

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Monday, June 9, 1969

Senate called to order by the President.

Prayer by the Rev. Fr. John J. Curran of Augusta.

Reading of the Journal of yesterday.

Papers From the House
Non-concurrent Matter

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

In the Senate May 29, 1969, the Minority Ought to Pass Report Read and Accepted and the Bill subsequently Passed to be Engrossed as Amended by Senate Amendment "C" (S-225).

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

Mr. Berry of Cumberland moved that the Senate Recede and Concur.

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

Mr. STUART of Cumberland: Mr. President, I would move we insist, but I think my motion is out of order.

The PRESIDENT: The Senator is correct.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, in the hope that a motion to insist and request a committee of conference might be in order, I would ask for a division on the recede and concur motion.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Non-concurrent Matter

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 449) (L. D. 1483)

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "D" (L. D. 1568), in non - concurrence.

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

Communications

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

June 6, 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:

Bill, "An Act relating to Bids for Contractual Services under the Auburn City Charter" (H. P. 963) (L. D. 1243)

Messrs. FINEMORE

of Bridgewater

EMERY of Auburn

CASEY of Baileyville

Bill, "An Act relating to Damage to Private Water Supplies Resulting from Alteration of Highways" (H. P. 445) (L. D. 459)

Messrs. FOSTER

of Mechanic Falls

MARSTALLER

of Freeport

COTE of Lewiston

Bill "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687)

Messrs. BIRT of East Millinocket
PORTER of Lincoln

STARBIRD
of Kingman Township
Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

**Committee Reports
House**

**Ought to Pass
- As Amended**

The Committee on State Government on Bill, "An Act Relating to Expenses of the Clerk of the House of Representatives." (H. P. 44) (L. D. 45)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-466).

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

Which report was Read.

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

The Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Portland Relating to Recall." (H. P. 1040) (L. D. 1365)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-446).

The Committee on Business Legislation on Bill, "An Act to Permit Savings Banks to Engage in Debtor Counseling Services." (H. P. 1076) (L. D. 1399)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-464).

The Committee on Legal Affairs on Bill, "An Act Establishing the Boundary Line Between the City of Bath and the Town of Woolwich." (H. P. 1079) (L. D. 1402)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-465).

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.

The Committee on Education on Bill, "An Act Restoring the School Construction Aid Percentages to the Average Percentages of the Original 1957 Act." (H. P. 548) (L. D. 727)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-488).

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

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, this bill was reported out of committee unanimously Ought to Pass, as Amended, purely and simply so that it could be in form to be referred to the Maine Educational Council for study. I, therefore, move for the indefinite postponement of this bill and its papers.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Restoring the School Construction Aid Percentages to the Average Percentages of the Original 1957 Act", be indefinitely postponed. Is this the pleasure of the Senate?

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

**Ought to Pass
in New Draft**

The Committee on State Government on Bill, "An Act Placing All State Forestry Department Employees on the Merit Service Step System." (H. P. 301) (L. D. 377)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Placing all Unclassified State Forestry Department Employees in the Classified System." (H. P. 1243) (L. D. 1578)

The Committee on Legal Affairs on Bill, "An Act to Incorporate the Town of Flagstaff." (H. P. 413) (L. D. 524)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1241) (L. D. 1576)

The Committee on Judiciary on Bill, "An Act Relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings." (H. P. 600) (L. D. 781)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1239) (L. D. 1574).

The Committee on Judiciary on Resolve, Reimbursing Louis Nadeau, formerly of Biddeford, for Violation of his Constitutional Rights. (H. P. 923) (L. D. 1184)

Reported that the same Ought to Pass in New Draft under New Title: "Resolve Authorizing Louis Nadeau to Bring Civil Action Against the State of Maine." (H. P. 1240) (L. D. 1575)

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

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

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Revising the Maine State Personnel Laws." (H. P. 1048) (L. D. 1376)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-467).

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

WATSON of Bath
MARSTALLER

of Freeport
STARBIRD of Kingman
RIDEOUT of Manchester
D'ALFONSO of Portland
DENNETT of Kittery

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

Signed:

Representative:

DONAGHY of Lubec

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-467).

Which reports were Read.

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

Divided Report

The Majority of the Committee on Highways on Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (H. P. 231) (L. D. 287)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1244) (L. D. 1579)

Signed:

Senators:

GREELEY of Waldo
CIANCHETTE

of Somerset
PEABODY of Aroostook

Representatives:

BURNHAM of Naples
NADEAU of Biddeford
McNALLY of Ellsworth
LEE of Albion
WOOD of Brooks
HALL of Windham

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. 1245) (L. D. 1580)

Signed:

Representative:

DUDLEY of Enfield

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft. (H. P. 1244) (L. D. 1579) Passed to be Engrossed.

Which reports were Read.

On motion by Mr. Greeley of Waldo, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and tomorrow assigned for Second Reading.

Senate

Leave to Withdraw -

Covered by Other Legislation

Mr. Martin for the Committee on Towns and Counties on Bill, "An Act Increasing Payments to Lincoln County Law Library." (S. P. 231) (L. D. 671)

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

Which report was Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Eleventh District Court, Northern Androscoggin Division." (S. P. 169) (L. D. 543)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Jurisdiction and Judicial Divisions of the District Court." (S. P. 468) (L. D. 1526) — which was recommended to Judiciary.

Signed

Senators:

MILLS of Franklin
QUINN of Penobscot
VIOLETTE of Aroostook

Representatives:

DANTON of
Old Orchard Beach
BERMAN of Houlton
BRENNAN of Portland
FOSTER of
Mechanic Falls
HEWES of
Cape Elizabeth
HESELTON of Gardiner

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

Signed

Representative:

MORESHEAD of Augusta

Which reports were Read.

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

Second Readers

The Committee on Bills in the Second Reading reported the following

House

Bill, "An Act Relating to Posting Bonds by Defendants Under the Uniform Paternity Act." (H. P. 817) (L. D. 1056)

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

Bill, "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts." (H. P. 1249) (L. D. 1584)

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Creating a School Administrative District for the City of Portland." (H. P. 805) (L. D. 1044)

Bill, "An Act to Authorize Bond Issue in the Amount of \$9,370,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and Adult Offender at our Mental Health and Corrections Institutions." (H. P. 311) (L. D. 398)

Bill, "An Act to Authorize Bond Issue in the Amount of \$5,430,000 for the Construction and Improvement of Vocational Education Facilities at Northern, Southern, Eastern and Central Maine Vocational - Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and the Unorganized Territory Schools." (H. P. 317) (L. D. 404)

Bill, "An Act Revising the Savings Banks Laws." (H. P. 1021) (L. D. 1360)

Bill, "An Act to Authorize Bond Issue in the Amount of \$1,900,000 for the Development, Expansion and Improvement of State Park and Forestry Facilities and for the Completion of the State's Marine Research Laboratory." (H. P. 309) (L. D. 396)

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

Senate

Resolve, Proposing an Amendment to the Constitution Providing for a Full - time Attorney General to Hold Office for Four Years. (S. P. 491) (L. D. 1585)

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

Sent down for concurrence.

Enactors

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

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

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

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

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

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

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

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

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

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

An Act Relating to Running Horse Races on Sunday. (H. P. 1069) (L. D. 1398)

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

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

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

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. Barnes of Aroostook, An Act Relating to

Running Horse Races on Sunday (H. P. 1069) (L. D. 1398).

The same Senator then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that Item 8-10, An Act Relating to Running Horse Races on Sunday, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I think that this bill, as amended, will do much to enhance the recreation facilities in the southern part of the State, Cumberland and York Counties. I really see no great harm in it. It is pertaining to, if I am correct, horse racing on Sunday at Scarborough Downs. We have many tourists up and down the coast, I think, who do enjoy this type of recreation. I personally don't.

I know that this establishment contributes to a very large degree, and these figures have been submitted to you on an earlier occasion, to a very large degree to the State of Maine. I would also point out to you that the gate admission is such that we aren't actually encouraging the low income person to participate in this sort of recreational event. As I recall, the admission is \$1.25, and it costs you a quarter to park your car, and fifty cents for a program. I think that by and large it is a recreation certainly for the better than average income person and certainly geared and catered to the tourist people. Therefore, I would urge that you do not support the motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: I would ask for a division on the motion.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Aroostook, Senator Barnes, that Bill, An Act Relating to Running Horse Races on Sunday, be Indefinitely Post-

poned. 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. Nine 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 Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

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

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

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

Comes from the House having Failed of Final Passage.

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

Mr. BERRY of Cumberland: Mr. President, I would encourage the members of the Senate to vote against the enactment of this Resolve. The debate on the matter was lengthy and thorough. The need for such legislation was not demonstrated and the possible pitfalls were recited. I would hope that you would join me in opposition to this.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I hate to rise and belabor this and lengthen our session on such a lovely afternoon, but I think that the need for this legislation

today is great, it is possibly greater than ever before. I think that the average voter, the average citizen of our country, considers himself as a numberless individual too small, and too insignificant to cope with this massive bureaucratic government. I would hope that we could pass this measure and send it back to the other body. There was lengthy debate on it the other day and several members did harbor reservations and did bring out very strong points. I would hope that we might pass this and send it back to the other body and hopefully engage in a committee of conference for future study. I think that these measures can be perhaps incorporated in an amendment, if the feeling is such.

I personally think today more than ever that the people in the State of Maine and the people of the country are striving for more say in their government, and personally I feel that they should, because it really disturbs me when I see the apathy involved in some of our democratic process. I think that, unless we act now to stimulate and correct, our American system as we know it may be in serious jeopardy. I know when the City of Portland and South Portland there is a referendum vote being conducted on a Portland Water District proposal, and I will be very surprised if there are any voters who would really turn out at all. For these reasons I would hope that we could pass this.

If there are features of this that we would like to correct, if we would like to protect our Constitution, I would hope that we might. I would suggest that when initiative Constitutional measures are initiated that they are thoroughly germane to the Constitution because we as Legislators frequently pass statutory measures that are not quite so germane. I think that by enacting this we will perhaps actually protect our Constitution, therefore, I would hope that the motion to indefinitely postpone does not prevail.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being a Constitutional Amendment and having re-

ceived the affirmative votes of 15 Senators, with 13 Senators having voted in the negative, 15 being less than two-thirds of those Senators present and voting, the Resolve failed of Final Passage in concurrence.

Constitutional Amendment

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

On motion by Mr. Moore of Cumberland, tabled and tomorrow assigned, pending Final Passage.

Orders of the Day

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

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

Tabled — June 6, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

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

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

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

Tabled — June 6, 1969 by Senator Tanous of Penobscot.

Pending — Consideration.

On motion by Mr. Tanous of Penobscot, the Senate voted to Recede from its former action whereby the Bill was Passed to be Engrossed.

On motion by the same Senator, House Amendment "B" was then Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, House Amendment "C" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, House Amendment "D" was Indefinitely Postponed in non-concurrence.

The same Senator then moved that House Amendment "E" be Indefinitely Postponed.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending the motion by Mr. Tanous of Penobscot to Indefinitely Postpone House Amendment "E".

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

JOINT ORDER — Relative to State Board of Education to Declare Moratorium on construction of Regional Technical Vocational Centers." (S. P. 493)

Tabled — June 6, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

JOINT ORDER — Relative to recalling Resolve, to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine. (S. P. 364) (L. D. 1246) from the Legislative Files to the Senate. (S. P. 494)

Tabled — June 6, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

HOUSE REPORT — from the Committee on Business Legislation on Bill, "An Act Making Permissible the Group Marketing of Property and Liability Insurance." (H. P. 920) (L. D. 1181) Ought to Pass in New Draft and New Title, Bill, "An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code." (H. P. 1227) (L. D. 1560).

Tabled — June 6, 1969 by Senator Letourneau of York.

Pending—Acceptance of Report.

On motion by Mr. Letourneau of York, the Ought to Pass in New

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

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

Bill, "An Act Revising the General Laws Governing the Town Manager Form of Government." (H. P. 900) (L. D. 1161)

Tabled — June 6, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Revise the Liquor Laws." (H. P. 1224) (L. D. 1556)

Tabled — June 6, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 6, 1969 by Senator Hoffses of Knox.

Pending — Motion by Senator Mills of Franklin to Indefinitely Postpone Bill and Papers.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: Last week there seemed to be considerable debate in regards to this particular document and among certain members there seemed to be some question in regards to mandatory jail sentences. It was suggested that the bill at that time be tabled pending some proposed amend-

ments which would perhaps alter the bill a little in regards to mandatory sentences.

Now I have been waiting with keen interest some amendments which would perhaps satisfy those who were opposed to this document. As yet I have not seen those amendments. I don't know whether they are in the process or not. If they are not, and this is merely a matter of continuation of this particular L.D., I would hope that you would vote against the indefinite postponement of this bill and that it could be passed in concurrence with the other body. I would ask for a division on the motion to indefinitely postpone.

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

Thereupon, on motion by Mr. Violette, retabled until later in today's session, pending the motion by Mr. Mills of Franklin to Indefinitely Postpone the bill.

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

Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing. (H. P. 673) (L. D. 859)

Tabled — June 6, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This bill, L.D. 859, would repeal Article 9, Section 15 of the Constitution of the State of Maine, which provides as follows: "No city or town shall hereafter create any debt or liability which singularly or in the aggregate with previous debts or liabilities shall exceed seven and one half percent of the last regular evaluation of said city or town." Now that provision in the Constitution is a limit upon the municipalities creating indebtedness or liabilities. This L. D. would repeal it and, having repealed it, there would be no limita-

tions on municipalities as to their involving themselves in debt.

The Supreme Court of the State of Maine has interpreted and given a decision on the meaning on this particular constitutional debt limit. In the case of *Wakem vs. The Inhabitants of Van Buren* in 1940, the Court states: "The purpose of the Constitutional debt limit provision is to prevent the abuse of municipal credit which might result in ruinous taxation, and to protect taxpayers and their property." Now, if we pass this L.D. we are taking away that restriction on the municipalities, and it appears to me that for the best interest of the people of the State of Maine that limitation should remain in the Constitution and should not be removed. Consequently, I move indefinite postponement of this L.D.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, now moves that Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: A Constitutional Amendment is not easy to pass when there are sincere objections as we heard just now, but I think this Constitutional Amendment bears some support.

I am conscious of the fact that one of the problems we have had in the State of Maine is that communities have had additional reasons to borrow money, but instead of doing it in a forthright manner, we have forced them into cute little avenues of escape, like the creation of a coterminous school district which is a fictitious governmental layer over the town or city purely and simply to permit them to borrow money in excess of the constitutional debt limitation. I think that this legislature has approved of four or five this session already. We also have water districts, we have sewer districts, we have school districts, and in general we are forcing the communities into a form of layer

government which is an abomination in other parts of the states and may very well get to be an abomination in the State of Maine.

The problem, I think, with the present limitation in our Constitution of seven and a half percent is that it is seven and a half percent of the most recent local valuations. If indeed this intends to protect our citizens, it protects them in different ways in different communities, depending upon what their attitude towards valuation is in the local area. In some communities it may be twenty-five percent of the true valuation, in other communities it may be eighty-five percent of the true valuation.

Actually this Constitutional Amendment, which I noticed for the first time the other day while we were debating the possible acceptance of the school administrative district for Portland, this does indeed give a limit but it is a limit that is presently in effect by subterfuge in the legislature today. The Constitutional Amendment says that if the people approve of it a year from November that it will be the legislature who establishes the future debt limitations of our communities. As a matter of fact, it is the legislature today by the devious method of establishing extra governmental agencies, or layered governmental agencies, to avert or to avoid the restriction that the Constitution seeks to put on it. I don't look upon this Constitutional Amendment as a radical departure, but perhaps as an attempt to let the legislature get a clearer picture of what the debt limitation needs of the communities are. I hope you will vote against the motion for indefinite postponement.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: This act does indeed repeal Article 9, Section 15, but it does replace this section, the seven and a half per cent section and, as we read, we note that it will replace it with this act that the

legislature may pass laws regulating the borrowing power of municipal corporations of the State. I think this truly is the way it should be.

The good Senator from Kennebec, Senator Katz, mentions the problems confronting our communities, and I personally don't see how we can live with this seven and a half per cent, and I do have confidence in the legislature to enact reasonable legislation to govern our municipalities. So, I certainly hope that this Amendment to the Constitution does pass.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: It is true that many districts, school districts, sewer districts, and others are used to get around this particular section of the Constitution, but this is the only limit that will limit municipal indebtedness. If you take off that limit the door is open. Now, when a municipality creates a debt, that debt may be collected by levying on any of the property of an individual in that community. It seems to me that this restriction should remain on, and the districts take care of things outside of it.

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: This L.D. puts into proposed legislation one of the few provisions of the Governor's Task Force on State and municipal revenue measures that didn't have a price tag on it. The other one you will recall, the bill we worked on recently, which changed the fiscal year of communities. It was brought with numerous meetings and hearings of that commission, of which I was privileged to be a member, as Senator Katz so ably puts it, that by subterfuge and devious means we are trying to accomplish, and in many cases do accomplish, what this law would really do. It was felt that the

flexibility of having the legislature who, of course, would take the responsibility heavily, would be a much better way to regulate the limits. I would support the positions both of Senator Katz and Senator Gordon.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Quinn, that Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing, be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone the Resolve will say "Yes"; those opposed will say "No".

The Chair will order a division. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Quinn, that the Resolve be indefinitely postponed 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 Resolve was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

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

Tabled — June 6, 1969 by Senator Tanous of Penobscot.

Pending — Enactment.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for June 11, 1969, pending Enactment.

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

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

Tabled — June 6, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 6, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, I offer Senate Amendment "B" — actually I had previously offered it — and move its adoption. I would like to speak to it.

Senate Amendment "B", 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: This was the amendment which just never made it for consideration last week, and it is the one that just makes three substantive changes in the law. In the first place it provides a statement of guidelines for the Bureau of Social Welfare. Second, it removes the responsibility of the grandparents and grandchildren in liability for welfare cases. The third thing it does is provide a fair hearing procedure for general assistance cases, a hearing procedure which lets them go beyond the local decision to the State, and the State may then make a recommendation for disposition of the case. These are the three things that it does do.

It has no appropriation, it doesn't get into Medicare, it doesn't get into any ADC programs or any other programs other than what we presently have on our books.

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

Mr. QUINN of Penobscot: Mr. President, I move this amendment

lie on the table until Wednesday next.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, now moves that Bill, "An Act Relating to Welfare Assistance," be tabled pending the adoption of Senate Amendment "B". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Stuart.

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

The PRESIDENT: A division has been requested. For what purpose does the Senator arise?

Mr. KATZ of Kennebec: To debate the timing of the tabling.

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

Mr. KATZ: Mr. President, as we do reach the latter part of the session I am conscious of the urgency of disposing of major legislation, and I wonder whether or not a Wednesday tabling is excessive, because the amendment has been in front of us now for some days.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Quinn, that Bill, "An Act Relating to Welfare Assistance," be tabled and specially assigned for Wednesday next will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Mr. Reed of Sagadahoc then presented Senate Amendment "A" to Senate Amendment "B" and moved its adoption.

Senate Amendment "A", Filing No. S-240, to Senate Amendment "B" was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: Actually this does restore some of the funds back to the bill. In fact, actually what it does is carry it back to Senate Amendment "A", which did sort of go by the boards here in the Senate. I thought that we should have the

opportunity to vote on this amendment, and if it is not tabled I would ask for a division on the adoption of this amendment.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This second Amendment brings the one offered by the Senator from Kennebec right back to the same position as the one that was offered and defeated the other day. I think right now I am going to move to indefinitely postpone L. D. 918 and all of its accompanying papers. I request a division.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Bill, "An Act Relating to Welfare Assistance," and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I can understand being reluctant to accept Senate Amendment "A" to Senate Amendment "B" because it involves a rather substantial appropriation and because it does involve getting into part of the social welfare program that many members of the Senate don't like, but I can see little justification for saying to the people all over the State who are so interested in this "Let's kill the whole bill. Let's even kill that part which is a statement of intent. Let's kill that part of the bill that pursues the recommendations of the task force that has been studying this for so many months; let's not try to salvage anything of this."

I have a feeling that instead of using a pruning shears we are using a sledgehammer here, and I would hope that the motion to indefinitely postpone the bill and all its accompanying papers does not prevail, and that we have an opportunity to vote on these two separate questions: whether or not we are willing to make a statement of intent to salvage some of the bill and, secondly, whether or not we want to put a little bit of money in this program, the need of which,

as far as I am concerned, has been very, very carefully documented and the need of which is just a question of the availability of money. I oppose the motion and if a division hasn't been requested I certainly request one.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: This bill, L.D. 918, came before the Health and Institutional Services Committee and it had a tremendous amount of support. I guess you are all aware of the number of people that came here in support of this bill. I have had a tremendous amount of mail in support of it, and I personally am very disappointed that there is so little left of it now.

I have worked on this, we have gone back to the people on the task force, the people in Health and Welfare, and asked them what could be salvaged. We could see that this legislature was not going to buy the entire thing, we saw that Medicaid was out and the State taking over the general welfare payments, and so this which we are now voting on, this before us, is all that remains. It seems to me it is a bare minimum.

People felt very strongly that the poor people should have some say in this and now, the way it is written, they have recourse to the Commissioner of Health and Welfare. Well, that is not exactly the same as having a board made up of low income people, but at least it is something. They do have someone they can turn to if they don't think they are being treated properly.

The second part of this, the \$145,000 so that the fathers will not have to leave home in order for the wife and children to collect the ADC payments, we have been reading about this all over the country, and this certainly should not be. And the \$100,000 for a food supplement program, it seems to me, is very necessary.

As I said, I am very disappointed that more of L.D. 918 didn't survive, but we have seen the hand-

writing on the wall. I hope that you will oppose the motion to indefinitely postpone this bill and all its accompanying papers.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I desire to support the motion of Senator Dunn, and when the vote is taken I ask that it be by the "Yeas" and "Nays."

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Relating to Welfare Assistance," Legislative Document 918, and all its accompanying papers be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one - fifth of those Senators present and voting. All those Senators in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Relating to Welfare Assistance," and all its accompanying papers be indefinitely postponed. A "Yes" vote will be in favor of indefinitely postponement; a "No" vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Dunn, Greeley, Hanson, Martin, Moore, Quinn and Wyman.

NAYS: Senators Barnes, Bernard, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Hoffses, Katz, Kellam, Letourneau, Logan, Mills, Minkowsky, Peabody, Reed, Sewall, Stuart, Tanous, Violette and President MacLeod.

ABSENT: Senators Anderson, Beliveau and Levine.

A roll call was had. Seven Senators having voted in the affirmative, and twenty-two Sena-

tors having voted in the negative, with three Senators absent, the motion did not prevail.

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

Sent down for concurrence.

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

Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405)

Tabled — June 6, 1969 by Senator Bernard of Androscoggin.

Pending — Motion by Senator Boisvert of Androscoggin to Recede and Concur.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: This certainly has been a very comprehensive weekend for me. Many things have materialized and many ambiguous statements made but, of course, when you feel you have done the right thing you stand by your convictions and I think the right way usually prevails.

The first matter I would like to bring to the attention of the Senate again, if I may, for the record, because I have another statement to read in reference to this, was the letter from the Attorney General of the State of Maine dated June 5 to the chairman of the delegation in which he so states: "You have asked if Senate Amendment "A" to L.D. 1405, An Act Providing for Androscoggin County Funds for Child and Family Services, is permissive legislation. The corporation affected is the Lewiston - Auburn Catholic Bureau of Social Services, Inc., apparently under another name, Child and Family Services. It was incorporated in 1951, Chapter 50 of the laws of the State of Maine then in force. Therefore, because the legislature may not by statute amend the structure or purpose of a private corporation, Senate

Amendment "A" above - identified constitutes a n unconstitutional attempt to change the structure of the corporation."

Well, not being the type of person who would want to do things illegally, I had the matter researched a little bit, and I find the only two areas which the Attorney General was referring to in particular was under the original draft or amendment, Amendment "A", that I had, requesting that a member of the Androscoggin County Commissioners would serve on the board of directors of Child and Family Mental Health Services and, two, that a Senator or Representative during his term of office from Androscoggin County serve on the board of directors of Child and Family Mental Health Services, these were the only two areas which I have verified were in question as being unconstitutional. I was ready and willing to accept this particular thing because, as I have mentioned previously, I believe in doing things from a very honorable and very ethical viewpoint, and the day I deviate from that particular policy I won't run for the legislature.

But this morning a gentleman, whom I had never met previously, came into my office because, he says, "This letter I wanted to mail to you would not get to you in time." He said "I have been following this particular case very closely." I then said to him, "Would you have any objection if I read this particular letter into the record of the Senate?" He agreed there was no objection whatsoever. The letter states as follows:

"Dear Mr. Minkowsky:

"I have read in the Lewiston Daily Sun of your effort to amend the so - called C.F.M.H.S. Bill and I note that the Attorney General has ruled that your amendment is unconstitutional. The ruling puzzles me since, as reported, it is based on the U.S. Constitution. The only clause in that Constitution which would seem to be involved is that which forbids a state to impair the obligation of a contract. About the year 1831 the U.S. Supreme Court, in what is known as the Dartmouth College Case, held that the charter

of a corporation is a contract and cannot be changed by the legislature which granted it unless at least the right to change it was reserved by the legislature. Therefore, many states, including Maine, reserved that right as to all corporation charters granted after 1831. Our law will be found in Maine Revised Statutes Annotated, Vol. 6, Page 393, being Title 13, Section 2, and it reads as follows: 'Acts of incorporation passed since March 17, 1831 may be amended, altered or repealed by the legislature as if express provision therefore were made in them,' unless the charter is made expressly exempt from this provision.

"Our Maine Supreme Court has ruled that this law applies to all corporations created after March 17, 1831, whether organized under the general or the special laws.

"I feel much opposed to this bill itself which you are trying to amend. I think that aid of the kind sought should come through the city councils and boards of selectmen who are subject to more scrutiny by the voters than the county commissioners. It also seems wrong to aid one charity to the exclusion of others. The amount of aid involved is so large that it will definitely be difficult to cut out. The State should act through its own public agencies. All who receive State aid should be subject to State oversight as you wish to provide. The State itself is subject to oversight when it receives federal monies. It certainly seems odd that it is constitutional for the State, though through the county, to aid a private charity but unconstitutional to try to control how the money is spent.

"In writing this I realize that, although I am an attorney, I have been retired since 1954 and have not had the advantage of reading the original bill or your amendment or the ruling. I do admire your courage in supporting your amendment.

"Yours very truly, Charles F. Adams, 182 Whitney Street, Auburn, Maine."

I never met this gentleman until this morning, and he did have the opportunity to read the bill, he had an opportunity to read the amend-

ment which I originally proposed, which I proposed in good faith and which was accepted by the Senate, but bearing in mind that I was doing this for what I consider in the best interests of Androscoggin County and its people, I did decide to have another amendment drafted which I feel might be acceptable. But I would like the Senate to know that originally when this amendment I proposed was presented it was presented in good faith. It was presented as an effort to arrive at some area of compromise, which was rejected without any evaluation or study in the other branch.

The original amendment that I had stated the following: "An Act Providing for Androscoggin County Funds for Child and Family Services, amend said bill by adding at the end the following: A renewable biennial agreement shall be submitted by Child and Family Mental Health Services to the Androscoggin County Commissioners for their consideration providing the following: "in this particular area here I believe one error was made in that the area that stated Child and Family Mental Health Services should have been capitalized, designating this particular organization, but in the small print it was in it would mean any type of child and family services originating in Androscoggin County by any particular organization.

The first provision also states that: "A member of the Androscoggin County Commissioners will serve on the board of directors of the Child and Family Mental Health Services." As I explained last week, this was one of the original proposals that was brought forth for the last at least four years that I know of by the Androscoggin County Commissioners themselves, stating that they felt that since it was not legal to be donating this money, there was no statutory provision covering it, and although there had been rulings given for other counties in which they donate money, which we found out in most cases were one - shot deals, they never came back a second time, this would be a con-

tinuing type of donation and there was no limit set to the amount that the county would be subjected to give them, I felt that this would serve as an area to improve communications between the Androscoggin County Commissioners and the members of the Lewiston - Auburn Catholic Services, or better known as Child and Family Mental Health Services at the present time.

The second provision stated very clearly that a Senator or Representative, during his term of office from Androscoggin County, serve on the board of directors of the Child and Family Mental Health Services. This was put in exclusively for the purpose of having better communications between the Androscoggin County Commissioners, a member of the delegation during his term of office, who would analyze, or we hoped would analyze, and evaluate the budget, and who could report back to the full delegation that this amount of money that is being donated to this organization is justifiable. I might add at this particular point that when the first part of the amendment was brought up regarding the Androscoggin County Commissioners it was suggested, I would say approximately seven or eight weeks ago, possibly eight weeks now, by the sponsor of the bill that this would serve as a very useful tool and a good purpose.

But besides those two particular factors, and not feeling justified in letting the county money just go out on what I have been referring to as a "blank check endorsement", I felt that a financial statement, as provided for in stipulation No. 3, be provided for the Androscoggin County Commissioners by Child and Family Mental Health Services disclosing all sources of revenue, including state and federal allocations or grants, for the exclusive use of the Androscoggin County Commissioners. In my own interpretation, and the interpretation of many others, this was not derogatory nor detrimental to them. In fact, as I have figures here to verify, if anybody would

like to see them, approximately ninety per cent of their funds that they receive are from taxpayers' money, whether federal money, state money, county money or municipal funds.

Since they had ten of our State employees on their staff who are classified, and these people have a certain salary which matches other State employees in this particular classification throughout the State of Maine, but upon learning or confirming, I might add, that these particular people do receive compensation over and above their particular State salary, I felt that, as I have stipulated in Item No. 4, that a list of all personnel and their respective titles, excluding salaries, be provided the Androscoggin County Commissioners. At that particular time I did not feel that this was derogatory, that if any private organization would want the use of taxpayers' funds that it should be mandatory and compulsory that they disclose. We often talk about the loan companies and the legislation they have as to letting the people know — and I think also in cases now where the health field and mental health and corrections is getting rather prevalent, that since they are demanding a great deal of money from the taxpayers, they also should be put in the same classification of disclosing. But in an area of compromise, and not to get involved too deeply with the ruling of the Attorney General, which I find there is another viewpoint to it also — and I might add that this gentleman whom I met this morning who wrote his opinion, the retired attorney, happens to be eighty years old, so I think he has had enough years of legal practice, and apparently in this particular corporate end, to make a very, very logical determination.

The amendment that I was going to propose today changes a little bit in this respect here, that I state under Item No. 1: "A renewable biennial agreement shall be submitted by Child and Family Mental Health Services to the Androscoggin County Commissioners for their consideration. No. 2: That a

financial statement be provided the Androscoggin County Commissioners by Child and Family Mental Health Services disclosing all sources of revenue, including state and federal allocations or grants, for the exclusive use of the Androscoggin County Commissioners. 3: That a list of personnel and their respective titles, including salaries, be provided to the Androscoggin County Commissioners." On No. 3, I would like to bring to the attention of the Senate, I have made one change. Whereas in the former amendment I had said "excluding salaries", in this new amendment, if I succeed, I have said "including salaries." And the 4th stipulation: "The payment of county funds to Child and Family Mental Health Services be left to the determination of the Androscoggin County Commissioners."

In order to expedite time, Mr. President and Members of the Senate, and I am sure you have heard many discussions on this particular matter pro and con, and bearing in mind that my only single objective is to do what is right by what I believe is for the benefit of the people of Androscoggin County, its towns and its two cities, that nobody who wants to use public funds should just receive a blank check endorsement, this particular amendment that I have just suggested to the Senate, I believe, is worthwhile and deserves your consideration. If this amendment does not meet with your approval then, since this particular matter has been brought before you, it is your duty to come up with a more suitable amendment, but today, as Senators, the decision rests entirely with you. I am doing what I believe is right by the citizens of Androscoggin County and I don't intend to deviate from it, no matter what.

Now, the matter is very simple. We can recede and concur with the House. You can accept Senate Amendment "B", which I have just outlined to you. You can reject Senate Amendment "A". You can pass this bill just as it is, without any stipulations at all. But bear

in mind that we are setting a precedent, and it can be a very extremely dangerous one. As I have outlined in the past, and I will state again for the Senate record, that from the beginning nobody basically amongst the Androscoggin County delegation has been opposed to the donation of these funds, except that it had to be under some type of guideline, and this is basically what I have proposed, and nothing else. Mr. President, I move that the Senate recede from passage to be engrossed for the purpose of amending.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that the Senate recede from its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: This matter has been before the Senate for too long, or I should say before the legislature. I have spoken twice on this matter. In my first short comment I said "Why should we single out Androscoggin County?" And last Friday I ended my remarks by saying "Why should we bring to the political arena an organization that has done so much good for the people of Androscoggin County?"

You have before you right now an amendment offered which would do what? No. 1, a renewable biennial agreement shall be submitted by Child and Family Mental Health Services to the Androscoggin County Commissioners for their consideration. This has always been done, and it will continue to be done in the future. No. 2, that a financial statement be provided to the Androscoggin County Commissioners by Child and Family Mental Health Services disclosing all sources of revenue, including state and federal allocations or grants, for the exclusive use of the Androscoggin County Commissioners. Mind you, this is available. Any time the board of directors of this organization will

show it either to the commissioners or the delegation from Androscoggin County. Thirdly, that a list of all personnel and their respective titles, including salaries, be provided for the Androscoggin County Commissioners. This is also available. No. 4, and this one I question, that payment of county funds to Child and Family Mental Health Services be left to the determination of the Androscoggin County Commissioners. If I understand the law, the legislature is supreme. The legislature does decide the final results of the county budgets in our State, and this is by State law and by our Constitution.

Now, talking about guidelines, don't we have enough safeguards?

Organizations do apply to the county commissioners in all counties, and we have many organizations that do apply, not only in Androscoggin County but all across our State, they apply for help, and the county commissioners decide and then refer that to their delegation here in Augusta, and finally, who acts upon it? The legislature.

Now, if there is a question as to the legality of these things, there is only one real source after the legislature has acted upon them, and that is to go to the Courts. I hope that this amendment will not receive your approval, and that the motion I made last Friday, to recede and concur with the House, will prevail.

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

Mr. MINKOWSKY: Mr. President and Honorable Members of the Senate: I think possibly the good Senator from Androscoggin, Senator Boisvert, might have misinterpreted the last section of the new proposed amendment. It is after the money has been allocated and approved by the Androscoggin County Delegation through the Towns and Counties Committee that they will decide upon payment, if it is going to be one lump sum or partial payments over the 12 - months period, or 24 - months

during the biennium. This is all that was intended to do.

At one particular point I was referred to in one of the editorials last Saturday in the Lewiston Evening Journal as being frustrated because of my findings that this particular amendment, according to the Attorney General, which I dispute now, as being unconstitutional, termed frustration because I didn't prevail. This is one man's opinion, as far as I am concerned, and it carries no weight. But one item he did state in his editorial, which I feel should be brought into the Senate record is this - in next to the last paragraph: "Obviously it would be far better if C.F.S. could operate solely on funds received from private sources. We never have been enthused over governmental grants at any level to private health, education or welfare organizations. Our reasoning is that inevitably such aid gets the private and obviously non-political organization caught in the often bloody political battles that ensue with respect as to how and to whom assistance should be given."

I have never considered this a political battle from the beginning. It was my intent and my intent only to offer guidelines, and if they were not practical or satisfactory that at least somebody in the legislature could come forth with something they felt was more satisfactory and more suitable for the protection of county funds. Basically what this amounts to is prostitution of county funds, a separate entity of the legislature, placing no limitation — and I say placing no limitation when I bring out that in their original request this biennium they requested \$58,000. It was cut back to \$30,000. And if we allow this type of legislation to go through as it is at the present time, Androscoggin County will be at the mercy of this private health organization under statutory law, and this I object to. Mr. President, I now move the Senate adopt Senate Amendment "B".

The PRESIDENT: The Chair would inform the Senator that the motion before the Senate is the motion of the Senator from

Androscoggin that the Senate recede from its former action whereby the bill was passed to be engrossed.

Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate recede from its former action whereby Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services," was passed to be engrossed. Is this the pleasure of the Senate? As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate recede will say "Yes"; those opposed will say "No."

A viva voce vote was taken and the Chair being in doubt ordered a division.

A division was had. Ten Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion to recede did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate recede and concur with the House?

On motion by Mr. Minkowsky of Androscoggin, a division was had. Twelve Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion to Recede and Concur prevailed.

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

HOUSE REPORTS — from the Committee on Legal Affairs on Bill, "An Act Relating to Minimum Hour and Wage Standards for Fire-fighting Personnel of the Auburn Fire Department." (H. P. 692) (L. D. 892) Majority Report, Ought to Pass in New Draft under same Title (H. P. 1246) (L. D. 1581); Minority Report, Ought Not to Pass.

Tabled — June 6, 1969 by Senator Bernard of Androscoggin.

Pending — Motion by Senator Tanous of Penobscot to accept the Minority Ought Not to Pass Report.

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

Mr. BERNARD of Androscoggin: Mr. President, in looking over the redraft of this document I find that there is a referendum tied to it which puts the question squarely before the citizens of Auburn. Whereas it does pertain solely to an Auburn problem, and the act would not become effective until April, 1970, I would hope that the Senate would reject the motion by Senator Tanous to accept the Minority Ought Not to Pass Report, so that we might accept the Majority Ought to Pass Report and send this bill out to referendum.

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

Mr. TANOUS of Penobscot: Mr. President, may I ask the Chair the status of this bill please?

The SECRETARY: This bill comes from the House, the Minority Ought Not to Pass Report read and accepted.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I would like to report from the Committee on Legal Affairs on this matter. We had some twenty odd charter bills this year, and I don't recall any of the charter bills including a request to include such an item as has been requested by the proponents from Auburn on this L. D. 1581. The minority group of the committee felt that this was an administrative matter and should be left up to the town fathers to determine whether they are going to have two platoons or four platoons and fifteen men or fourteen men on the platoons. This is what this bill actually requests. It sets up the number of the fire-fighting personnel and the number of platoons.

We have had, as I say, twenty odd charters before us, and there were quite a few of these fire-fighter groups that appeared on the charters from various communities that wanted to be included in this fashion in the charters, but it was felt that this was an administrative matter and

should be left up to the city officials who are more familiar with local matters and local affairs, salaries and what not, which may be necessary to properly carry out their duties. This was the reason we split on this. Might I add also that the City of Auburn's Firefighter's Union has signed a contract with the City which will last until April 1, 1970 and, of course, this would not become effective until after that date. All in all, this is what we did in Legal Affairs on this, and I just want to bring you up to date as to why we acted in this manner in comparing this particular bill to other charters which we have had before us. Thank you.

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

Mr. MINKOWSKY: Mr. President, may I ask through the Chair what the report of the Committee was on this particular matter?

The PRESIDENT: The report was Ought to Pass in New Draft, six members signing the report, Senator Conley, Senator Kellam, Representatives Cote, Norris, Cox, Wheeler. The Minority Ought Not to Pass Report was signed by the Senator from Penobscot, Senator Tanous, Representatives, Shaw, Baker and Cushing.

Is the Senate ready for the question?

The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate accept the Minority Ought Not to Pass Report on Bill, "An Act to Minimum Hour and Wage Standards for Firefighting Personnel of the Auburn Fire Department."

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

On motion by Mr. Minkowsky of Androscoggin, a division was had. Thirteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

Mr. KATZ of Kennebec: Mr. President, does the Senate have in its possession L. D. 1289, "An Act to Amend the Charter of the City of Portland"?

The PRESIDENT: The Chair would answer in the affirmative, the bill being held at the request of the Senator from Kennebec.

Mr. KATZ: Mr. President and Members of the Senate: If you will recall last week, prior to adjourning for the week end, we had a small amount of debate on this bill with a very, very close result. As often happens over the week end, when you get such charming gentlemen together in a Senate, sometimes the heavy fist becomes softened over the week end. Mr. President, I move that the Senate reconsider its action whereby this bill was indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby Legislative Document 1289, Bill, "An Act to Amend the Charter of the City of Portland," was indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, tabled and specially assigned for June 12, 1969, pending Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, I would inquire whether the Senate is in possession of L. D. 1228, "An Act Appropriating Funds for Educational Costs of Maine Students in Private Schools of Higher Education"?

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

Mr. BERRY: Mr. President, I would move that the Senate reconsider its action of the last legislative day whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry,

now moves that the Senate reconsider its action whereby Bill, "An Act Appropriating Funds for Educational Costs of Maine Students in Private Schools of Higher Education," was passed to be engrossed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland that the Senate reconsider its action whereby the Bill was Passed to be Engrossed.

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

Bill, "An Act Relating to Payments to the Law Libraries in the Several Counties of the State." (S. P. 486) (L. D. 1570)

Tabled—June 6, 1969 by Senator Cianchette of Somerset.

Pending—Passage to be Engrossed.

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:

JOINT ORDER—Relative to Recalling (S. P. 389) (L. D. 1314) from Legislative files to Senate. (S. P. 495)

Tabled—June 6, 1969 by Senator Katz of Kennebec.

Pending—Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

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

Tabled—June 6, 1969 by Senator Katz of Kennebec.

Pending—Motion by Senator Beliveau of Oxford to Reconsider Indefinite Postponement.

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

Mr. Katz of Kennebec: Mr. President, I notice the absence today from the chamber of both Senator Beliveau and Senator Mills, and perhaps someone might table this until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford to Reconsider Indefinite Postponement.

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

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

Tabled—June 6, 1969 by Senator Reed of Sagadahoc.

Pending—Motion by Senator Sewall of Penobscot to Reconsider Indefinite Postponement.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I feel that the members of this body should realize the aims and ambitions of the department or bureau in this government the so-called DED, Department of Economic Development. We listened this winter with extreme interest to the plans to redefine and redetermine the aims and objectives of DED. I think the reason we felt, those on the Appropriations Committee felt, that something should be done to call a halt to the adventure which started out in the field of economic development, with a very modest budget, possibly about twelve years ago may become apparent to members of the Senate when I will cite a few figures to them.

Now, the requests that were presented to us on the committee—the requests were actually presented to the Governor, and the Governor did not approve these requests—but their initial request for the so-called Part I Budget was \$3,332,000. The Part II request was for

\$1,383,000, which made a grand total of \$4,715,000. Now, this was requested by DED to the Governor. Now, in all fairness to the Governor, he did not approve these requests. They were somewhat cut down when they came to our committee. But nevertheless, the DED requested thirty-six positions in the Part I Budget, and an additional thirty plus positions in the Part II budget for a grand total request of \$4,715,000. Now this is ostensibly to run a public relations agency, which I certainly feel the State should have, and I am sure most of you would agree with me. But our concern is that the DED is really trying to be all things to all people, and if some check isn't applied to it, it could very well become another State Government microcosm here in Augusta. The day might not be too far away where they have their own Highway Department, their own School Department, and their Department of Mental Health and Corrections running parallel to some of these other things. The reason I say this is this: they want to reorient — I guess that is the word used — the former Division of Geological Survey into a so-called Division of Science, Technology and Mineral Resources.

This division, while it is now oriented toward mineral resource development, but no longer exclusively should it be oriented in this direction. The next logical step in the development of this division toward a full science and technology program looks towards specific projects in those areas of measurement and research close to geology such as water, air, and the marine environment. Maine people, government and business interests could profit by the availability of accurate information in these most important segments of our environment and resources.

I will skip some of this, but I am trying not to take out of context because I want to give you the important aspects here. Item two, to offer to private citizens and public agencies accurate and up-to-date information on all aspects of the physical environment of the

lands and waters of Maine. Now, the implication of this, I think you would agree with me, is extremely far-reaching. Skip down a little bit, and they want to take surface and ground water inventories, plus technical assistance to pollution control agencies. Skipping a couple more items, development of a data retrieval and dissemination system, concerned with all known aspects, I say again, all known aspects of the physical environment. It seems to me this is pretty far afield from development of business and industry and tourism which, I feel, and many others feel as I do, that this their prime mission.

Now, we have coming before us one of these days L. D. 1245, which is an Act to Rename and Reorganize the Department of Economic Development. In the sixth page of that document is a little paragraph having to do again with this new Division of Science Technology and Mineral Resources. It says: "Number five, Investigations: to conduct investigations of natural and physical resources so as to assist the Department and other State agencies in providing information on the physical environment of the State. Such investigations shall include physical marine resources, environmental studies, industrial and recreational effects and technological developments, with special attention to the fields of electronics, nuclear energy and chemical industries."

I submit to the members of this Senate that this is quite a long ways away from what Governor Muskie and the members of the Legislature contemplated when they initially set up the Department of Economic Development. My reason for asking reconsideration on this bill before us, which is L. D. 1205, I feel is the first and reasonably important step in realigning and refocusing the aims and objections of the DED, and I really feel, and I hope that you would agree with me, that it might be high time that we did, when they can be serious enough to put on a printed record a request for \$4,715,000 for the next bienium to run this department.

I wouldn't suggest for a minute that Forestry is maybe the perfect place to put the so-called Geological Survey in the Division of Mining. I have thought about this quite a good deal over the last year or so, and it is not the perfect place, I will admit. Hopefully, later on this session, or later on at least in the near future, we can have or see established in the State a Department of Natural Resources where, I feel, that not only Forestry but Geology, possibly Parks and Recreation, and some of these other natural resource oriented departments should be, but we don't have it yet. So, I feel that it would be a step in the right direction to take Geology out of DED, that is the number one thing to do, and at the moment, as I say, put it in the Forestry Department. If somebody has a strong reason and a better place to put it, certainly I would cooperate in an amendment on this 1205. But, failing a better place to put it—incidentally, it is not unheard of to have Mining and Forestry in the same department or division. In many of the Provinces in Canada it is called the Department of Lands and Mines or Lands and Forests, and Mining and Forests, and in many states in this country it is handled in the same way, so it is not without its precedent. If we should at least get it out of DED, where I feel it is not in the proper environment, Geology and the associated disciplines are a very serious matter, obviously having to do with environment, and with serious disciplines of science and technology which I, and many of the people that I have spoken with, don't feel is being properly handled in a promotional division. So, that I hope the Senate would go along with me in my reconsideration motion and, as I say, if there is someone who has a better idea as to where we should put the Division of Mining or the Geological Survey, whichever you choose to call it, I would certainly be willing to discuss it with them. Thank you, very much.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would only rise to very briefly corroborate what the good Senator from Penobscot has said in regards to these various aspects in the Canadian Provinces. It was my great privilege and pleasure to attend a conference in Toronto some year and a half ago, and I was tremendously impressed with the procedure which they have there and, as Senator Sewall has mentioned, their department was Lands and Forest. It encompassed their Fish and Game, it encompassed Forestry, it encompassed the Mining, it encompassed many things, and I was very much impressed with that department which they had.

I think perhaps this is something that maybe the State of Maine should give serious consideration to, the combining of some of our departments. I am not offering it as a suggestion, but I think it is something that we should give some consideration to, of combining some of our departments into a Lands and Forests, or whatever title you wish to call it by. In my opinion, if it would serve the same purpose here in this State as evidenced that it did in the Province of Ontario, I would be all in favor of such a move.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I feel, where I moved for the indefinite postponement of this originally, I think I should defend my position. I don't think this is an earth-shaking item certainly.

First of all, as far as money is concerned, I can't see that this is going to save any money. Actually you are transferring from one department to another without, as near as I can make out, any curtailing. I think, again, the Senator from Penobscot, Senator Sewall, and myself probably agree that the Department of Economic Development is not the particular place where this Mining Bureau should go. However, on page two of the legislative document, it does

say "information and promotion" in the last sentence, "to promote the development of the mineral potential of the State." In this area, I assume, the Department could defend its position to have this Mining Bureau, but the thing, I think, that upsets me more than anything is the fact that it is going into the Forestry Department. Now, I agree that many of the things that he has said are so, but then I sit here and I say well, really is the Forestry the Department the people to handle this type of set-up? Certainly under their present set-up they are not. At least, that is my feeling. As I said the other day, eighty per cent of this State is forest land, and I have often heard the Commissioner himself say that "My salary is paid for partly by these landowners," and of course this is basically true. He doesn't always side with them, but certainly he gives their thoughts certainly due consideration. Also, I feel again, what about this twenty per cent that is left over? It seems to me that this is your big problem as far as mining is concerned. Possibly in the unorganized territories there isn't the potential danger, but I do know that there has been some mining operations or potential ones in the organized territory. It seems to me that this is the area where a regulatory agency—and now I am thinking of it more from a regulatory agency—has to be able to act. I feel that this is where the potential danger can come from as far as mining in our State is concerned.

I believe our only disagreement is how to best go about it. If I were to put it in a department I think I would put it in the Department of Health and Welfare, or some other place, simply because I feel as if the wheel that squeaks the loudest gets the grease, and right now it is a misfit in this department and it is sort of an irritant. If you keep it there it is going to be changed and put into the proper department. This is what, I think, we should be heading for, rather than to put it over into this department where it will lay dormant for a while and we

will think that it is taken care of, which I feel would not be so. Therefore, I would oppose the motion to reconsider and would ask for a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I would concur with many of the statements of all the speakers here on this issue, but I don't think that perhaps we should come from the frying pan into what might be the fire. I think, from what all that has been said here, I believe that everyone will agree that there does need to be something done in this area. But the facts as brought out by Senator Sewall that the department made certain requests, and so forth, I think, really have no bearing on this issue because those requests do come to the legislature for screening and scanning and can probably be taken care of.

I do agree that if the same type of work is to be done under another department that it is going to cost just as much. I think it has been said here by all that it has not been worked out to a proper solution yet. so what is the object of changing it from one department to the other just because there is some irritation here at the moment? Why doesn't it get proper study, and if a whole new department, of which this might become a part, is the proper thing let's approach it in a proper manner and do it at the proper time.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I can't fault either of the previous speakers. I believe my concern is that as long as this department, this branch of DED is allowed to remain in DED, by the very nature of DED, which is a promotional effort, and we want them to be promotional, the Commissioner, the present one, or whoever follows him, will attempt to get about as much mileage out of

anything that he is allowed to do as he possibly can, because I think this is the type of person that we should hire and want to see in there, not only to promote the State of Maine but, I am sure, to promote his own department efforts. This is my primary concern, frankly, on leaving this division within DED. I would much rather see him using his energies, and the present Commissioner has many good energies and good qualities, which I personally think should be better employed in promoting business, industry and tourism, and certainly not being fractionated in a completely foreign and serious technological area such as this Mining Division is now and will become more.

I think the issue, as I think Senator Cianchette said, to just leave it and not disturb it for the time being, but when I read in this document L. D. 1245 the aims and objectives of the new Division of Science, Technology, and Mineral Resources, and see what the plans and ambitions are which want to get into physical marine resources, environmental studies, and industrial and recreational effects, technological developments, with special attention to electronics, nuclear energy and chemical industries, I am very concerned that these things might somehow be incorporated in the mission and, therefore, I feel that this should be taken out of DED so that no longer is the suggestion there that these things might be done. I do agree with Senator Reed that possibly Forestry isn't the ideal place, and I would discuss an amendment in that particular area, so that I hope the motion of Senator Reed does not prevail.

The PRESIDENT: Is the Senate ready for the question.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I think that maybe this is a good opportunity to at least express my feelings as to where the problem is, and I see nothing wrong, from the promotional standpoint I do not mind the Department of Economic Development promoting it. It is an indus-

try, but why it should be out, or at least a part of it should be out of the department, I thought was brought out by the Senator from Franklin, Senator Mills, the other day when he said that you shouldn't have fines coming into the particular bureau, whatever it might be, that is levying them. I feel as if the regulatory aspect of your natural resources should not be subject to the pressures of the promotion. I think this as far as water control, air control, and also mining, because it has to be regulated and there is a conflict between the regulation of it and the promotion of it. Therefore, I think that the regulatory part of mining should be outside of that department and I would personally, myself, favor some type of department created to catch the regulatory agencies that I feel we need, strongly need, as far as natural resources are concerned in our State.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Senate reconsider its action whereby Bill, An Act Establishing the Bureau of Geology and Mineral Resources Within the Forestry Department," was indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, I would request 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 Sewall, that the Senate reconsider its action whereby this bill was indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

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

Mr. KATZ of Kennebec: Mr. President, is the so-called Implied Consent Bill in the custody of the Senate?

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held.

The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President, may I ask through the Chair the status of the bill?

The SECRETARY: In the House May 16, 1969, passed to be engrossed, as amended by House Amendment "A". In the Senate June 5, 1969, read a second time, tabled, pending passage to be engrossed. June 6, 1969 indefinitely postponed in non-concurrence.

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

Mr. BOISVERT of Androscoggin: Mr. President, I now move that we reconsider our action of last Friday whereby the Bill was indefinitely postponed.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, now moves that the Senate reconsider its action where Bill, "An Act Providing Implied Consent fo Operators of Motor Vehicles", was indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

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

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971" (Emergency) (S. P. 449) (L. D. 1483).

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

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

House Amendment "D" (L. D. 1568), in non-concurrence.

Pending—Consideration

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

Mr. KATZ of Kennebec: Mr. President, this is the so-called supplemental budget. I would like to explain to the Senate the procedures that I hope that we might follow here today, subject to the will of the Senate. The Senate is in non-concurrence with the House, so the first motion I would like to make is to recede. I would then like to make a motion to accept House Amendment "D", which will put us in concurrence with the House. I would then like to table it until the next legislative day, pending the preparation of another amendment which would give a notion of the specific programs involved. Those of you who are waiting blood-thirstily to get your talons into this, I would assure you that you will have ample opportunity. I would hope that for our purposes today that you would go along with the proposals that have been made to you and consequently, Mr. President, I move that the Senate recede.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate recede from its action whereby Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970, and June 30, 1971, was Passed to be Engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by Mr. Katz of Kennebec, the Senate Accepted House Amendment "D" in concurrence.

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

The President laid before the Senate the second matter tabled earlier in day's session, by Mr. Violette of Aroostook:

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

Tabled—June 6, 1969 by Senator Hoffses of Knox.

Pending—Motion by Senator Mills of Franklin to Indefinitely Postpone Bill and Papers.

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

Mr. HOFFSES of Knox: Mr. President, I do not propose to belabor this bill any longer. I would ask for a division on the motion to indefinitely postpone.

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

Mr. MILLS of Franklin: Mr. President, I don't wish to belabor it either. I don't have too much optimism in regard to my motion, but I felt that it was the only tangible way to express discontent with dedicated fines and mandatory sentences, and ask any who happen to agree with me to join in my motion and indefinitely postpone it.

The PRESIDENT: Is the Senate ready for the question: The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that Bill, "An Act Increasing Certain Fish and Game Fines", 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. Fourteen Senators having voted in the affirmative and thirteen Senators having voted in the negative, the motion prevailed, and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, An Act Providing for Payment of the 1969 Education Subsidies to Municipalities (S. P. 414) (L. D. 1379).

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Enactment.

Joint Resolution

Out of Order and under suspension of the rules, the Senate voted to take up the following Paper from the House:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUN-
DRED AND SIXTY-NINE

IN MEMORIAM

WHEREAS, the Legislature learned with sorrow on June 6, 1969 of the sudden death of Rodney E. Ross, Sr., of Bath, father of our esteemed colleague; and

WHEREAS, under his wise and careful management, the Hyde Windlass Company, of which he was president and treasurer for 45 years, has become world renowned in the manufacture of marine machinery an invaluable credit to his native state; and

WHEREAS, his success as an attorney and business man and privately as a husband and father can only be complemented by his selfless attention to the needs of his community; and

WHEREAS, the passing of Rodney E. Ross, Sr., is a great and tragic loss to his friends, his family and the people of the State of Maine; now, therefore, be it

RESOLVED: That we the Members of the One Hundred and Fourth Legislature of the State of Maine extend our deepest sympathy to each member of his family and our full understanding to others who share the loss; and be it further

RESOLVED: That a suitable copy of this Resolution be forwarded to Mrs. Gladys Clifford Ross, Mrs. Barbara Ross Brewer, and the Honorable Rodney E. Ross, Jr., wife and children of the deceased, in token of our condolence.

(H. P. 1257)

Comes from the House Read and Adopted.

Which was Read and Adopted in concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.