,800 a year deficit, then why wouldn't it be smart to hold down the expansion of the University of Maine, and look to the private colleges in Maine to take in more Maine students, in consideration of which Maine would then give to the private colleges half of that amount, or \$900, to help underwrite the cost of the youngster's education.

It is a very imaginative bill and it possibly can develop into something very good, but right at the moment there has been absolutely no correlation, no attempt to restrict the expansion of the University of Maine on the one hand, and expand the private college opportunities on the other. So, the basic purpose of the bill cannot be accomplished without this correlation, and this is why the Committee decided to report this bill out Ought Not to Pass, and ask the Maine Education Council to look into what I think is a very imaginative idea.

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

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

Senate: I move we substitute the bill for the report. I question whether it is necessary for us to wait the study of this commission that Senator Katz mentions, considering the factors involved in what we know. We are not going to contribute \$900 in our current situation to students to go to the private institutions of higher learning in the State of Maine, but we certainly can contribute and know that everything that we do contribute can help significantly the problems facing the University and we, as legislators, in our attempt to balance budgets there. If we can save a couple hundred thousand dollars by supporting this movement, it seems to me that this can be done without any further study; it is merely a matter of mechanics which I am sure can be straightened out. We haven't got the money to do the whole thing, but it seems to me if we can save on one hand a million dollars by spending two or three hundred thousand dollars, this is just exactly the sort of solution to our problem that we need.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The original bill came in with a nifty little price tag of just under six million dollars for the biennium. Presently it has got an appropriation on it of about one million dollars for the biennium.

About all we would accomplish by passing the bill, without the prior planning that is necessary to coordinate the efforts between the University on the one hand, and the private colleges on the other, about all we would accomplish would be to help underwrite the cost of youngsters who are going to Colby, Bates, Bowdoin and the other colleges who might come from very high-income families, and we will just underwrite part of the cost of their education. It has absolutely no provision at all for the reduction in the rate of

expansion of the University of Maine.

If I am confident of one thing it is that when you get involved in higher education there is a magnificent opportunity to throw money around like a drunken sailor. I say that this program is such an opportunity unless we approach it in a planned manner.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: This particular bill was brought to my attention and I feel as if it is much of what the Senator from Kennebec, Senator Katz, has said, it is somewhat of a unique approach. I somewhat possibly disagree with the need for the elaborate correlation between the University of Maine and the private sector.

Also it seems to me that the funds, whatever is provided, can only go that far and, in the long run, I think it has a two-fold purpose. One, I personally feel - and I have been possibly outspoken in this field - that the private colleges - the type we have in the State of Maine - are eventually going to be in trouble. I think they are going to become glorified prep schools simply because of the cost of these schools.

Secondly, I don't see how this can help but in the long run save the taxpayers in the State of Maine some money. Certainly, this session and I feel other sessions have somewhat stymied the growth of the University by funds alone. If we can provide a good education for the youngsters from the State of Maine in these private schools, and you look at these schools, Bates, Colby, Bowdoin, and the others that we have here in the State, you will find that a large portion of these students come from out-of-State. It is just a pure matter basically of dollars and cents. A lot of Maine youngsters can't afford to go to these schools. I do know, and I suppose maybe I am a little partial here, but I have talked, as far as Colby is concerned, and I have asked

time and time again why they don't have more Maine youngsters go there, because I feel that if a Maine youngster goes to a Maine school chances are he will come back to Maine and live, and contribute to that school and the State as a whole. I think in the long run it is beneficial to them. At first, several years ago, they used to say that well the Maine educational system didn't provide the education and it was difficult for them to get in. But I was pleased less than a year ago when they completely turned around, and they now are very much in favor of Maine youngsters, and they have taken Maine youngsters in on sort of a trial basis. In comparison with other States, even with these college boards and all this other rigmarole they take, the Maine youngster might not measure up quite as high as the out-of-State youngster will, but by the time that student becomes a junior or senior he has hung on and he is one of the leaders and, therefore, they are somewhat at a loss to find out what this quality is that Maine is producing in their youngsters in our primary and secondary educational system, but they see that there is something there, they are not able to measure it in tests — and I have been saying this for a long time — and therefore they are more than anxious and want to get Maine youngsters in these private colleges here in the State of Maine. I feel that if this legislature can do something to help them I am all for it. I think it is a unique approach and I would like to see the bill substituted for the report. Therefore, I favor this motion made by the Senator from Cumberland, Senator Berry.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to get specific on four bases, and I call your attention to the fact that we are not arguing a concept; we are arguing a bill. In the first place, there is no University of Maine involvement in this bill whatsoever. Those of you who are buying it based

upon the fact that it is going to reduce the rate of expansion of the University of Maine, and on that basis be a good cost are being led down the wrong path. It just isn't in the bill.

Second — and here again we go off on a magnificent tangent we have gone off on for so many years that it is beyond my experience — this bill is specifically written for the four-year baccalaureate student. If there is any group of young people in the State of Maine today I can't get shook about and bleed about it is the four-year baccalaureate student. It completely ignores the thousands of youngsters who are not college oriented for a four year degree and who desperately need some two-year programs which we are starving to death for in the State.

Third, my son applies to Tufts, Colby, and the University of Maine, and is accepted at all three of them. His natural orientation is to go to Tufts at no expense to anybody, except me, but under this bill the family has a conference and says we had better send you to Colby. So here we are: you are underwriting a tremendous part of the education of my youngster, with no benefit to anybody except to me personally.

Fourth, the price tag is a million dollars. After the caucuses yesterday, I will note with great interest those who vote for this legislation.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: There is an additional factor here of capital investment per student that deserves our attention. We pass each session multi-million dollar bond issues for our State supported higher education institutions, and these are big figures. Now if we divide these figures by the number of students in these institutions we get a very significant investment per student in capital costs. These are in addition to the operating costs to which I referred earlier.

Now, Senator Katz says he fails to see the correlation with the University and this bill. It seems that the correlation is this: that if

a student cannot enter the University because there is not a place for him, because money has not been provided, open space is not available in the freshman class, but this same student can be admitted to an institution of higher learning in the State of Maine because of the passage of this modified bill. This is the correlation with the University, and this is the method with which pressure can be relieved from our financial requirements.

I strongly support Senator Katz's concern that we are perhaps devoting a great deal of attention to the four-year student. I may point out that this is understandable because historically four years has been the college curriculum length. But I do support very strongly his concern and his support for these shorter courses, the two-year courses. I think this bill should and could be amended to provide that primarily financial assistance could be given to freshmen entering students in the private institutions, to get them going, to give them the taste of victory, the satisfaction that they tried to get into an institution from high school and have succeeded.

Finally, the price tag, as I have said earlier, this should be modified. I would hope that we could pass this bill through to the engrossing stage, change it to the form necessary, both financially and technically, and let it go on the Appropriations Table, even a modified sum like two or three hundred thousand dollars, with the hope that if it did go through it could be a program, and two years from now we will see if it was worth the effort. It looks like it is worth the experiment.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think at this time, late in the session, that this bill is unwise for us to pass now. I think we should concentrate more on junior colleges. In the vocational schools in the State of Maine now it is compulsory for them to take math and English. That is in the right direction to establish the

vocational schools in the State of Maine for becoming junior colleges. I would urge all members to see to it that we get more vocational schools and change them over to junior colleges. It would be more useful to most of the youngsters in the State of Maine.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the bill be substituted for the report on Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education." As many Senators as are in favor of substituting the bill for the report will say "Yes"; those opposed will say "No". The Chair being in doubt orders a division.

As many Senators as are in favor of substituting the bill for the report will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed, and the Bill was substituted for the reports in non-concurrence.

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

Divided Report

The Majority of the Committee on Business Legislation on Bill, "An Act Providing for the Outlawing of Contests and Games by Establishments Selling Motor Vehicle Fuel." (H. P. 474) (L. D. 628)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LEVINE of Kennebec
LOGAN of York

Representatives:

TRASK of Milo
SCOTT of Presque Isle
SCOTT of Wilton
HARRIMAN of Hollis
CLARK of Jefferson

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under New Title: "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers." (H. P. 1207) (L. D. 1534)

Signed:

Senator:

BERRY of Cumberland

Representatives:

GAUTHIER of Sanford

FECTEAU of Biddeford

Comes from the House, the Minority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-404).

Which reports were Read.

Mr. Logan of York moved that the Senate accept the Majority Ought Not to Pass Report of the Committee.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate? I would ask the members of the Senate to vote against the motion. This bill is the surviving bill that the legislature has to work on to attempt to do something to help out the situation facing our service station operators in the State. The bill was introduced by them. Its companion bill was to outlaw trading stamps, insofar as they applied to service stations. The actual constitutionality of the two matters of outlawing games of chance and outlawing trading stamps has been questioned, and I quite honestly can say that I doubt that it has been firmly fixed yet.

The cost of these two things on the average service station operator is a real burden, and an excessive uncontrolled cost to him in doing his business. These games of chance and stamps are pushed on him by the petroleum wholesalers and, while we can say that the free enterprise system must

permit the weak to be sloughed off and the strong to survive, I think that we all realize from our association with these people that there is probably few harder purses to earn a livelihood at than running a service station. It is my opinion that these people are completely and totally at the mercy of their wholesalers, and that if they to try to act as an individual and refuse to buy the stamps, or refuse to participate in games of chance, that they soon will be out of business willy-nilly.

Now, one of the big objections to the game of chance that is covered by this particular bill is that they are alleged, and there is reasonable belief existing, that they are rigged. There was plenty of testimony given at the hearing that their award of prizes are made under circumstances, or let's say at least with results that can hardly be construed to be determined by chance. There will be geographical sections. There will be three prizes awarded in an alleged drawing, and one will be in Presque Isle, one will be in Augusta, and the other in Portland for the statewide distribution system. Other questions were raised and unanswered as to the fact that these are rigged, and we on the committee, I feel, can say truthfully that we are not satisfied that they are honestly administered. I would hope that we could defeat the motion and pass this bill.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: The facts as stated by my distinguished colleague from Cumberland, Senator Berry, are exactly correct. I would like, however, if I may, to give just a trifle more background and amplify a little bit.

The original bills, we had three of them, sought to prohibit games, and in one case trading stamps also, in service stations, and did so by providing a high fine. It was felt that this \$1000 fine would circumvent the constitutional problems of a flat prohibition. You see, you have a situation here of requiring unequal treatment under

the law. However, it was felt that the \$1000 fine was a prohibitive figure and, in effect, accomplished the same thing as a simple prohibition. It was therefore judged that if you are going to outlaw games, or stamps too, for that matter, although stamps are not under consideration here, let me add, you are going to have to do it for everybody and all retail establishments. This is where the committee parted company. This is strictly a matter of, I guess, philosophy.

In my towns the gasoline stations are not handling games, despite jobber pressure, simple because these people got together and decided not to do it. The feeling of some of us is that this is a trade association problem. If these people are against it, if it is damaging them as much as they allege, it should be in their mutual interest to simply cease the practice, which I am sure they could do.

It was also stated, and I think correctly, that these stamps and games do cost them money. They also alleged that if they did not have to distribute them to their customers that their profits would be put into a more reasonable range. I would submit to you that because of the extreme competitive nature of the retail gasoline field, and it is an extraordinarily competitive situation, that the profit picture would not indeed be improved. I would submit to you that a fraction of a cent, or whatever it is that these things cost, would work on the retail price and the distress of these gasoline station operators would continue.

Also, we are talking about games in retail establishments, not in gasoline stations. Now picture, if you will, that you are standing in the parking lot of your local retail plaza, I forgot what you call them, where you have shoe stores, grocery stores, and this whole range of retail establishments, and drug stores of course, how is this bill, a flat prohibition, going to affect these people? How is it going to affect our county affairs, if at all? I would submit to you that if the gasoline station people have a problem they should solve it. But

they should not impose their solution on all of our retailers. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Providing for the Outlawing of Contests and Games by Establishments Selling Motor Vehicle Fuel." As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will say "Yes"; those opposed will say "No". The Chair being in doubt orders a division.

As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, the Minority 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-404, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act relating to Safety Devices for Railroad Utilities." (H. P. 440) (L. D. 564) Ask leave to report: that the House recede from passage to be enacted, recede from passage to be engrossed, adopt Conference Committee Amendment "A" (H-432) submitted therewith, and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-432); that the Senate recede and concur with the House.

On the part of the House:

RIDEOUT of Manchester
HARDY of Hope
HASKELL of Houlton

On the part of the Senate:

SEWALL of Penobscot
STUART of Cumberland
CIANCHETTE of Somers-
set

Comes from the House, the report Read and Accepted, and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-432) in non-concurrence.

Which report was Read.

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

Second Readers

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

House

Resolve, Reimbursing Town of Orono for Support of Nonsettled Cases. (H. P. 762) (L. D. 982)

Bill, "An Act Transferring Arson Investigation Authority from Insurance Department to the Department of the Attorney General." (H. P. 1190) (L. D. 1509)

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

Bill, "An Act Relating to Welfare Assistance." (H. P. 687) (L. D. 918)

Which was Read a Second Time.

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

Bill, "An Act Creating the Unclassified State Employees Salary Board." (H. P. 1212) (L. D. 1541)

Which was Read a Second Time.

(On motion by Mr. Wyman of Washington, tabled until later in today's session, pending Passage to be Engrossed.)

House - As Amended

Resolve, Proposing the Acceptance of a Master Plan Prepared by the Capitol Planning Commission. (H. P. 578) (L. D. 763)

Bill, "An Act to Establish Revised Boundaries for the Master Plan of the Capitol Complex Area at Augusta." (H. P. 577) (L. D. 758)

Bill, "An Act Revising the Charter of the City of Biddeford." (H. P. 996) (L. D. 1298)

Bill, "An Act to Authorize Lincoln County to Raise Money for Court House Capital Improvements." (H. P. 750) (L. D. 968)

Bill, "An Act to Amend the Charter of the City of Saco." (H. P. 695) (L. D. 895)

Bill, "An Act Authorizing Municipalities to Voluntarily Consolidate." (H. P. 1068) (L. D. 1397)

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

Senate

Bill, "An Act to Revise the Credit Union Law." (S. P. 200) (L. D. 609)

Which was Read a Second Time.

(On motion by Mr. Logan of York temporarily set aside.)

Bill, "An Act Creating Oxford County Commissioner Districts." (S. P. 462) (L. D. 1525)

Which was Read a Second Time.

Mr. Beliveau of Oxford moved Indefinite Postponement of the Bill.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: The opposition that was expressed the other day to this bill seemed to be based on the fact that it had no public hearing. I would like to go into that just a little bit.

Two years ago when the bill was introduced it was a statewide bill, and I was asked to appear at the Augusta House where the county commissioners had their meeting and explained the bill. I am sure that every county commissioner in the State was aware of this bill and had a chance to appear at the hearing to represent their respective counties. This year we have someone here that has been looking out for county government and representing county commissioners, and I am sure that every county commissioner in the State has been aware of this bill. In fact one of them appeared at the hearing to oppose it, and I am sure he was opposing it from his county standpoint rather than from

the statewide standpoint. So I would maintain that each county commissioner had ample opportunity to oppose this bill if they so desired.

Speaking about the public hearings, I would call your attention to Item 7-14 on today's calendar. This was up for first reading yesterday, and this happened to be my bill relating to school construction aid, but if you notice the amendment that was brought out by the committee, it strikes out everything after the enacting clause and puts a new bill in its place. Now this bill had a public hearing; this bill did not. I hope you will support me in this.

What is being asked here is to use this county the way we have already sanctioned this concept in three other counties. I hope you will go along with sanctioning it in Oxford County. I would ask for a division, and I hope we defeat the motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Bellevue, that Bill, "An Act Creating Oxford County Commissioner Districts," be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the bill 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 fourteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the matter previously set aside as requested by Mr. Logan of York: Bill, "An Act to Revise the Credit Union Law" (S. P. 200) (L. D. 609).

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

Senate Amendment "A", Filing No. S-210, was Read and Adopted,

and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Town's Matching Funds for Reconstructing State Aid Highways." (S. P. 128) (L. D. 390)

Bill, "An Act Relating to School Construction Aid." (S. P. 124) (L. D. 386)

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

Sent down for concurrence.

Enactors

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

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

(On motion by Mr. Stuart of Cumberland, temporarily set aside.)

An Act to Conform the Statutes to the Rules of Civil Procedure. (S. P. 168) (L. D. 542)

An Act Relating to Juvenile Offenses. (S. P. 404) (L. D. 1357)

An Act Increasing Limits of Liability Under Financial Responsibility Law and Uninsured Motorist Law. (H. P. 145) (L. D. 171)

An Act Relating to Bank Reporting, Reserves and Loan Limits. (H. P. 542) (L. D. 721)

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

An Act Relating to Approval of Secondary Schools. (H. P. 1202) (L. D. 1529)

An Act Relating to Realty Subdivisions. (H. P. 1215) (L. D. 1547)

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

The President laid before the Senate the matter previously set aside as requested by Mr. Stuart of Cumberland: An Act Relating to the Statute of Limitations for the Malpractice of Physicians. (S. P. 85) (L. D. 279).

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I have spoken on this bill relating to the statute of limitations for the malpractice of physicians before, and I don't wish to belabor it too long.

I feel very strongly that this legislation should not pass. I will remind you that we voted on it once and we voted to indefinitely postpone and then we discussed it again and it passed, and now it is back in the enactment stage.

Just to summarize briefly, this two-year statute of limitations law has been in effect for 38 years. There have been no attacks upon it, no one has been harmed by it, and I see no reason to change it now.

At the hearing, I understand, there was only one person who spoke in support of this bill and his concern was that it might be needed possibly, and it was a pretty weak case. I have a feeling, and I hate to be guilty of suspicion of the trial lawyers, that this bill is in somewhat the same category as the bill we have that permits a husband to sue the wife or the children to sue their father. It just isn't needed, and I remind you that two years is the statute of limitations pertaining to those that practice the healing arts in thirty-two States. New Hampshire has the two years, Massachusetts, and some states have one, I know of no state that has six. This bill would increase the statute of limitations from two to six years. So I ask you to support my motion to indefinitely postpone this bill.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, now moves that Bill, An Act Relating to the Statute of Limitations for the Malpractice of Physicians, be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As the good Senator from Cumberland has stated, we debated this at some length a week or so ago, in which we outlined the reasons why we felt that this bill was needed.

It passed the other body by a substantial margin and it passed this body some time ago. I don't believe that there is any need to further debate the matter. I would only like to remind the members of the Senate that this bill would do exactly what the good Senator from Cumberland would suggest, and that is to extend the statute of limitations to a period not to exceed six years from the date on which the alleged negligent act occurs. This would mean that patients today who undergo rather substantial surgery, novel surgery, with the advances that we are making in medical science today, and frequently where a negligent act is not detected for a period greater than two years from the date of the operation, this would simply permit them to file a claim against the doctor if necessary.

States which have extended their statute of limitations have found that there have been no increase in the number of malpractice claims. As I said earlier, we in Maine enjoy a high degree of skill with our medical profession. We are very fortunate. This would only mean that the citizens of Maine would have a greater period of time in which to make a claim against a person engaged in the healing arts. This is not limited to physicians; it is anyone engaged in the healing arts, whether it be a M.D., D.O., D.D.S., nurse, chiropractor, all of them. They would all be treated similarly in this bill.

As I say, we debated this at length, it passed both bodies, and I trust that you will oppose the pending motion so that we can get on with some more business.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I think that the good Senator, Senator Stuart from Cumberland, needs some enlightenment in regard to some of these malpractice cases.

I had one a number of years ago, in which a dentist up in the eastern part of the State had written up quite a few prospective pieces of work on this veteran that he was going to do in his office.

Under the circumstances that prevailed at that time the dentist could be paid by the Federal Government for the work he proposed. He set up quite a bit of work for quite a good many different veterans on an out-patient basis for which the Federal Government would compensate him. One of the items was for the removal of some impacted wisdom teeth. In the process this particular dentist's work—who is still in practice, by the way—came into the Federal Government in a pattern that aroused the suspicion of a very honest dentist working for the Federal Government at the time and they caused investigation. They found that over those impacted wisdom teeth he had put a bridge, and left the impacted wisdom teeth right there and the x-rays clearly showed it. Now, this man didn't have a malpractice case against the dishonest dentist because two years had elapsed after the discovery of the malpractice. So, a situation like that would be remedied here.

I wish the good Senator, in quoting the content of this law, would be a little more scientific and accurate because it doesn't extend the statute six years. It says that it never should go longer than six years in any event. It extends it two years from the time when the malpractice is discovered. When the dentist malpractice, which was really a fraud too on the government, a criminal act — when this was discovered that he put in a bridgework, he falsified and sent in that he was going to do a removal of impacted teeth and, instead of that, put in the bridgework over the impacted teeth, when that was discovered then the statute of limitations had run, the two-year statute. I submit that any dentist, any doctor, anybody engaged in the healing art, would agree that the patient shouldn't be disqualified from having a cause of action because he was unaware of the malpractice until two years later, specifically where he is covered by a general statute that would always run at the end of six years.

I hope I have related these facts from memory correctly, but I am

sure that I could produce the documentary records to prove this.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: It had been my intention to let events take their course in this matter but my distinguished colleague from Oxford, Senator Beliveau, had made me decidedly nervous about this. It happens that my wife nurses in our community hospital. It hadn't really occurred to me that she might be the object of a malpractice.

This bill bothers me, it really does, and Senator Mills has raised one additional question in my mind. If this starts the period from the time at which the malpractice is discovered I presume that this could be anytime, it could be twenty years from now the time something happened, it would seem to me that the statute should run from the time that the malpractice occurred rather than from the time it was discovered. This bill bothers me. Thank you, Mr. President.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The bill, as amended, provides that the statute of limitations runs for a period not to exceed six years from the date of the act itself, but it shall run for only two years, as Senator Mills indicated, from the time that it is discovered, but no longer than six years from the date on which the act occurred. As a practical matter, it is a two - year statute of limitations, but under unusual circumstances if a period in excess of two years elapses it provides that it will not exceed six years. So there is a two - fold aspect to this: two years from the time it is discovered and, secondly, it is not to exceed six years from the date that the act itself occurs.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

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

Senate: I support the views of both Senator Stuart and Senator Logan, and I would request a division when the vote is taken.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Stuart, that Bill, An Act Relating to the Statute of Limitations for the Malpractice of Physicians, be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone this bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative and thirteen Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed.

Sent down for concurrence.

Resolve, to Reimburse Clyde Rollins of Rumford for Damage by Highway Construction. (S. P. 132) (L. D. 416)

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

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

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

Bond Issue

An Act to Authorize Bond Issues in the Amount of \$9,800,000 to Provide Funds for School Building Construction Under the Provisions of Section 3457 and Section 3459 of Title 20, R.S., and \$800,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers Under the Provisions of Section 2356-B of Title 20, R.S. (H. P. 402) (L. D. 513)

(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 item of Unfinished Business:

HOUSE REPORTS — from the Committee on Judiciary on Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." (H. P. 1030) (L. D. 1339) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Pending — Motion by Senator Katz of Kennebec to Accept the Minority Ought 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: This was well debated yesterday. I request a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles."

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I would request permission to pair my vote. The Senator from Cumberland, Senator Conley, is not able to be here this morning, and I feel that, with eleven youngsters now, he has a legitimate excuse. I hope he will be here Thursday. He feels very strongly about this bill one way and I feel the other. If I were to vote, I would vote for acceptance of the Minority Ought to Pass Report, and if he were here he would vote against accepting the Minority Ought to Pass Report of the Committee. So I seek that permission, Mr. President.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, wishes to pair his vote with that of the Senator from Cumberland, Senator Conley who, if he were here, would vote against accepting the Minority Ought to Pass Report

of the Committee. The Senator from Sagadahoc, Senator Reed, would vote to accept the Minority Ought to Pass Report of the Committee. The Secretary will so record the pair.

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

Obviously more than one - fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." A "Yes" vote will be in favor of accepting the Minority Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Minkowsky, Moore, Peabody, Reed, Sewall, Stuart, Violette and President MacLeod.

NAYS: Senators Beliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Logan, Martin, Mills, Quinn and Tanous.

ABSENT: Senators Bernard and Wyman.

A roll call was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with two Senators absent, the motion prevailed and the Minority Ought to Pass Report of the Committee was Accepted in concurrence.

Thereupon, the Bill was Read Once. House Amendment "A", Filing No. H-327, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

The President laid before the Senate the second item of Unfinished Business:

Bill, "An Act Relating to Qualifications of Savings Bank Trustees and Other Officers." (S. P. 406) (L. D. 1370)

Tabled — By Senator Stuart of Cumberland until later in the day.

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: There was some thought the other day that this bill was restrictive in that it pertained to only one type of a lending institution really, and in that it didn't give a chance for orderly phasing out of existing directorships. I, therefore, present Senate Amendment "B", under Filing S-216, and move its adoption.

Thereupon, Senate Amendment "B", Filing No. 216, was Read.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I would like to pose a question through the Chair to Senator Katz of Kennebec in reference to why credit unions were included in this amendment since they do not basically serve the public as the other institutions do, and the credit union directors are not paid as the other directors of other institutions?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair which the Senator may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, this is a piece of rather minor legislation that is having a difficult time. The purpose of the amendment purely and simply, without singling out credit unions, as a matter of fact, without giving much thought to credit unions, attempted to take in all lending institutions. This is the reason you see the words "credit unions" in the bill.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I would like to pose another question through the Chair to the Senator from Kennebec, Senator Katz, whether he would have any objection if this amendment was amended to delete "credit unions"?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, poses a question through the Chair which the Senator from Kennebec, Senator Katz, may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, this isn't my bill, and I am not on the committee, and my feelings aren't very deep on the subject, except I would like to see something passed which restricts the duality of responsibility. I would like to see this bill and - or amendment get through with the principle intact that it is not acceptable to serve on two boards of competing lending institutions. If the Senate will accept the amendment this way, I would like to see it go this way. If the Senate objects to this amendment and wants to take out credit unions, I am amenable to going along. I would like to see on this basis a vote on the amendment as it presently stands though.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This is my bill and I would like to speak to the amendment. I guess it is perhaps not before us, but it is being discussed anyway. Generally speaking, the intent of the amendment, I think, is good, but I do agree that credit unions are a separate type of institution. They are not the public type of institution that a trust company, national bank, savings and loan, or any other general type of banking institution is. Their directors are on a voluntary basis.

The purpose of the general law isn't particularly served by including credit unions because of the limited clientele that a credit union has. So, I think, if Senator Minkowsky intends to draft an

amendment to Senate Amendment "B" that would strike out credit unions, that it wouldn't do violence at all to the general intent of the bill.

I would mention that I have heard a good many times of grandfather clauses in legislation; this one has a grandchild clause. It says that "No person performing after January 1, 1975," and so forth, so this bill doesn't go into effect until January 1, 1975. There are some of us perhaps who won't even be here then, and our grandchildren may benefit by the legislation, but it is a neat way perhaps of deferring its effect and allowing the present directors probably to serve out their term or serve out their retirements and let the bill come into effect sometime. Of course, if it has to have that on it, I would rather have it there than not have the bill at all. I submit that any amendment that Senator Minkowsky might prepare along the line that he has suggested would probably be an improvement to the general idea.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I move that this item be tabled until later on in today's session, pending an amendment.

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

Mr. BERRY of Cumberland: Mr. President, with reference to the timing of the motion, I am wondering if there is time enough in the motion to get an amendment prepared. I also feel that perhaps legislative progress would be handled if we could debate this just a little bit, and I wonder if the Senator would think about that?

Thereupon, on motion by Mr. Minkowsky of Androscoggin, the Bill was tabled until later in today's session, pending the Adoption of Senate Amendment "B".

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

Bill, "An Act Relating to Inspection and Advertising of

Farm Products." (H. P. 1219) (L. D. 1552)

Tabled — May 29, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Barnes of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-218, was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, while we have the amendment in front of us, I would like to take a moment to look at the bill.

L.D. 1552, which is a new draft of legislation coming out of the Committee on Appropriations, has an appropriation on it of \$200,000 in the biennium. I would appreciate some kind of comment from a member of the committee or any other Senator as to the purpose of the appropriation.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which any Senator may answer if he so desires.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I am not sure that I can give a good answer to this question as posed by the good Senator from Kennebec, Senator Katz.

This bill was originally introduced to make provision for an appropriation of \$100,000 per year for each of the two years of the biennium to help subsidize the costs of inspection of all agricultural products in the State of Maine.

Of course, we all realize that the agriculture industry in the State of Maine is a large industry. It is the basic industry of the State of Maine. The cost of inspection services is going up gradually every year. The inspection of these agricultural products in many cases is absolutely necessary if we are to continue our image in

the markets throughout the north-east, or throughout the United States, as a matter of fact.

This bill, as it provides now, makes it mandatory for potato inspection. In other words, anybody that ships potatoes, in order to benefit from these funds, would have to agree to compulsory inspection.

I would expect, and I hope I am wrong, that this bill will die on the Appropriations Table. I would ask your support to let it live a while longer. This amendment which I have just proposed does say this: that in order for any potato shipper to receive any benefit from these funds he must agree to compulsory inspection. But it leaves the inspection of fruits, vegetables, and some other perishable products, permissive, not necessarily mandatory.

Now, I might say that the inspection costs are being paid by the shippers at the inspection point. They run anywheres from seventeen to twenty - five dollars per carload. This will not reduce the amount that the shipper will pay. All this will do is help subsidize the increased costs that we are experiencing as a result of higher wages, increased travel allowances, and so forth. This is just to alleviate and help subsidize a very serious and critical situation that we have in the industry. I hope that you will go along with it. Thank you.

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

The motion prevailed

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

Sent down for concurrence.

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

RESOLVE, Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development. (S. P. 390) (L. D. 1315)

Tabled — June 3, 1969 by Senator Reed of Sagadahoc.

Pending — Motion by Senator Katz of Kennebec to Insist.

Thereupon, the Senate voted to Insist.

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

JOINT ORDER — Relative to Legislative Research Committee study of Requirement that Bills and Resolves be Accompanied by Statement of Fact. (S. P. 439)

Tabled — June 3, 1969 by Senator Katz of Kennebec.

Pending — Passage

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

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

HOUSE REPORT — Referred to the 105th Legislature from the Committee on Business Legislation on Bill, "An Act Relating to Non-profit Hospitals or Medical Service Organizations." (H. P. 808) (L. D. 1047)

Tabled — June 3, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

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

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

HOUSE REPORT — from the Committee of Conference on Resolve, In favor of Town of Harrington for Medical Care of an Indigent. (H. P. 543) (L. D. 722)

Tabled — June 3, 1969 by Senator Quinn of Penobscot.

Pending — Acceptance of Report.

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

Mr. QUINN of Penobscot: Mr. President, I move that we reject the report of the Committee of Conference.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that the Senate reject the report of the Committee of Conference.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, will the Secretary please give us the recommendations of the committee?

The SECRETARY: Committee of Conference Report on Resolve in Favor of Town of Harrington for Medical Care of an Indigent; that the Senate recede and concur in accepting the Majority Ought to Pass Report of the Committee on Claims and pass the resolve to be engrossed in concurrence. Signed on the part of the House by Representatives Lincoln, Curtis and Quimby, and on the part of the Senate by Senators Peabody and Boisvert.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, this is an isolated instance of trying to rectify a local situation. I don't see any particular harm in passing this. I would hope we vote against Senator Quinn's motion.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This is no isolated matter. This matter we debated and redebated here in the Senate. This is a matter in which the Town of Harrington was the settlement of a person that received pauper supplies in the County of Waldo, City of Belfast, and the Town of Harrington was responsible for the bill.

The Town of Harrington now comes and files a claim in the amount of fifteen hundred plus dollars, saying that it is difficult to absorb this cost. Now, we debated this matter and we redebated it. This matter was defeated by a vote of this Senate of 18 to 8 on April 25th. A motion to reconsider was defeated by a vote of 9 to 20 on April 29th. This Senate took the position that this was not an obligation of the State but was an obligation of the Town of Harrington. It is my feeling that that is where the bill should be paid, and I hope the Senate will go along with me on my motion

to reject the report of the committee of conference.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: The Claims Committee deliberated in all honesty at great length and did not really give this claim their wholehearted support. In fact, I don't recall what the report was, but I think it was fairly negative. I did not support and could not support this claim. I felt that the obligation was pure and simple with the Town of Harrington, although I was in deep sympathy with the fifteen hundred dollars, or whatever the claim was for. But I felt that if we stepped in and picked up the tab for the Town of Harrington for a settlement case that was truly theirs that we would, in essence, be establishing a dangerous precedent.

I still maintain that this body would be establishing a precedent that perhaps they shouldn't by honoring this small claim. Therefore, I would support the good Senator from Penobscot, Senator Quinn, on his motion.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: It is not at all unusual for a state, and it is certainly most in order for a state, to come to the relief of one of its towns. We have done this a number of times. We have come to the relief of Matinicus Island, for example, in an extraordinary situation.

Those who have served on the Claims Committee know that in past years the State has come to the relief of its towns. Here we have a small town faced with a bill that it can't handle and they have come to the legislature for relief.

The bill arose out of a settlement case; there is no argument about that. Under present law there is some argument about the legality of settlement in general but, as far as I know, that has never been tested as far as our State itself is concerned. I would submit to

you that it is a proper function and it becomes the State of Maine to come to the aid and relief of its towns. Thank you, Mr. President.

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

Mr. PEABODY of Aroostook: Mr. President and Members of the Senate: I would like to say that I was on this committee of conference, and that when the vote was taken here in the Senate I was against it. But in checking it over, and checking the financial status of the Town of Harrington, which we called down and received for 1968, I felt that the State should help them. Thank you.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: As a past town manager, having had quite a bit to do on settlement cases and the payment of pauper supplies, I want to still maintain my position that I am very opposed to this bill.

As the good Senator mentioned a while ago, this would establish a precedent. This might have been done before in the past, but I don't think that it is right.

I would like to mention that if this bill is passed, if this body does not reject the action of the committee of conference, that if I am again town manager again of other towns I shall present the same bills at future legislative sessions and I would like them to be honored.

I think each town has to maintain its own. We have our settlement laws and we should uphold them. We should vote for this motion to reject this report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think the policy and the thinking of our government and our people is for the strong to help the weak. The Town of Harrington is weak, and this has been done before. I own no property in the Town of Harrington, so it makes no difference to me one way or

the other, but we see this philosophy for the State to take over aid to ADC out of Washington, all this to help the poor and the weak, and it seems to me only reasonable, as this has been done before, that we go along with this bill. As much as I dislike to oppose my good friend from Penobscot County, Senator Quinn, I do hope you will oppose the motion to reject the report of the committee of conference.

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

Mr. QUINN of Penobscot: Mr. President I move when the vote is taken it be taken by the "Yea" and "Nay" vote.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: If I may have one final word on this, if my distinguished colleague from Piscataquis, Senator Martin, presented a claim to this committee of distress equal to that of the Town of Harrington, we certainly would listen to it with favor. Thank you, Mr. President.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one - fifth of those Senators present and voting. As many Senators as are in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that the Senate reject the report of the committee of conference on Resolve, In Favor of Town of Harrington for Medical Care of an Indigent. A "Yes" vote will be in favor of rejecting the committee of conference report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Cianchette, Dunn,

Duquette, Gordon, Greeley, Hanson, Kellam, Letourneau, Levine, Martin, Mills, Moore, Quinn and Violette.

NAYS: Senators Beliveau, Berry, Boisvert, Hoffses, Katz, Logan, Minkowsky, Peabody, Reed, Sewall, Stuart, Tanous, Wyman and President MacLeod.

ABSENT: Senators Bernard and Conley.

A roll call was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with two Senators absent, the motion prevailed and the Report of the Committee of Conference was Rejected in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President, considering the closeness of the vote and confusion, to which I will freely admit I was a member, I would now move that the Senate insist and request another committee of conference.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate insist and ask for a second committee of conference on Resolve, In Favor of Town of Harrington for Medical Care of an Indigent. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I would urge this body to go along with our vote, reject the report, and not ask for another committee of conference.

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

Thereupon, on motion by Mr. Wyman of Washington, retabled until later in today's session, pending the motion by Mr. Berry of Cumberland that the Senate insist and ask for a second committee of conference.

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

SENATE REPORT — Leave to Withdraw as Covered by Other Legislation from the Committee on Towns and Counties on Bill, "An

Act Increasing Salaries of County Officials of Cumberland County." (S. P. 181) (L. D. 583)

Tabled—June 3, 1969 by Senator Conley of Cumberland.

Pending—Acceptance of Report.

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

Mr. KELLAM of Cumberland: Mr. President, as a point of information, I would ask anyone in the Senate if the other legislation referred to in this report has been acted upon by the Senate?

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It is my understanding that it hasn't. The other legislation I mentioned the other day consists of two reports from the Committee on Towns and Counties. I believe it is being acted upon in the other branch. One of the reports from the Committee on Towns and Counties, the Majority Report, considerably; operates on the budgets and the salaries as agreed upon by the various delegations. The other report was intended to conform to the delegations' requests to the committee, and does conform, I think, in practically every particular.

The Majority Report, as far as the County of Cumberland is concerned, does amputate quite a few of the salary increases that the county delegation had endorsed from the County of Cumberland. The Minority Report endorses those increases as agreed upon by the delegation and as provided for in the budgets.

I have heard some report, corridor talk, that the thing may very well be ironed out in the other branch, and when it gets here it will be in a manner acceptable, perhaps, to all the delegations. I don't know. But there certainly is other legislation coming along that takes care of the whole situation, and, no matter what happens, these individual bills would go out. I mean, these individual bills would be covered by an omnibus bill of some kind. So, I think that it is a good report that the bill is covered by other legislation.

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

Thereupon, on motion by Mr. Kellam of Cumberland, retabled and specially assigned for June 6, 1969, pending acceptance of the Committee Report.

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

SENATE REPORT — Leave to Withdraw as Covered by Other Legislation from the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Judge of Probate and Register of Probate of Penobscot County." (S. P. 180) (L. D. 584)

Tabled—June 3, 1969 by Senator Quinn of Penobscot.

Pending—Acceptance of Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

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

SENATE REPORT — Leave to Withdraw, as Covered by Other Legislation from the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Oxford County." (S. P. 234) (L. D. 670)

Tabled — June 3, 1969 by Senator Beliveau of Oxford.

Pending — Acceptance of Report.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

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

SENATE REPORT — Leave to Withdraw as Covered by Other Legislation from the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Hancock County." (S. P. 74) (L. D. 195)

Tabled — June 3, 1969 by Senator Anderson of Hancock.

Pending—Acceptance of Report.

Mr. Anderson of Hancock then moved the pending question.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

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

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

Tabled — June 3, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Martin of Piscataquis to Indefinitely Postpone the Bill.

On motion by Mr. Wyman of Washington, retabled until later in today's session, pending the motion by Mr. Martin of Piscataquis to Indefinitely Postpone the Bill.

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

Bill, "An Act Increasing Certain Fish and Game Fines." (H. P. 1204) (L. D. 1531)

Tabled — June 3, 1969 by Senator Hoffses of Knox.

Pending — Adoption of House Amendment "D", Filing H-395.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This bill has got mandatory sentencing provisions in it. It has got a general increase in fines in regard to Fish and Game matters. As mentioned the other day, it has got dedicated fines in it, that is, all the fines in Fish and Game, as I understand it, are dedicated revenues. They are like the gasoline tax somewhat, in some ways they are. All the gasoline money has got to go on the roads, and all the Fish and Game fines have got to go to the Department. So, I would move, Mr. President, that the whole matter, the bill, its amendments and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Franklin, Senator Mills, now moves that Bill, "An Act Increasing Certain Fish and Game Fines," and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I oppose the motion of the good Senator from Franklin County. The Committee on Inland Fisheries and Game has labored long and hard in regards to stiffening up the penalties for fish and game violations. It is unfortunate that we must say that there are those people in the State who would pirate every fish and every piece of game that we have in the State of Maine, and that then they would come clamoring at the doors of the Department of Inland Fisheries and Game and at the doors of this legislature, demanding that we provide fish and game for them to continue to pirate and to take from our lands and our forests and our fields and streams.

It has been some time since the penalties have been increased on many of the violations. We all know that the value of the dollar has gone down and that what was a dollar a few years ago in a fine is a mere nothing today, and that a five dollar fine, or something in that ratio, means no more than a dollar did a few years back.

Now, this amendment which has been offered, I think, if the good Senator from Franklin will notice, it says, "At the discretion of the court." That would mean at the discretion of the judge. Now, you read on and the fines are increased, and on the second offense there would be a mandatory jail sentence.

Unless we stiffen up the laws and the penalties, we are going to continue to have the poaching as has been going on in the past. We are going to have to impose stiffer penalties if it is going to have any reflection upon the attitude of some of our would-be sportsmen in the State. I would hope that the Senate would reject the motion of the good Senator from Franklin County, and that this bill can go on and that we can stiffen the penalties for fish and game violations. I would ask for a division on the motion.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: We have adequate penalties in this law as it now stands in the way of fines and in the way of jail sentences, and they can be very severe. But I do not consider that this branch of the law should have compulsory jail sentences for violations of the Inland Fish and Game laws. It would be left entirely to the discretion of the judge hearing the case, and he has an adequate measure of punishment, both in fines and in jail sentences.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The amendment under H-395 is limited solely to Section 3. Section 6, which also contains similar language which prevents suspension of a fine, is not included in the amendment.

Now, the danger of compelling or directing that a second or subsequent offense receive a mandatory jail sentence is that frequently people in good faith may violate, technically violate, one of our fish and game laws. Then eight, nine, ten or fifteen years later they again violate our game law. As you know, our game laws are very technical, very comprehensive, and people frequently, the great majority of our fishermen and hunters, do not intend to violate any of these laws but, because of their naivete or lack of knowledge, they do violate one.

Now, we have seen situations in our courts, with some of our statutes which require a mandatory jail sentence for a second offense, where the judges conclude that where a great period of time has elapsed between the first offense and the second offense that they refuse to enforce this law. They will find some way to avoid it. It is a very dangerous one. As we have said so many times before, there are no two cases the same and that the law contains provisions for jail sentences.

I know of situations when I was county attorney that we would recommend and request that individuals be incarcerated for their

second or third offense, but to impose this requirement on the court, to remove the discretionary factor, to remove the judgment of the court in this area, again, it is a very poor precedent and a very bad move. Because of that reason, and some other doubts I have about this bill, I would support the pending motion to indefinitely postpone.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I agree with the debate by Senator Mills of Franklin, and I think that the mandatory part of it should be stricken out, but I don't think that the increase in the fine should be stricken out. I wish that this could be tabled so it could be adjusted to take out that mandatory jail sentence.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It does seem as though the mandatory jail sentence seems to be the real objectionable feature of this bill. I would be amenable to striking out the mandatory jail sentence if we could work out some compromise, and I certainly feel that we could. So, if someone would care to table this, I am sure we could get together and work out an amendment which would be acceptable.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: When we get through I would appreciate it if some good Senator would table this.

I would just like to remind the Senate for a minute that back many years ago the King of England had this same idea, that the way to stop poaching in Sherwood Forest was to hang people for catching his deer, and to prosecute severely those found fishing illegally. What happened was that he gave rise to one of the great figures of literature and semi-mythology, Robinhood and his Merry Band. If we keep on pushing

these fines up — you know, this is serious — if we keep on pushing up the fines, and making them unreasonable and unpalatable, we are going to make a joke out of the Fish and Game laws. We are going to make it a game more than it is now between the wardens, who are going to represent the sheriff of the King of England, and Robinhood and his men trying to violate those laws, which the public generally is going to recognize as too severe, and they are going to recognize them as selfish laws, because it is dedicated revenue involved, which is a bad concept. I mean, no enforcement group should benefit from the fines that they produce.

You say that is a lawyer's concept, but I think it is just ordinary common sense. You shouldn't allow the state troopers to fine people to bring about fines into the coffers of the Highway Department. You shouldn't allow the Sea and Shore Fisheries people to produce fines that support their department. You shouldn't allow Health and Welfare people to prosecute delinquent fathers and produce fines to support their department. It all should go into the general fund. What we want to avoid is getting those fines up there. I do resist getting great big fines, up to \$500 for this and \$500 for that. You are going to get them so big that they are going to be ludicrous and it will have the same effect that it had in England, only we probably won't be so fortunate as to have a Robinhood arise out of it.

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

Thereupon, on motion by Mr. Anderson of Hancock, retabled and specially assigned for June 6, 1969, pending the motion by Mr. Mills of Franklin that the Bill and Accompanying Papers be Indefinitely Postponed.

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

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

Tabled — June 3, 1969 by Senator Boisvert of Androscoggin.

Pending — Passage to be Engrossed.

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

The President laid before the Senate the thirteenth 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 — June 3, 1969 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-222, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — June 3, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I think many of you share my feelings that this is a good bill, but we have an uneasy feeling that perhaps the housewife, who is a part-time worker in direct selling, might be gobbled up by this bill and damaged. I don't think this is the intent of the legislation.

It is my understanding that an amendment is being prepared by the sponsor that will take care of this objection. I think it might be meaningful if we were to table this until tomorrow to give us a chance to take a look at the proposed amendment.

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 to be Engrossed.

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 — June 3, 1969 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

Mr. Moore of Cumberland then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-220, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: This bill isn't a very popular bill with any of us, I am sure of that, but we don't feel that we are doing enough for the elderly under the present bill. Of course, the other bill that was defeated was a good bill, but we didn't feel that we would have the money and that would die on the Appropriations Table.

Under this amendment now, what I have done, I have taken out that area where they would be charged six per cent interest. Also I added into it that in the case of a couple the surviving spouse, one of them, the surviving spouse wouldn't have to put off that lien. They would never have to pay it off. It would be the heirs of the spouse, the surviving spouse. The way the bill was originally written, we'll say that if the man died, the widow would have to try to raise money enough to pay off the lien with the six per cent interest, which would be probably impossible. So, this just makes the bill a little more palatable.

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

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

Senate: I would ask a question through the Chair—I didn't get the amendment. What is presently the price tag on this particular piece of legislation?

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, has posed a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, as far as I know, there isn't any price tag, only to the towns, which they would recover when the person became deceased that had that piece of property. There is no price tag for the State.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I personally find this piece of legislation a bit distasteful. I really think it is too bad for some of our senior citizens that have worked very hard, have gone through a depression era, have established themselves in their retirement years, have a modest home and an income that is not compatible to our present-day inflation, and here we provide a bill that would permit them to mortgage their homes in order for them to meet their tax responsibilities. I am personally quite concerned that we would even consider such legislation. I think there are other and better ways of handling this problem.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: It is too bad that Senator Gordon hadn't taken that interest in the bill that has just been defeated and killed which was presented by a member of the other House. As it is now, this is the only piece of legislation before us to help the elderly, and this is much, much better than the way the bill was originally written.

I am not satisfied with this. It isn't what I would like to have, but it is better than nothing.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I believe the good Senator from Cumberland misconstrues this amendment. He refers to putting a mortgage on the property to pay the taxes.

This refers to a tax mortgage lien, and that is the method municipalities have of collecting delinquent taxes. If the taxes aren't paid in the time allotted for them to be paid, then the municipality files what is known as a tax mortgage lien, which is recorded in the Registry of Deeds, and the property owner has eighteen months within which to pay off that claim to the municipality. If they don't do it, then that tax mortgage lien becomes a confirmed title in the town. That is the kind of a mortgage that he is referring to in this amendment.

This amendment provides for the people to remain on and that later on this claim will be a claim against the estate after the aged person dies. That is similar to our liens we have on property where the State gives old age assistance; they get a lien against the real estate, but they don't exercise it until after the death of the person by filing a claim against the estate in the probate court.

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 know that I fully understand the way this has been amended and changed, and probably I haven't paid proper attention to it. But it is an item on which I am sure I have been contacted, and I think a number of legislators have been, in regards to this by older people very interested in receiving some help.

It would seem to me that, although in one sense we are doing something for them, from a practical standpoint we actually are doing very little. In other words, I doubt if any town now would take and evict an old couple from their place of dwelling. Therefore, all this is doing now is putting this

off and giving them possibly a better avenue of choice here. But, from the practical standpoint, we are doing nothing.

Maybe I can be corrected in that towns do take an elderly couple and, because they do not pay their taxes, evict them from their home and sell it for taxes, but I doubt that this has been done. If it hasn't been done, or isn't being done, then I feel as if actually we are giving the older people very little, if anything.

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 either lose my notes or I am out, so I haven't heard the debate on this, but two years ago we had a bill to provide tax relief for the elderly, real estate tax relief. The bill carried a substantial price tag. I was in favor of it, but it died on the Appropriations Table.

Now, we had another bill before State Government that I think would provide as much as a million and a half, the price tag was as much as a million and a half, and I think it is a good bill and would like to see it go through, but I just don't see where the money is. If we failed to enact the bill two years ago which has a much lesser price tag, I just can't see any possibility of a bill with something like a million and a half dollars on it passing.

I will agree with the good Senator from Sagadahoc, Senator Reed, that this does do very little for the elderly people. I just think it is the most that we can get through this legislature. I think it is a gesture in the right direction. As far as people being evicted, I don't think it is so much a question of that, but I think that the taxes are burdensome and, if we can relieve the homeowner, the elderly people, from part of their real estate tax, or the real estate tax increase, I think we are helping them a little, and it gives them some money perhaps for other purposes and to help maintain the home.

I think a good many of these people, when they are faced with

insurmountable costs and they just don't have the money on which to live, they are more likely to sell their home and leave rather than stay until they are evicted or until there are many tax liens on the place. So, I would hope, just as a gesture, that we will move this bill along. It doesn't do very much, but I think it is better than nothing.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: Possibly there is a little confusion. This is not the entire bill. All this is is just amending that last paragraph in the bill to make it a little more palatable, that's all. The bill is the way it was originally written, except for the last paragraph under Section 659. What this really does is take away that six per cent interest charge on it.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I guess I more or less have to agree with most of what has been said here by everyone who has gotten up and talked on this bill. Everybody says you have got to do something for the elderly in the matter of tax relief.

I am going to vote against this bill and I am going to vote against the amendment for the reason that everybody says you ought to do something but we are not willing to raise any money to do it. So, I think we are dodging the problem, and we are not solving it by saying that you are just going to postpone the day of reckoning when the tax is going to be paid. Instead of facing up to the situation, as so many people say, we agree that something ought to be done, but we are just not doing it and we are dodging it by using this system. So, I am going to vote against it. I recognize that it may be doing something a little better than what ought to be done, but I still feel we ought to go back to the initial question and do the job that ought to be done in the first place.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Please, I hope you will keep this bill alive. If we can come up with something better, I am all for it and I will vote for it, but until we do I dislike to see this measure discarded.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "B" to Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax." As many Senators as are in favor of adopting Senate Amendment "B" will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed and Senate Amendment "B" was Adopted.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.
Sent down for concurrence.

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

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

Tabled—June 3, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

Mr. Beliveau of Oxford then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-221, was Read.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: It has been some time since I rubbed elbows with a master of a vessel or the pilot, and I don't have a personal interest in this bill or possibly in the amendment, but as this amendment appeared on our desks this morning, in reading it over and trying to relate it to the bill I got a little bit lost. But one section that does come clearly through is Paragraph 107: "Whenever a master of any vessel shall convey any licensed pilot to sea under circumstances

beyond the control of said licensed pilot the master of said vessel shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months." Well, this is fine for the pilot, but what happens to the poor master who takes the pilot to sea beyond his control. If weather conditions or sea conditions are such that the master cannot let the pilot off the ship, should he be imprisoned or fined because this is beyond his control?

This is only one feature of it. Consequently, I would be opposed to the amendment as I am opposed to the bill. The bill certainly is created and sponsored by a self-interest group. It is my understanding that in the harbor of Portland today there are five licensed pilots. For a person to get a license to pilot in the harbor of Portland there is a fee of some \$50,000 connected. The gentleman asked me the question "What?" I said I understand that to receive a license in the harbor of Portland today it would cost in the area of \$50,000.

I feel that this bill is designed to do the same thing in Penobscot Bay. It would create a very remunerative position for a few people. I don't think it is in the best interests of navigation or the best interests of the State of Maine, and I would move that this bill and its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, moves that Bill, "An Act Providing for a State Pilotage System for the Penobscot Bay and River, Maine" and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I am in somewhat of a quandary. The purpose of my amendment was to try to delete some of the objectionable portions of the bill. You will recall last week that I was as opposed to it as Senator Cianchette is, and I am still opposed to it.

I have before me a schedule of the fees charged by the Penobscot Bay and River Pilots' Association, doing business as Penbay Pilots. I inquired as to just exactly what their fees are to see to what extent they would benefit from this.

I agree with everything that Senator Cianchette said. My amendment, as I proposed it, would delete or strike out those portions as to liability for fees because of the obsession with the fee problem in this bill. The section that the Senator referred to, Section 107, strikes out the pressing one, because in the bill it would provide for a \$75 per day payment to the pilot if he is taken out to sea. I felt that the pilot should not benefit from this. If the master was in error then there should be criminal sanction as we provide in so many other areas.

I want to read to you some of the fees that are charged in Searsport and Bucksport for pilotage fees. For instance, from Searsport or Bucksport to South Brewer and out, including all docking, a minimum fee of \$600. Dead-weight tonnage, apparently this refers to, for vessels under 10,000 tons; in Searsport there would be a fee of \$140, and Bucksport \$160. For vessels under 50,000 tons, from 40,000 to 50,000 tons, there is a minimum fee of \$310 for Searsport, and \$330 for Bucksport. Standby or lay time, \$10 per hour.

Now, apparently, as I rationalize this and think about this, if this bill were adopted it would mean that every vessel that enters Penobscot Bay or Penobscot Harbor would have to be accompanied by a pilot and, of course, this rate schedule would apply.

To conclude, I would support the motion of Senator Cianchette, and hopefully we can kill it all. If we kill the bill itself then we can avoid many problems. If we can't kill the bill, then I will go back to my amendment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have done a little

studying on this bill since the debate on the acceptance of the report. I think that Senator Believeau's amendment does not get into what I consider the many features of the bill that just absolutely must be revised if the bill is going to be acceptable to everybody and be a working document.

I quite frankly feel that this can best be accomplished in the other branch, and I would suggest that we put on this amendment, which I don't like, and send it to the other branch in disagreement, and I think that there it can either be properly revised completely or killed. I would hope in this spirit that you vote against Senator Cichette's motion.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I would like to remind this body that there is nothing unusual about this bill as it would apply to ports around the world. I would like to remind the body that the pilots do provide an expensive boat in which they must travel to and from these ships to meet them at the harbor entrance in severe weather, and the Association is under considerable expense.

I would like to remind this body that in the essence of safety of our shorefront that we should maintain, and these harbor pilot groups and associations do maintain a high standard within their ranks to insure safety and provide the best qualified pilots available.

I would also like to remind the body here that those who are footing the bill are in complete accord. The insurance companies are in complete accord. The maritime interests, Captain Speer of the harbor pilots, and those of other maritime repute of the area are in complete accord, and I personally would hate to see this bill defeated. I concur that perhaps there are inequities in it. I think they can be corrected. I don't consider them too serious, and I would certainly hope that the motion to indefinitely postpone does not prevail.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I would like to remind the Senate that the distinguished Senator from Cumberland, Senator Gordon, speaks from the vantage point of considerable experience as a merchant seaman.

This is a serious matter. My understanding is that the ship-owners who are going to foot the bill for this want it. They want pilotage.

This was not a pilotage situation, but down in Great Bay we had an oil barge break loose and pile up against one of the bridge pilings. The Bay is now closed indefinitely to the harvesting of shellfish. Should such a thing happen in Penobscot Bay, I think we could very well rue the day that we let this bill go down to defeat. Thank you, Mr. President.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Perhaps I should for the record point out a few things here. I believe the distinguished Senator from Oxford, Senator Believeau, said that all vessels going in and out of Penobscot Bay would require pilotage. I would make specific reference to Section 86, and it says: "Every foreign vessel and every American vessel under register with a draft of nine feet or more entering or departing from any port or harbor within the waters," etc. Now, this term "foreign vessel" does not apply to private yachts owned by people in Oxford County, Penobscot County, or even Aroostook County. These are foreign vessels outside of the United States, not just outside of Penobscot Bay. It does not apply to American vessels under charter; only foreign registry vessels registered and American vessels under registry.

Now, the fact was brought out of the fees, and the good Senator from Oxford and I discussed that matter. It is not a case of a pilot going aboard a vessel to escort it out of Penobscot Bay. When he gets out to the limit there has got

to be some provision made to pick that pilot up. It means a boat, and it means at least one man to go out there, regardless of the hour, day or night, to pick that man up, and by the same token, when a loaded vessel is coming in, to go aboard to pilot that vessel into port. So, those fees actually are not exorbitant when you consider the other expenses that the pilot and his association must provide themselves with. They are not getting rich by this particular act.

It has been pointed out that this bill would provide for just a few people, that it would benefit only those pilots in Penobscot Bay. I would point out to you that this pilotage bill would be beneficial to every community bordering on Penobscot Bay in the case of an accident and spillage of several thousand gallons on Bunker C oil on the waters of Penobscot Bay.

The shipping companies are just as much interested in this bill as the people in the towns bordering Penobscot Bay. If they are willing to pay these fees for pilotage and for docking — and I might add that a docking fee is charged, regardless of whether they are brought in by a licensed pilot or whether the captain of that vessel brings the boat in, but a docking fee is charged regardless. So, the fee, as has been quoted, of \$600 is not \$600 which the pilots are going to get. That \$600 includes the docking fee, which is quite substantial. I do not have that figure right at the end of my tongue, but it is quite a substantial docking fee which they must charge.

This bill is designed to protect the people traveling on the waters of Penobscot Bay in private vessels, people on the windjammer cruises, the passengers on the Maine Ferry Service, and it is designed to protect the waters and the shoreline of that bay. Now, you might say well, they have never had it before. We have never before had the amount of traffic in Penobscot Bay. We have never had deep - draft vessels coming in with hundreds of thousands of gallons of Bunker C fuel oil up the bay. We have not for years and

years had the water traffic on Penobscot Bay. Now, if we are going to live in the dark ages of no vessels coming up the bay with oil, then let's live in the dark ages of some of the other measures which we have passed and which by their very arguments say this is 1969 and we must change our archaic systems. It is an archaic system that we did not provide pilotage over the years in Penobscot Bay. Now, through the increased traffic, both private individuals and traffic of deep - draft oil vessels going in and out of Penobscot Bay, it is necessary that there be experienced men on those vessels for the protection of all concerned, and not for the express benefit of four or five pilots.

Now, this is not a closed corporation. Any one of the members of this Senate can become a licensed pilot on Penobscot Bay just the same as any one of the members of this Senate can become a lawyer if they want to study and pass their examination. This is the same thing with these pilots.

I hope that the motion to indefinitely postpone fails and that you will give this bill its proper passage.

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

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: In the last few minutes it has been brought to my attention that there is considerable work being done in the other branch to correct this bill. I am willing to allow that to be done to see if the bill may be corrected to the point where we could go along with it. So, consequently, I will withdraw my motion to indefinitely postpone.

The PRESIDENT: The Senator from Somerset, Senator Cianchette, withdraws his motion to indefinitely postpone the bill. Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The motion prevailed.

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

Sent down for concurrence.

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

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

Tabled — June 3, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

Mr. Mills of Franklin presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-217, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORT — Referred to the Next Legislature from the Committee on Business Legislation on Bill, "An Act to Provide for Taxation and Regulation of the Associated Hospital Service of Maine." (H. P. 885) (L. D. 1144)

Tabled — June 3, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

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

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

Bill, "An Act Relating to Mandatory Discharge of Chattle Mortgages and Notes." (H. P. 929) (L. D. 1190)

Tabled — June 3, 1969 by Senator Katz of Kennebec.

Pending — Adoption of Committee Amendment "A", Filing H-354, as Amended by Senate Amendment "A" thereto, Filing S-213.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I don't choose to make a motion at the moment, but I do have an uneasy feeling from my investigation of the bill that most of the problems with the failure to discharge these papers has been perhaps bad administration rather than anything else. Most of the

problems that I see in the State have been due to inexperienced people going into files and pulling out dead notes that have no standing under the law. When a paper has been expired like five or six years ago and is still lying in the file of the lending institution or the lender it has no legal status. I am wondering whether or not this legislation is necessary and whether it is a rather sharp reaction to a problem that could be taken care of with better administration.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is my understanding that — I may be corrected by anyone here — there is an amendment being prepared that would take care of the objections that have been raised by the banking people with regard to problems that the bill, as it is presently written, to the problems that it creates. It is my understanding that an amendment is being prepared that will correct that and, in view of this, I would hope that someone would table the bill until either later in today's session, but preferably tomorrow, at which time I am sure the amendment will be ready.

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

Thereupon, on motion by Mr. Mills of Franklin, retabled and tomorrow assigned pending the Adoption of Committee Amendment "A", as Amended by Senate Amendment "A" thereto.

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

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

Tabled — June 3, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

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

Mr. Berry of Cumberland moved that the Senate reconsider its action of earlier in today's session whereby, An Act Relating to the Statute of Limitations for the Malpractice of Physicians (S. P. 85) (L. D. 279), was Indefinitely Postponed.

Mr. Mills of Franklin then moved that the bill be tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Reconsider.

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

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this bill was Indefinitely Postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, a parliamentary inquiry—Will there be a session later today?

The PRESIDENT: The Chair would inform the Senator that it is the hope we will finish the calendar this morning.

Mr. MILLS: I would move, Mr. President, if I am in order, for tabling until later in today's session.

The PRESIDENT: The Senator from Franklin, Senator Mills, now moves that Item 8-1, Bill, An Act Relating to the Statute of Limitations for the Malpractice of Physicians, be tabled until later in today's session.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion to table Item 8-1, Legislative Document 279, until later in today's session 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 fifteen Senators having voted

in the negative, the motion did not prevail.

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

Mr. MILLS: Mr. President, I would urge the Senate, very briefly, to vote in favor of the reconsideration due principally to the fact that I am sure one of the principal proponents of this legislation is absent at this point, and he undoubtedly would want to engage in debate and certainly would want to vote on it. This has been the reason for my persisting motions to table. The only way around it would be to vote in favor of the motion to reconsider. I do resent somewhat having this thrown out at the very last minute on a point like this because I know that the principal argument has been carried by one who is absent at this time. I would hope that the motion to reconsider does prevail.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to point out that I brought up my reconsideration motion at the termination of the day's assigned business in the regular order of the course of business.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby it Indefinitely Postponed Bill, An Act Relating to the Statute of Limitations for the Malpractice of Physicians (S. P. 85) (L. D. 279). The Chair will order a division. As many Senators as are in favor of the motion to reconsider will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

The President laid before the Senate the first matter tabled ear-

lier in today's session, by Mr. Hanson of Kennebec:

Bill, "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens (H. P. 1017) (L. D. 1325)

Pending - Acceptance of the Committee Report.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: As I said before, probably in campaigning moreso than recently, that I would support this piece of legislation. I believe this is the one that does have the money put to it and, therefore, I would move that we substitute the bill for the report of the committee, and would ask for a division on the motion.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, moves that the Senate substitute the bill for the leave to withdraw report of the committee.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: On the bill there is a simple statement of facts that the appropriations for this is contained in the executive budget. I would request through the Chair of anyone who might know the answer how much the price tag on this bill is?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I probably had this information when the bill was before the committee, but I don't have it at my finger tips now. As I stated earlier, I am in favor of doing all we can for these elderly people, and I signed an Ought Not to Pass Report or a Leave to Withdraw Report on this bill because I thought it did have a chance. I am perfectly willing to reverse my stand for the time being just in case

that something can be done. I would go along with the motion to substitute the bill for the report, although I don't know how long I would stay with it, just on account of the money problem.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In the Governor's budget message, which I found, this is a program which would be in the second year of the biennium, and it would cost a million and a half dollars for the second year. So, presumably, it is a three million dollar package.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Sagadahoc, Senator Reed, that the Senate substitute the bill for the report on Bill, "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens." A division has been requested. As many Senators as are in favor of the motion to substitute the bill for the report will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty - five Senators having voted in the affirmative, and four Senators having voted in the negative, the motion prevailed and the Bill was Substituted for the Report in concurrence.

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

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

Bill, "An Act Relating to Welfare Assistance" (H. P. 687) (L. D. 918)

Pending - Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, I have had amendments upstairs for about an hour and a half being prepared and I am still confident they will arrive in time

for us to evaluate today. So, I would hope that somebody would further table this until later on in this morning's session.

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

Thereupon, on motion by Mr. Stuart of Cumberland, retabled until later in today's session, pending Passage to be Engrossed.

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

Bill, "An Act Creating the Unclassified State Employees Salary Board" (H. P. 1212) (L. D. 1541).

Pending - Passage to be Engrossed.

Thereupon, on motion by the same Senator, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Qualifications of Savings Bank Trustees and Other Officers." (S. P. 406) (L. D. 1370)

Pending — Passage to be Engrossed.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: This amendment is being prepared upstairs at the present time. It is the fifth one in line, and it might be advisable that it be tabled until tomorrow. I move that this item be tabled until tomorrow.

The PRESIDENT: The Chair would inform the Senator that the pending question before the Senate is the Adoption of Senate Amendment "B".

The Chair recognizes the Senator from Franklin, Senator Mills.

Thereupon, on motion by Mr. Mills of Franklin, retabled and tomorrow assigned, pending Adoption of Senate Amendment "B".

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

HOUSE REPORT — from the Committee of Conference on Resolve, In favor of Town of Harrington for Medical Care of an Indigent. (H. P. 543) (L. D. 722)

Pending the motion by Mr. Berry of Cumberland that the Senate Insist and Ask for a Second Committee of Conference.

On motion by Mr. Wyman of Washington, retabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland that the Senate Insist and Ask for a Second Committee of Conference.

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

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

Pending the motion by Mr. Martin of Piscataquis to Indefinitely Postpone the Bill.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I rise to oppose the motion of my colleague on the State Government Committee, the good Senator from Piscataquis, Senator Martin.

Historically, the excise tax was enacted in lieu of the personal property tax on motor vehicles. However, unlike the personal property tax, the excise tax mill rates have remained the same for many years. One may argue that the cost of cars has increased, but also has the value of real estate, and we all know how much the real estate tax rate has risen.

This modest increase of only one mill in the excise tax rate seems moderate and reasonable. Our revenue problems at the municipal level are staggering. This will only in a measure lighten the burden of the property tax at the local level, but it will help. Now, we have spent considerable time this session discussing how additional revenues can be provided to meet

the needs of the cities and towns. Here is an opportunity to make a small effort in this direction. This proposal should result in a 5% to a 7% increase in the revenue received by municipalities for the excise tax. This increase amounts to only one mill in the excise tax rate, or a three dollar increase for a \$3000 car. This tax rate has not been increased for thirty years. So, I hope the Senate will oppose the motion of Senator Martin.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to express a few comments on this bill relative to this increase. It has been my experience that most of the towns at present are not taking advantage of the item known as "accessory," which is a taxable item. Most of the towns use the base factory list price of the car or the truck, as the case may be, and the towns that desire more revenue through this item of property, all they have to do is to use the accessories which will give them substantially more than the proposed one mill increase.

I am against this increase because of the fact that we are hitting the motor vehicles too hard. We repealed a couple of weeks ago the exemption on the auto trade-in. We are presently taking, and will be discussing, an increase in the gasoline tax. We have a bill before us that deals with an increase of 20% on the registration of the motor vehicles, and I feel that an increase in the excise tax is creating a burden which will be unfair to the motor vehicle owners, which involves almost every family throughout the State.

The tax rate on real estate has increased throughout the years, and it is true that the excise tax rate has not increased, however, this has been offset by the increase in the factory list price of the vehicles. Years ago we used to have a minimum rate of five dollars for a vehicle. Now there is no vehicle that goes down to five dollars; they are all up above five dollars be-

cause of the fact that the factory list price was higher.

So, I hope that my motion to indefinitely postpone this bill prevails.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I agree with much that the good Senator from Piscataquis, Senator Martin, has said. We have hit the motorist on this repeal of the exemption for a u t o m o b i l e trade-ins and that does disturb me, but it doesn't help the towns one bit. This money is not going to the towns. While the value of motor vehicles has increased, the value of real estate has increased, the rate also has gone up, so the real estate owner is getting hit twice; both by an increase in valuation and by an increase in rate. The motor vehicle excise rate has not changed for thirty years.

Now, the good Senator from Piscataquis is a town manager, and I have had the privilege of being associated with him on the Taxation Committee this session. I can say that I have learned that he is a very efficient town manager, and I would say that if all the towns had a town manager as efficient and as able as Senator Martin, his theory of having the towns tax for accessories on the cars would be perfectly all right because it would be done. But I am sure the town managers aren't doing it, they are not going to do it, a great many of them, they don't know the value of these accessories, and it presents a problem. So, in the absence of having town managers throughout the State, very few of whom are as efficient and able as Senator Martin, I once more oppose his motion, and hope that the Senate will adopt this bill.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I just want to add to the comment of Senator Wyman that if the town managers and the

tax collectors do not know the value of the accessories there are books that provide these values, they are available to every town, and they actually have to have this information in order to figure the factory list price. There is supplemental information connected with each vehicle that includes the added value for white - wall tires, radio and accessories, hydraulic brakes, and what have you, hydraulic steering, it all adds to the value. Again, I still hope that the Senate will kill this bill, because there are other ways that the towns can increase their revenue if they so desire.

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

Mr. WYMAN: Mr. President, when the vote is taken I request a division.

The PRESIDENT: A division had been requested. The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that Bill, "An Act Relating to Excise Tax on Motor Vehicles," be indefinitely postponed. A division has been requested. As many Senators as are in favor of indefinitely postponing the bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

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

Bill, "An Act Relating to Welfare Assistance" (H. P. 687) (L. D. 918).

Pending - Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: L. D. 918, "An Act Relating to Welfare Assistance," was a rather lengthy bill, if you recall.

It had a tremendous price tag because of the medicaid features. I had a feeling that rather than summarily dispose of the bill, that I would give the Senate a chance to look at two different proposals. I would suggest that as these amendments are presented, and after we have had a brief discussion, that they be tabled until the next legislative day, so everybody can have a leisurely chance to look at them. Mr. President, Senate Amendment "A", which I present and move its Adoption, I would like to speak on it.

The PRESIDENT: The Senator from Kennebec, Senator Katz, offers Senate Amendment "A" and moves its Adoption. The Secretary will read the Amendment.

Senate Amendment "A", Filing No. S-223, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Senate Amendment "A", is a statement of policy. It strikes out the phrase "Pauper" in a couple of places. It gives a procedure on Page 2 for cases where the local assistance offices have refused to give approval to a particular case, and it gives a method of the State reviewing individual cases. There has been, of course, criticism in the State insofar as a hearing provision is concerned. There is a—Mr. President, I hope that you will excuse me — what I thought was Senate Amendment "A" is Senate Amendment "B". Senate Amendment "A" gets into the question of family life in Number 5.

The question is whether, when an ADC father has left the household, and he leaves specifically so that his family can become eligible for ADC payments, whether or not justice or social welfare is served at all. Part of this amendment would enable us to put some money into the family where the father is still living within the household. This is an area that I would suggest that the Senate consider and consider well.

Another portion of this pertains to commodities. Presently in the State we know that there are

people who are going hungry, who are being improperly nourished, and we know that one of the reasons for this is that there just isn't within the small communities the financial ability to participate in surplus food programs. This puts a modest amount of State money behind a surplus food program, and I think it is something that we might judge on its merits alone. This then is the basic intent of this particular amendment, and I hope that the Senate would consider this overnight and decide whether or not it is a direction we would like to pursue.

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

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

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

HOUSE REPORT — Ought to Pass from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing. (H. P. 673) (L. D. 859)

Tabled — March 13, 1969 by Senator Quinn of Penobscot.

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on Taxation on Bill, "An Act Repealing Liquor License Discounts." (H. P. 747) (L. D. 965)

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

Pending — Acceptance of Report.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would ask, as a matter of inquiry, is it proper to move

that the bill be substituted for the report at this time.

The PRESIDENT: The Chair would inform the Senator that that would be the proper motion to make. The motion would be in order.

Mr. KELLAM: Thank you for your endorsement, sir. I move that the bill be substituted for the report, and I would like to speak to the motion.

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

The Chair recognizes the same Senator.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: As we are all aware, the State of Maine is what is known as a controlled state in relation to liquor. I believe that there are eighteen states that come within this category, and one county in Maryland. These particular states do not have the package store, so-called, and the regular outlet for liquor as a merchandise, and they merchandise it themselves. There is, I believe, two or three states who do the state controls on a wholesale only basis. I only say this as background material to show that there is a similarity between a certain category of the states of the United States in relation to their method of merchandising alcoholic beverages.

I have a recap sheet from the NABCA, which is the Association of these states — it is a year or so old but I am sure that it is still current - showing the question of discounts, as well as other things. On this sheet here ten of the eighteen states listed do not give a discount to licensees on their liquor. There is one state, West Virginia, that charges a premium to the licensees; makes them pay more than the regular price. There are four states which give a higher discount than we do; the current discount being 10 per cent. These four States are in an area where their large cities abut other states, usually not controlled states, and the liquor prices are very competitive. Their prices are very high in relation to ours, or in relation to their abutting neighbors. I think

that accounts, to some extent, the reason why they would like to give a discount. This is done, I am quite sure, as a matter of enforcement of the law and to discourage the licensees from buying liquor across the state line. For instance, one from Pennsylvania to Maryland say, and this is a considerable problem among the enforcement agencies in these states in which the liquor is brought across the state line. They even go to the extent of pouring liquor from one bottle to another so that the bottle will have the state seal. These states do, I believe, give something like a twelve and a half per cent discount.

Three of the States give less than Maine does for a discount; they give five per cent. So as I say, ten of the eighteen do not give any discount at all and one actually charges more money. I believe they all, I am not completely sure of this, but I believe the general practice is to require the licensee to buy from a wholesale store designated within the system as wholesale. I believe at least one requires a special tax which, of course, in effect costs them more money.

I would like to talk about this bill just a little bit. It struck me a few years ago, when I first found out about this discount, that it was a very odd situation. This cost the State of Maine, as the bill states, \$259,000 a year. So, at this time of the year, when we are looking for money, we could pick up at least half a million dollars per biennium by removing this discount. There is quite a bit of clerical work involved in this situation because, although the law says ten per cent discount, if you look at the present statute, it says ten per cent discount, but not including the federal tax added since 1941. So, the discount has to be computed on each particular bottle of liquor before it is rebated to the particular licensee. I would estimate, and certainly there must be, ten or fifteen thousand dollars expense to the State just to regulate this matter.

The way it is worked out in the State of Maine, there is no requirement that anybody buy what you

might call a wholesale lot of liquor in order to get a discount. They can go down to any store in the State and buy a single bottle, and then apply for a rebate later on. Of course, probably the majority of the business in the State is done on this broken up lot system. It requires a lot of work for the stores, and when you think of wholesale we think of people buying large lots, and by virtue of buying large lots they are effecting savings to the seller, and the seller in turn can give them a discount. This is not true of the sale of liquor in the State. They do not require that the purchase be made through the wholesale store, so - called. We designate two stores, the Augusta store and one of the Portland stores, as wholesale stores, but there is no requirement that they go to those stores to buy the liquor. They merely buy what they want, scattered among the different bottles, and then ask for the rebate later on. This requires considerable computation, and eventually they get their refund.

I would point out in relation to our abutting neighbors, Vermont which, of course, is a controlled state, does not give a discount to the licensees. The State of New Hampshire does give a five per cent discount to the licensees, but it requires that they buy it from the wholesale store. In other words, they have a particular set-up which does incorporate what we ordinarily think of as being some of the features of a wholesale operation. Alabama and Idaho give five per cent also.

I strongly recommend that we do away with this ten per cent discount because it is a considerable expense. It costs the State of Maine \$259,000 in lost monies, and the very practical consideration that when you are dealing with liquor there is a considerable mark-up in it, and to have a licensee buy a quart of liquor for six dollars and then sell it by the drink for thirty - two dollars, and then come in and want a refund of fifty cents, I see no reason why we should do it. He knows what the cost of liquor is when he buys it, and when you consider the fact

that it is about a five hundred per cent profit on liquor it seems to me really ridiculous that we should take and put ourself in this position where we do give this discount.

So, consequently, I do recommend very strongly that, in view of the mark - up that they have anyway, and the fact that it isn't a wholesale operation at all, and the difficulty, as I say, in ascertaining what the discount is, that we should accept this bill. If it happens that after the bill is accepted some of us feel there ought to be a little more sensible approach taken to a discount, or a discount should be given, and if it becomes the wish of the body that we do give a discount — we certainly ought to change the law so that they do have to buy some element of a wholesale operation, and that they get a flat discount, and not this ten per cent figured on the price of twenty - eight years ago. I repeat my motion that I move that we substitute the bill for the report.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that the bill be substituted for the report on Bill, "An Act Repealing Liquor Licensee Discounts."

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: As Chairman of the Taxation Committee, we came out unanimously Ought Not to Pass on that Bill. I must admit that the good Senator has had some very convincing arguments, and I would like to recheck my notes. I would hope that somebody might table this until the next legislative day.

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

Thereupon, on motion by Mr. Hanson of Kennebec, retabled and tomorrow assigned, pending the motion by Mr. Kellam of Cumberland to Substitute the Bill for the Report.

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

Bill, "An Act Relating to Time of Filing Security Interests under the Uniform Commercial Code." (S. P. 377) (L. D. 1287)

Tabled — April 1, 1969 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

Mr. Mills of Franklin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A". Filing No. S-205, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Mr. KATZ of Kennebec: Mr. President, may I approach the rostrum?

(Senate at Ease)

Called to order by the President.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Taxation on Bill, "An Act to Extend the Sales Tax to Barber and Beauty Shop Services." (H. P. 1125) (L. D. 1446)

Tabled — April 18, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Mr. Katz of Kennebec then moved the pending question.

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

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

HOUSE REPORT — Ought Not to Pass from the Committee on Taxation on Bill, "An Act to Extend the Sales Tax to Laundry and Dry Cleaning Services." (H. P. 1126) (L. D. 1447)

Tabled — April 18, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Mr. Katz of Kennebec moved the pending question.

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

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

HOUSE REPORT — Leave to Withdraw as Covered by Other Legislation from the Committee on Taxation on Bill, "An Act Providing for a Tax on Soft Drinks." (H. P. 1127) (L. D. 1448)

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

Pending — Acceptance of Report.

Mr. Katz of Kennebec moved the pending question.

Thereupon, the Leave to Withdraw Report of the Committee was Accepted in concurrence.

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

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

Tabled — May 14, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-207, was Read and Adopted.

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

Senate Amendment "B", Filing No. S-212, was Read and Adopted.

Thereupon, on further motion by the same Senator, tabled pending Passage to be Engrossed.

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

SENATE REPORT — Ought to Pass from the Committee on Taxation on Bill, "An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes." (S. P. 117) (L. D. 326)

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

Pending—Acceptance of Report.

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

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

Mr. TANOUS of Penobscot: Mr. President, does the Chair have in its possession L. D. 110?

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

Mr. TANOUS: Mr. President, I move that the Senate reconsider its action whereby the Senate adhered yesterday on this matter.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate reconsider its action of yesterday on Bill, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Law," whereby the Senate voted to adhere.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, if my recollection is right, I don't think Senator Tanous voted on the prevailing side and therefore the motion would not be in order.

The PRESIDENT: The Chair would assume, unless there is a recorded vote, that the Senator who makes the motion to reconsider was on the prevailing side.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. Beliveau of Oxford then moved that the bill be tabled and tomorrow assigned, pending the motion by Mr. Tanous of Penobscot to Reconsider.

On motion by Mr. Katz of Kennebec, a division was had. Nine Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action on Bill, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Law", whereby the Senate adhered.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate reconsider its action whereby the Senate adhered on Bill, "An Act Relating to Definition of Retail Sale Under Sales and Use Tax Law," will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

On motion by Mr. Katz of Kennebec, the Senate voted to take from the Special Legislative Research Table Joint Order, Relative to Maine Education Council, study of H. P. 952, L. D. 1228, and that a written report be submitted to the next regular session of the Legislature.

The same Senator then moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.