

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, June 10, 1969

Senate called to order by the President.

Prayer by the Rev. John C. Wanamaker of East Winthrop.

Reading of the Journal of yesterday.

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

Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 156) (L. D. 474)

In the Senate May 28, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-184).

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

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

On motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending the motion by Mr. Moore of Cumberland that the Senate Recede and Concur.

**Non-concurrent Matter**

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

In the Senate June 3, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-177) and Senate Amendment "A" (S-211).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-491) in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President, this being a clarifying and working amendment, I move the Senate recede and concur.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate recede and concur with the House.

Is this the pleasure of the Senate?

The motion prevailed.

**Non-concurrent Matter**

Bill, "An Act Concerning the Adoption of State Wards." (Emergency)

(H. P. 760) (L. D. 980)

In the House May 28, 1969, Bill and report Indefinitely Postponed.

In the Senate May 29, 1969, the Ought to Pass as Amended report Read and Accepted and the Bill on June 3, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-365) in non-concurrence.

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

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

The President appointed the following Conferees on the part of the Senate:

Senators:

MILLS of Franklin  
VIOLETTE of Arrostook  
CONLEY of Cumberland

**House Papers**

Bill, "An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age."

(H. P. 1253) (L. D. 1589)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I am extremely disappointed with the reference of Bills Committee to allow this atrocity in for a second time for what I consider a childish attempt to satisfy one's ego and say "Mr. Murphy is not going to retire." Since this concerns a retirement, I also feel it was extremely unethical to have this L. D. referred to State Government, where the sponsors assured a quick favorable report. In my opinion, this is a classic example of how to undermine State's statutory law for the benefit of one man. I now move the indefinite postponement of this matter.

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

Mr. BERRY of Cumberland: Mr. President, I listened with interest and amazement to the words of Senator Minkowsky when he says that it would get a prejudged, predetermined report from the State Government Committee. Certainly none of our committees work this way and, in my opinion, least of all State Government under the very capable guidance of Senator Wyman. For Senator Minkowsky's information, this is an attempt to work out problems, the solution of which have been suggested by the Governor. It seems to me highly in order that this matter go to the State Government Committee and that this entire matter be worked out amicably.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that Bill, "An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age", be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I ask for a division.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? 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 pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age", be indefinitely postponed. A "yes" vote will be in favor of indefinite

postponement of the bill; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Beliveau, Bernard, Levine, Minkowsky, and Moore.

NAYS: Senators Barnes, Boisvert, Berry, Conley, Dunn, Gordon, Greeley, Hanson, Hoffses, Katz, Kellam, Letourneau, Logan, Martin, Mills, Peabody, Quinn, Reed, Sewall, Stuart, Tanous, Wyman, and President MacLeod.

ABSENT: Senators Anderson, Cianchette, Duquette, and Violette.

A roll call was had. Five Senators having voted in the affirmative, and twenty-three Senators having voted in the negative, with four Senators absent, the motion did not prevail, and the Bill then was referred to the Committee on State Government and Ordered Printed in concurrence.

#### Joint Order

WHEREAS, uncertainty has arisen regarding the proper policies and priorities of Pineland Hospital and Training Center which will express the desires of the people with respect to the care and training of the mentally retarded, and as to the acceptance of new admissions for custodial care, and as to the proportion of manpower, space, facilities and appropriations which for the greatest benefit to the State and people should be allocated to those whose needs are custodial care or life time residential care, and those who are generally called educable or trainable; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the needs and obligations of the State with regard to its mentally retarded of all classifications including lifetime care, the responsibilities, capabilities and potential of Pineland Hospital and Training Center to meet these needs and alternative state-owned, state-operated facilities for the care and training of the retarded, and report its findings and recommendations to the next regular session of the Legislature regarding the formulation of policies and priorities with respect thereto, together with any legisla-

tion it deems advisable. (H. P. 1258)

Comes from the House, Read and Passed.

Which was Read.

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

**Committee Reports  
House**

**Leave to Withdraw -**

**Covered by Other Legislation**

The Committee on Towns and Counties on Bill, "An Act Increasing Payments to Sagadahoc County Law Library." (H. P. 153) (L. D. 179)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Payments to Hancock County Law Library." (H. P. 259) (L. D. 335)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Payments to Kennebec County Law Library." (H. P. 499) (L. D. 653)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Payments to Piscataquis County Law Library." (H. P. 649) (L. D. 837)

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

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

**Ought to Pass - As Amended**

The Committee on Legal Affairs on Bill, "An Act Relating to Credit Card Crimes." (H. P. 563) (L. D. 744)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-490).

The Committee on Education on Bill, "An Act Relating to Lease of School Facilities by School Administrative Units." (H. P. 1109) (L. D. 1430)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-489).

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

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

**Ought to Pass in New Draft**

The Committee on Taxation on Bill, "An Act Increasing the Gasoline Tax." (Emergency). (H. P. 359) (L. D. 467)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1217) (L. D. 1549)

Come from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed As Amended by House Amendment "A" (H-398).

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

On motion by Mr. Wyman of Washington, House Amendment "A" was Indefinitely Postponed.

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

The PRESIDENT: The Senator from Franklin, Senator Mills, now moves that Bill, "An Act Increasing the Gasoline Tax" be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President, when the vote is taken I move it be taken by a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This bill came out of Taxation and, if I remember correctly, it had a unanimous Ought to Pass Report. I think if there is one thing that Maine needs it is new roads and more roads.

Sunday I was reading an article published by American Heritage, and it told about the development of this country with particular respect to the railroads. One authority went so far as to say that if it had not been for the fact that the North had better railroads, more railroads, and better facilities to move troops and supplies, that they would have lost the Civil War.

It seems to me that we need roads here in Maine, better roads and more roads, to enable people to come to Maine and enjoy our natural resources and also to development Maine industry. If we don't go along and provide some more gas tax money, then the point will be what will the next legislature do? It happens that I have about twelve motor vehicles on the road and one way that I might look at this is to perhaps bond for it or not do it because I won't be operating motor vehicles very much longer. It doesn't seem to me that that is a responsible way to do it.

The gas tax, to me, is the fairest of all the proposed taxes which affect the motorist. In fact, I think it is the fairest of all the taxes we have because you pay in the amount that you use the roads. If a car drives fifteen thousand miles a year and has fifteen miles to the gallon then the motorist would pay fifteen dollars. If he drives thirty thousand miles he would pay thirty dollars, but either way it has a direct relation to the amount of mileage which the car owner drives. Also, it is one of these taxes that our out - of - State friends help us pay. The automobile registration is paid practically all by local people and the same with the trade - in, but this particular tax seems to me to be the fairest and one that is very badly needed. I certainly oppose the motion to indefinitely postpone this bill.

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

Mr. MILLS of Franklin: May I inquire as to where we will stand among the fifty States in regard

to the gas tax if this increase — I believe it is an increase of one cent — is applied and what the federal is that goes with it? What the total gas tax would be when you buy a gallon of gasoline, State and Federal, if this goes through, and where we would stand among the other States?

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

Mr. WYMAN of Washington: Mr. President, I cannot give a firm answer to the good Senator from Franklin County. I do know that we will probably be among the highest. Other States are going up on their gas tax too, and it could very well be that Maine would be the highest. On the other hand, Maine occupies a unique position in this corner of the State, it has a lot of road mileage, and not a great deal of population. I think we really need the money for that reason. I am sure that if temporarily we should be the highest, we won't be the highest long.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: In answer to the good Senator's question, Senator Mills, if I have my information correctly, there is only one other State now. If we increase our gas tax, we will be nine cents a gallon. It is currently seven cents a gallon, so if we increase it by two cents a gallon we will be up to nine cents. There is only one other State in the United States, if I understand it correctly, that is now taxing gasoline at the rate of nine cents a gallon. Personally, I would favor going to the one cent increase, but that amendment has already been killed. I think two cents is a little high.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: This allocation bill that our Highway Committee put out was put out with the intent of having a \$12 million bond issue and a two-cent gas tax. We have set up

\$8,798,878 for the first year of the biennium and \$8,219,053 for the second year of the biennium. If the two - cent gas tax goes through, this amount that I just gave you, we have set up new bonds, and then we have existing bonds, what is left out of the \$12,800,000 bond issue, or \$3,980,069, so this would give us a total of \$16,499,000. In the second year we would have new bonds of \$8,279,947, and existing revenues of \$8,219,053 which comes to \$16,449,000.

If the one - cent tax goes through, we have to subtract out the income the first year of the gas tax from \$8,798,878, which is \$4,075,000, leaving \$4,723,878. That would replace the \$8 million plus the first year of the biennium. In the second year you would have to set up new bonds in the amount of 13,722,447, and current revenue of \$2,776,553. In that we would have to put in \$800,000 of interest which we wouldn't have if we don't have the two - cent gas tax. This would bring us up to \$16,499,000. If you have a one - cent gas tax we have to come up with \$21,500,000 in bonds to balance this allocation bill.

Now, this allocation bill adds up to around \$108,000,000, but we have already passed out \$5 million, the state aid funds for the two years of the biennium, which is \$2,725,000 each year, or \$5,450,000. With this allocation bill as is, the \$12 million bond issue would balance the account.

At the present time I think we have \$17,300,000 in bonds that have been authorized but the bonds haven't been sold. There is \$12,800,000 in the bond issue we passed two years ago, and the \$4,500,000 for the Lewiston bridge.

One of the reasons I am in favor of the two - cent gas tax, or some increase in revenue from somewhere, is on account of the interest rates we have to pay on these bonds. At the present time they are talking around five cents or better for interest money, which seems to me to be a lot of money and we should get to the point where we pay as we go.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would like to ask a question through the Chair, if I may, to either the good Senator from Waldo, Senator Greeley, or perhaps the Senator from Kennebec, Senator Katz, in regard to a possible moratorium. We have heard about a moratorium on the building of capital improvements for the University of Maine and the fact that the new chancellor has advised holding up and having a moratorium until we could see where we are heading. Especially now, where interest rates are so awfully high. I think the press reports this morning that the prime rate is going to something like eight and a half per cent. This is something that just can't go on. We are heading for some sort of financial catastrophe, it would seem. It is an awfully poor time for Maine to be going into the bond market, it would seem to me, as Senator Greeley has pointed out.

Of course, we did have a retrenchment during World War II in regard to heavy capital expenditures. I wondered if the Highway Commission and Highway Committee has given any thought to a possible moratorium on capital construction of highways. Whether or not if we did that, and if we didn't have any gasoline increase, would this be a step back toward the Civil War or the horse and buggy days and could we get by for a little while?

The PRESIDENT: The Senator from Franklin, Senator Mills, has posed a question through the Chair to the Senator from Kennebec or to the Senator from Waldo, who may answer if they so desire.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: What we have done with this allocation bill, we have matched all of the Federal funds that are available, which amounts to a program in the Interstate of about \$58,000,000. There is close to \$50,000,000 of this going down to the southern part of the State, in York, Cumberland, and Sagadahoc Counties. There is close to \$10,000,000 going up above Bangor to

continue the construction on the Interstate, this is sixteen miles of road. We also have the primary secondary and urban matching funds, and we have matched every nickel that has been allocated by the federal government. We have tried to come up with a good program of highways, and we have already cut this budget a little over \$12,000,000, close to \$13,000,000.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel that the two - cent tax would be unreasonable, the one - cent tax would be fair. But let us look into what led to the difficulties we have now in the Highway Department.

Every time I go by on the road, when I see a State-owned vehicle, a ten - wheeler, a four - wheel drive, that cost \$20,000 or better, hauling half a ton of gravel or half a ton of tar, I think it is a waste of money. I remember fifteen or twenty years ago most of the work on the roads was done by small contractors, an individual who owned a truck of his own. The State, I guess, paid him eighty - five cents an hour for the use of his truck. He had another man to help him, and they used to patch the roads. You go now and see them do it and it will be five or six twenty - thousand dollar trucks standing on the road with twenty people around them. One is patching the road and the others are bearing on their shovels. That is what we are paying them for, and that is why we are in trouble now. I think we should do something about it now and stop the Highway Department from buying trucks and building garages. Let them go ahead and contract the roads to be built and we will be better off. I think somebody should put in a resolution to sell the trucks the State owns and stop them from building garages. You go by in Fairfield and they have got a nice fancy garage; the people are drinking coffee there. They are not working on the road. This is no solution to raise the tax and let the State Highway Department

buy some more trucks. For one thing you are losing the excise tax that when the individuals, owned their own trucks; and they worked for the State for eighty - five cents an hour, the State is losing the tax they used to get when they registered the trucks. The state is losing the tax from when they used to buy gasoline.

The State Highway Department shouldn't be in the trucking business; they should be in business to award contracts to people to build roads. It cost twenty times as much to do it now as it did when individuals had done it on their own. When a man buys his own truck, it cost him five or six thousand dollars, and if it is his own truck he takes care of it. When you have different drivers driving trucks — I own trucks and I know the problems — when you have five or six drivers that are driving the same vehicle, and the vehicle cost twenty or twenty-two thousand dollars, it is a four - wheel drive and it isn't healthy for a four - wheel drive to run on the road more than it should, it wears out too much, that is where our problems are. We can go and raise this tax to two cents, and the State Highway will end up buying new trucks. I would like the Chairman of the Highway Committee to answer me on it, if he would wish.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I think what the Senator from Kennebec, Senator Levine, is talking about is maintenance; a few minutes ago we were talking about construction. I think probably that there are some weak places may be in the maintenance. They have changed over from what they used to have years ago when they had a patrolman. A patrolman had some road to take care of, he was allocated that road, and if there was a hole in the road or something that should have been done in his district, they knew where to pinpoint the blame and



it didn't take them long to correct it.

Getting back to the construction program, this gas tax money is being set up to cut down on our bonds for construction. We have a little project down below here, I have been driving over it now for a couple of months the total amount of the project, I think, is \$656,000 and it is for two and three - tenths mile. The contractor is a man from Stillwater and he has one of the largest outfits in the State. I have the records here where this man is moving earth for sixty - six cents a yard. He is moving 165,000 yards of earth for sixty-six cents a yard. He is taking out 22,000 yards of ledge for three dollars and a half a yard. Now he has got to drill, blow and move that ledge, and put it back in place in the road to help fill in the large fills that they are putting in. He has over a million dollars worth of equipment down there and I, for one, wouldn't want to tackle a job of moving earth for sixty- six cents a yard, because in 1923 I had a pair of horses and a dump cart and I was paid a dollar a yard for hauling gravel on the road for maintenance. So as far as the construction is concerned, they are moving the material and doing the job fairly reasonable.

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

Mr. BELIVEAU of Oxford: Mr. President, I would like to pose a question through the Chair to the good Senator from Waldo. I read recently, or I was told recently, that this last winter the State Highway Commission incurred expenditures of approximately three thousand dollars per mile for the removal of snow. That was the average cost around the State to keep the highways clear of snow. I wonder if there was any truth in that and whether the Senator could either admit that or destroy it.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed a question through the Chair to the Senator from

Waldo, which he may answer or not if he so desires.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I didn't think it was quite that much. I have the figures in the report but I don't have my report right at hand. I do know that the snow removal last winter cost \$9,800,000, which was more than it was the previous winter, but I didn't think the average was up to \$3,000. It might have been in some cases, and I can imagine some cases where it might cost more than that where they had eighteen and twenty foot drifts in some of the roads.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I just would like to say a few words against roads. If there is one thing I have a hangup on, I think, it is the money we are spending on our highways. It has been said that it is one of the things Maine needs most, but to me it is one of the things we need the least. I shall vote against this increase in the gas tax as a protest against the money we are spending because I just can't understand why we do pour so much money into highways.

I would like to discuss one particular project. In Portland, starting this summer, they are going to build a highway from Congress Street. They are now filling in Back Cove, and it will cross Baxter Boulevard and go up through a residential area and come out at Forest Avenue at the foot of Falmouth Street where the University of Maine of Portland is. I can't for the life of me see why they would spend that much money on that highway. Portland is not growing at any great rate, and why they would spend all that money to bring the traffic out into a terrible congested area, I will never know. I certainly think that now is the time we can register a protest against spending so much on highways. We need a lot of things

in this State but we don't need more highways.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Having in mind that this is an emergency measure, it might be well to get a record as early as possible, and I request we have a roll call on this.

The PRESIDENT: A roll call has been requested. The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to take a mild exception to what the good Senator from Cumberland, Senator Stuart, has said, that we do not need highways. I think we do need highways. I for one, I believe, have as legitimate gripe about highway construction as anyone in this Senate.

I represent the coastal area of Maine, where we have in the summertime a tremendous, and I emphasize "tremendous," influx of traffic. We certainly need Route One improved. I have consistently endeavored to try to get an improvement of Route One. However, be that as it may, we are a rural State, we are a large State, we do not have the railroad communications to serve all of our communities, and we have to rely upon highways and motor vehicles.

We all know that it is costing more and more for everything, whether it be highways or the food that we buy to eat. We all know that it is going to continue to increase. I am a firm believer of paying as you go to some extent, to quite an extent. I believe that we must appropriate money for highway construction, and I can sympathize with what the good Senator from Cumberland has said in regards to building roads around Portland and the tremendous damages which the State must assume to clear these right - of - ways. But we have still, regardless, got to build highways.

Now, listening to the debate this morning, it would seem to me that the discussion centers around the

management of our Highway Department. There has been criticism about the vehicles that are bought and are maintained, and I think perhaps it is reasonable to assume that there has been some criticism about the amount of work which has been exercised on these building projects, or perhaps I should say the lack of work on the part of the State employees. If that is the sentiment of the members of this Legislature, then let us implement some committee or some study to streamline the Highway Department, and I would not object to that, but the matter before us here and now is the matter of voting to increase the tax to build roads and to improve roads that we have got in this State, and which we all use every day of our lives when we are coming or going from our respective work, our pleasure, our enjoyment or getting from one place to another. This is the matter which is before us here and now, I would hope that you would vote against the motion to indefinitely postpone this important piece of legislation.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate, I certainly don't claim to be a specialist on highways and how we ought to be spending our highway money. I think I probably will vote against the motion for indefinite postponement in the hope that, perhaps through restoration of the House Amendment, we can go back to the one-cent increase. It is my feeling that perhaps with the entire increase on the tax package, that with the entire tax money that we are going to vote here in this Legislature, that we ought to try to perhaps add it all up and figure out just how much money we want to put upon our people throughout the State. I think we have to consider the increase in the gas tax in the light of all of the other governmental expenditures.

I think by and large our Highway Commission and our Highway Department does a good job on

highway construction. I personally don't study the situation very much so I don't think I can sit here and criticize one way or another just how the Highway Department goes about spending its money or whether it does it efficiently or not efficiently. But I have for some time had quite a strong feeling that our Highway Department seems to be almost a government apart from the rest of the government of the State of Maine, and that it runs free and easy and very often does not come under the scrutiny of other legislative programs within the framework of our general budget. So, we perhaps never get the same opportunity to get a real look at it as we do the welfare programs, as we do the educational programs, and many other programs that are in the general fund budget. I do feel, when we finally measure up on how much money ought to be spent by the State of Maine on all of its programs, including the highway program, that it ought to be placed alongside everything else that we do and see whether or not it gets its fair share of the tax burden that is placed upon the people of the State of Maine.

Without at all being critical of the needs of our Highway Department, we have looked at our Welfare Department this year, and we have reduced drastically many of the proposals that have been placed before us because we felt that there wasn't enough money to go around and take care of them. I don't think that anybody on the floor of this Senate or in the halls of the legislature has denied that we have got some very, very crying needs in our welfare programs, and still we can't foot the whole bill because we don't have the money, so we have cut them back. As important as highways are, I think we ought to look at it from a total financial package, and it is in this sense that I personally would much prefer to vote for the one - cent increase than for the two - cent increase, hoping that it would not unduly restrict the needed highway work that we have to do.

I am going to vote against indefinite postponement because I feel

undoubtedly that there is some need for some increase, but I haven't been sold on the increase of two cents per gallon. I hope I have an opportunity to restore that into the package. I do feel that we want to make sure that in the total tax money that we spend, whether it be for the general fund budget, education, welfare or whether it be for our highways, that we place things in balance and give all of these areas of need an equal bite out of the tax dollar.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I rise in support of the two - cent increase in the gas tax.

I suppose I can be charged with having a conflict of interest at this time. I think this is my fifth term here, and this is the first time I have ever spoken in regards to highway matters; I have always tried to keep away from them as much as I could. I don't know if that is right or wrong. Probably I know more about that than I do other departments.

I feel as if the Highway Department has built up a tremendous bureaucracy. I do not mean to say this in a derogatory sense. I think that highway construction has boomed here in the State as far as highways are concerned in the last few years. It wasn't too long ago when we started the Interstate System, and I can remember them calling together all the contractors and saying it was impossible for them to do the job and so on and so forth. I feel that generally speaking almost all of it has been built with Maine contractors.

In regards to the Portland spur that is now being built, this is largely federal expenditures, and I think that if I have learned one thing that it is this: I don't particularly like this ninety per cent federal and ten state. One of the problems with our Highway Commission now, as far as new construction is concerned, is that they have become no more than a tool for disbursing federal funds, and this is not good. I suppose I

could stand here and tell you stories that take place every day, and I am sure every Maine contractor can. I am sure that these have been told to the Highway Committee itself. There just doesn't seem to be any way to get at them. You take and pour a yard of concrete today, they start at the plant, they start testing there, and they hold you up, the air tests, and every imaginable thing, and I question whether they are getting any better concrete than they did ten or fifteen years ago.

I would like to say that I feel that the Highway Department has a number of very capable men within it, but I feel that they are rapidly losing incentive, simply because the capable man who speaks out and is willing to take a position and say something is right or wrong is often chastised. Maybe I can see now that — again I spoke about this efficiency that we are heading for as far as government is concerned, and to me the Highway Department is an example of it. It looks good on paper, all this efficiency, but basically it just doesn't work. I think there is a tendency to combine bridges and highways today, thinking that they are very similar, and I suppose they are. Of course, I have grown and was brought up with this particular thing, and maybe there is a little pride on my part that I hate to see this combination, but when you see a bridge engineer that has been with them for thirty or forty years, he has always put in approaches and he knows pretty near as much about highways, in a sense, as he does bridges, and then to have the highway engineer who is twenty - three or twenty - four years old supersede him, it just doesn't make sense. Presently we have always had a stiff set of specifications, as far as the State is concerned, but most engineers have been — I suppose maybe they held it as a club over the contractor's head, but never enforced it. Now, you take the young graduate, he reads it and he starts coming out and says you have got to do this, you

have got to do that because it is in the book. It has been in there for a long time. The federal government itself is also taking the position that if it is written in the book then it should be enforced.

I feel that there could be a lot of things improved in the Highway Commission, and I am not knocking anyone there. I suppose again I am somewhat biased because this is my business, this is my living. They say "Well, you don't have to build bridges." Well, good heavens, it is the only thing that I know. And yet I am also alarmed at the fact of the number of Maine contractors who have gone out of this. Many of the small contractors that used to be able to take a piece of road and build it, they have either gone out of business or tried to get into other areas, and it is simply because of the magnitude, the paper work and this type of thing that has built up and taken sort of the fun away from it. Again, my father is probably much more emphatic about this than I am, and he had blown up, evidently, and he said that it took four engineers and himself to decide whether they were going to build a backhouse on one of our projects, and I said well, actually I can remember my grandfather saying the very same thing, that they were very inefficient and so on.

I don't know that what I say should bear too much weight, but I do support the two - cent increase and again, as far as roads — as a legislator now I am talking — I have gone and asked them many times not to improve roads in our town. It seems so every time they get a crook in the road they want to straighten it. They want to cut down all the trees, and I suppose maybe in the winter sometimes it is hazardous. My feeling is that as long as the road has got black top on it, it is not a real throughway, and they keep the white line painted on it, it is good enough. I think that is part of Maine, and yet I do feel very strongly that we need good primary systems in our State. I do support the two-cent increase because we have been bonding here year in and year out, and I think

this is one of our problems with this particular department, that it has built up this false security and it just doesn't exist there. We should either cut back or else step forward and try to pay for these things to a greater extent than we are presently. Therefore, I would support the two cents, and if that fails I am not so sure but maybe we should cut back our highway program and put it on a good sure footing. Therefore, I would vote against the motion to indefinitely postpone and support the two-cent increase.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: It seems to me that this debate has not proven a lack of need for the two cents increase in the gasoline tax, but it has indicated dissatisfaction with the Highway Department. It seems to me the way to get at that is to introduce an order and have the Research or some other committee study the Highway Department and come back with recommendations of why we should hobble it or restrict it because we don't like it, I can't follow that one. It seems to me this whole argument is centered, at least for a great part, on this dislike for the Highway Department. It doesn't seem to me this is the way to get at it, and I certainly hope that this motion to indefinitely postpone will not prevail.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Since my vote is going to be on the record, I think I should put my reasons on the record also. I have nothing to say about the efficiency of the Highway Department, because I have no information and I don't think any of us have any information on the management of it. I tend to take a rather simplistic view of it, the view of my constituents, I know they take care of us down there, they keep us plowed out. We have had hearings on a change in a new turnpike exit and they were

responsive to the wishes to the citizens. The people in York wanted it moved and they moved it.

Coming up the New Hampshire Turnpike, we come to a rotary in Portsmouth, and off to our left we see a four-lane road, known as the Spaulding Turnpike, that heads up to the White Mountains via Route 16. Route 16 has been widened and improved. It goes up into the Conway area, and this is deliberately designed to funnel that Massachusetts tourist business up into the White Mountains, and it does it, although our high level bridge probably will help out somewhat in that department. I see New Hampshire's Route 93 going right up into Franconia Notch doing exactly the same thing, funneling the tourist traffic up into northern New Hampshire, up into the residential areas. I travel up there quite a bit for recreational purposes and, quite frankly, the State of Maine suffers in these avenues. I am in support of this tax. I think it is going to be good for us in the long run. Thank you, Mr. President.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am not against the tax increase but I feel that one cent will do for now. By doing so, I think, we will serve notice on the Highway Department that we don't want them to invest the money in buying trucks and building garages, and let out all the contracts. My good friend, Senator Reed, just mentioned a lot of small contractors went out of business. The State Highway Department put them out of business because the small projects they are building themselves. I don't feel that the State Highway Department should be doing any contracting. They should let the contracting out to the individuals and it would be done a lot cheaper and more efficiently.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Just one comment that I

want to make, which rises out of a comment made by the good Senator Wyman that the discussion here seems to be centering more on criticism of the Commission. My comments that I made earlier, I want to make clear, are not directed at the efficiency or inefficiency of the Commission at all. I happen to have a tremendous respect for the — and this may not be shared by everyone in the legislature — for the chief administrator of our highway program and I think he has done a tremendous job. My only concern is to make sure that out of the total tax dollar that we tax our citizens of Maine that all areas of our State expenditures, whether they be highway or whether they be education, welfare, or other programs, are looked at in the same light and share equally in accordance with their importance and their responsibility to the citizens of our State, that they share equally in the total tax burden. This is my only concern. At this point I question whether or not the two-cent raise in the gas tax will achieve the end that I am concerned with, and that is getting all of the needs of our State met, whether they be highways or others being considered, and give them the same proportion of our tax dollar. My comments here are certainly not aimed at the Commission itself, how it is organized or how it is operating.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Having precipitated this some minutes ago, I would like to comment briefly to the effect that my criticism certainly is not of the personnel or the day to day operations of the Highway Department, but my criticism is that we, as a legislature many years ago, and we as the people in the State, saw fit to create an empire which is self-perpetuating, autonomous, and almost free of legislative control by reason of the fact that their dedicated revenues can't be touched and they don't have to

compete for the tax dollar. It is a sad thing to see educators fighting to keep kids in school, and see the welfare people battling for their dollars necessary to carry on their day to day work, and I won't say the highway people sitting fat and happy, but certainly very contented and very assured that the money is coming in no matter what, because we amended the Constitution many years ago to provide that all highway dollars go back onto the highway.

Now, when they come along with an increase of some millions in tax revenue by way of the gasoline tax, which does become funneled into that dedicated fund, I think it is very appropriate that we pause and not have such a matter go under the gavel. I think we ought to consider that perhaps the tax is too high if it is placing us at the top of the scale throughout the United States. I think we should consider too what this amount of money spent on the highways amounts to on a comparable basis.

A news conference was held in January this year in which the Highway Commission participated, I understand, and the figure for the building of seventeen miles of highway in this State would be sufficient to provide free tuition for one year for all of the students at the greater University of Maine. So, you can see on a comparative basis where our values are, seventeen miles of highway construction against tuition, free tuition mind you, for all greater University of Maine students, and I am not saying that is or is not a good idea. Perhaps it would not be a good thing not to adopt, but at least it would provide an awful lot of money for educational purposes.

I have known David Stevens for a great many years, and I subscribe to the popular belief and knowledge that he is one of the greatest administrators in State Government throughout the United States. That isn't to say that in that great sprawling empire over which he presides there aren't many pockets of inefficiency and couldn't very well be looked into

to his advantage and to the advantage of everyone concerned. I hope that perhaps before this legislature does terminate its services that the Legislative Research Committee may have the opportunity to provide for some gathering of information in regard to the operation of the Highway Department.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I don't want to continue to belabor this because I think probably enough has been said, but I would like to heartily endorse the remarks made by my good colleague from Aroostook County, Senator Violette.

I personally feel that we should pay as we go, but I think one cent under the circumstances is sufficient at this time. I would like to call your attention to two or three things. First of all, I think we are hitting the vehicle owner pretty hard in this session. We have already repealed the exemption of sales tax for auto trade-ins, we have under consideration the possibility of an increased excise tax on vehicles, and we have also under consideration an increased registration fee. I think this is going to be a terrific impact on the vehicle owner in the State of Maine.

I am personally going to oppose the motion to indefinitely postpone this L.D. 1549, because I think we need a vehicle to work with to increase the tax on gasoline one cent, and I would hope that if we can defeat this motion then somebody will ask for reconsideration so we can get this House Amendment "A" back on the original bill so that we can increase it by one cent per gallon.

In closing, I would just like to mention one fact to you. I come from Aroostook County, as you know, and the last gasoline I bought was 43.8 cents per gallon. Now, if we increase this, it will be pretty near 49 cents per gallon. Now, along with the repeal of the exemption of auto trade-ins, and these other taxes that we are going

to impose upon the public, I think we are going just a little too high for one session of the Legislature.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Speaking against the pending motion for indefinite postponement, I would like to say that we are experiencing here the biennial breast-beating bout of Legislators frustrated, impotent, completely unable to do the job necessary to properly consider both the highway budget and the highway financing. If we could take leaves out of the records of the last five sessions, to my knowledge, they would vary very little except for punctuation. To consider that we have \$125,000,000 biennial budget held before a very able committee, the present Chairman, Senator Greeley, and his predecessors, very capable men, not a single staff member, adjectives defy you when you try to describe a situation like that. When I first came up here the general services budget was far less than the budget we are being asked to consider this year on the highway budget alone.

I am very much in favor of the pay as you go policy, and if we are unable to add the two-cent tax, which I feel should be done from a practical consideration, when we consider the money that would be wasted in bond interest over the life of the bonds, I would be very much in favor of the position suggested by Senator Reed that we cut back the road program by cutting back the bond issue by the necessary amount. It seems to me that this is an absolute waste of taxpayers money to pay the high interest rates that we do now. If we go on for two cents, I think we are going to put more heat on to do what everyone wants to do, and that is to increase the efficiency of the Department. I share the views that the department is one if not the best-run department in the State at the present time, regardless of our disagreement with perhaps methods. Because of this, I

seriously disagree with our Education friends, and I throw the gauntlet to them that if they could run their bailiwick half as well as the Highway Department runs theirs, education wouldn't be the problem it is today. I hope you support my thinking that we should keep the bill alive and pass it without the amendment.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one - fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that Bill, "An Act Increasing the Gasoline Tax", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Beliveau, Bernard, Levine, Mills, and Stuart.

NAYS: Senators Barnes, Berry, Boisvert, Conley, Dunn, Gordon, Greeley, Hanson, Hoffses, Katz, Kellam, Letourneau, Logan, Martin, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall, Tanous, Violette, Wyman, and President MacLeod.

ABSENT: Senators Anderson, Cianchette, and Duquette.

A roll call was had. Five Senators having voted in the affirmative, and twenty - four Senators having voted in the negative, with three Senators absent, the motion did not prevail.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I move that we reconsider our previous action whereby we indefinitely postponed House Amendment "A".

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that the Senate now reconsider its action whereby House Amendment "A" was indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I say that this be taken by the "Yeas" and "Nays".

The PRESIDENT: The Senator from Washington, Senator Wyman, requests a roll call. Is the Senate ready for the question? The pending question is the motion of the Senator from Kennebec, Senator Levine, that the Senate reconsider its action whereby the Senate indefinitely postponed House Amendment "A". A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one - fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

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

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

Mr. SEWALL of Penobscot: Mr. President, may I inquire through the Chair for a brief explanation of House Amendment "A"?

The PRESIDENT: The Secretary will give the filing number of House Amendment "A".

The SECRETARY: Filing No. H-398.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I have a few figures relating to this particular bill which I thought I should make known to the members of the Senate: We have approximately 23,000 trucks which come into the State of Maine from outside of our boundaries, and out of the 23,000 trucks that we have coming into Maine there is only 6.3 per cent that are registered in the State of Maine.



In other words from 93.7 per cent of these trucks all we get from them is gas tax when they are in the State of Maine. So, I feel these figures, certainly should have some bearing on a person's thinking when he is voting on this.

Also, I would like to mention that the figures range between twenty-five and thirty per cent, as far as our income is concerned in the gasoline tax department, which comes from out-of-staters, and again this is a big part of what we get from people that travel on our highways from out-of-state. I am all for taxes whereby we can derive the most benefit from people who use our highways, and yet don't live here or don't pay anything else other than perhaps some gasoline taxes. I think these figures ought to be worthy of consideration on this next motion. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I would like to help out my good friend from Penobscot, Senator Tanous, by saying that if gasoline is a lot higher in the State of Maine when the big trucks come in from out of State the tanks are big enough now to fill them up so that they can travel to the State of Maine and go back and not have to buy any gasoline in the State. So by increasing the tax we will lose money, because they will buy the gasoline before they get to the State of Maine.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have had some experience in that and we have to report the mileage used when we send trucks in to other states, New Hampshire particularly, and as far away as Virginia. They pick our trucks up and look at our records and, if we don't report the mileage, we are in trouble. We have to pay the mileage and pay on the gas.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kenne-

bec, Senator Levine, that the Senate reconsider its action whereby House Amendment "A" was indefinitely postponed on Bill, "An Act Increasing the Gasoline Tax." A roll call has been ordered. "A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Barnes, Bellevau, Bernard, Boisvert, Conley, Hanson, Letourneau, Levine, Mills, Minkowsky, Moore, Stuart, and Violette.

NAYS: Senators Berry, Dunn, Gordon, Greeley, Hoffses, Katz, Kellam, Logan, Martin, Peabody, Quinn, Reed, Sewall, Tanous, Wyman, and President MacLeod.

ABSENT: Senators Anderson, Cianchette, and Duquette.

A roll call was had. Thirteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with three Senators absent, the motion did not prevail.

Thereupon, the Bill was tomorrow assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Civil Service Commission in City of Auburn." (H. P. 1000) (L. D. 1302)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

KELLAM of Cumberland

Representatives:

COX of Bangor

SHAW of Chelsea

CUSHING of Bucksport

BAKER of Orrington

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. 1248) (L. D. 1583)

Signed:

Senator:

CONLEY of Cumberland

Representatives:

WHEELER of Portland

COTE of Lewiston

NORRIS of Brewer

Comes from the House, the Minority Ought to Pass in New

Draft Report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which reports were Read.

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

Mr. BERNARD of Androscoggin: Mr. President, I move that the Senate accept the Minority Ought to Pass Report.

The PRESIDENT: The Senator from Androscoggin, Senator Bernard, moves that the Senate accept the Minority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate, this L. D., L. D. 1302 which we have before us, involves a civil service commission for the City of Auburn. I would like to mention to this body that after this bill was submitted to us for our consideration in Legal Affairs the City of Auburn did by ordinance enact a civil service ordinance, and this particular bill seeks to put it into the charter rather than having it by ordinance.

This 1302 does not include everybody; it only includes the firemen and the electricians of the City of Auburn, and it was our feeling that whereby the city enacted their own ordinance that they should have included everybody, and that this particular bill should have included everybody, as the ordinance did.

I guess there was a group in the fire department, not including the chief, may I add, who were not too pleased with the ordinance which the City enacted, so they came to us seeking their own civil service commission in the City of Auburn. Again I repeat my argument, as I stated yesterday, we had twenty odd charters, including one from my good friend and seat-mate's town, Senator Beliveau from Oxford. This dissident group attempted to have our committee include a civil service commission in their charter, but the sponsors of the charter would not go along with it. Again, I repeat, we did not include it in that charter, nor

did we include such an instrument in any charter which we voted on this year.

The majority of the committee again felt that this was an administrative matter and it ought to be under the jurisdiction of the city fathers, who are well aware of the situations and the problems in the communities.

Again, this particular bill only includes the firemen and the electricians; it doesn't do the entire job. It doesn't have the police department, for instance, and the highway crew as is presently included in the ordinance which was enacted a couple or three months ago in the City of Auburn. This was the feeling of the majority of the Legal Affairs Committee, and I assume this is why we signed the bill Ought Not to Pass. Thank you.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I think I should give you a little history on this bill. For fifty years the Auburn City Charter contained a provision to keep the civil service commission in the charter whereas it pertained to the fire department and several other departments. At the last session a bill was introduced to revise the Auburn City Charter, and a committee was created in Auburn to go over and rewrite the charter and there was quite a bit of animosity about removing the civil service commission from the charter. However, the bill did come out that way, and since then the firemen paid out of their own pockets money to get legal advice and write up this document, and it is obvious that other departments in the city simply did not partake of this financial endeavor.

But this would put the civil service commission back into the charter where I feel it belongs. Now it has just recently been passed into a city ordinance, and an ordinance can be changed by two-thirds vote at will. I contend that this is not good security for the fire department. These people

are here working at a job, many of them have been there for years, they take this type of a job to retire, and I think that some sort of security should be within the charter to protect these people. This is why I move that we accept the Minority Report as it has been accepted in the House. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to stand in support of the good Senator from Androscoggin, Senator Bernard, as a signer of the Minority Ought to Pass Report.

Once again it is a question of home rule for the people of Auburn to decide for themselves whether or not they want this included within their charter. Senator Bernard spelled out the fact that the previous charter they did have held this very document that we are now looking at, and the New Charter Committee did leave it out of the new charter. It is a question now of going back to the voters and whether or not they want to adopt it and have it become part of their charter. That is what it basically boils down to.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would just make a slight explanation as to my reason for signing as I have. It is because of the fact that the items in the bill are covered by the ordinance that has to do with the civil service and, consequently, I didn't really feel the bill was necessary.

It isn't that big a thing with me. If the people of Auburn really want it written up in their charter it would be perfectly all right if they did so. I mean, I would suggest that they include the police department in there too, but it is just that type of a thing where the last charter of the City of Auburn provided for the establishment of a civil service commission by ordinance — this happens to be the way we do it in our city and it

seems to work all right — and the city did eventually pass an ordinance. Although they did delay about a year and a half, and I think that is what caused all the trouble, but they did eventually pass an ordinance which is pretty much the same as what we have in the bill, so I felt that probably it was just as well if the bill didn't pass. On the other hand, if the Senator from Auburn really wants the bill to pass, as far as I am concerned, he can have it. I mean, it is just as simple as that.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: The bill carries a referendum clause which is in proper form and it was brought out at the committee. I simply would like to have my constituents have a chance to vote on this thing this coming November, and this is one more reason why I feel the bill should receive a favorable vote to pass it on to the voters of my city, and I would ask for a division.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I think the general policy of the Legal Affairs Committee in these charter matters is absolutely correct, that the legislature should not meddle with affairs that can and properly should properly be handled at the local level. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee on Bill, "An Act Relating to Civil Service Commission in City of Auburn." A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass in New Draft Report of the Committee will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed and the Minority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Civil Action for Negligent Misstatements." (H. P. 898) (L. D. 1159)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Credit Reports." (H. P. 1247) (L. D. 1582)

Signed:

Senators:

TANOUS of Penobscot  
CONLEY of Cumberland  
KELLAM of Cumberland

Representatives:

NORRIS of Brewer  
COTE of Lewiston  
COX of Bangor  
CUSHING of Bucksport  
WHEELER of Portland

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

Signed:

Representatives:

BAKER of Orrington  
SHAW of Chelsea

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

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President, I move that the Senate accept the Minority Ought Not to Pass Report in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I oppose the motion to accept the Ought Not to Pass Report of the Committee. This bill

came before the committee by virtue of abuses, or at least alleged abuses, in the reporting law relative to people's credit and character and the committee, I felt, gave a substantial and fair hearing to all those people who are engaged in this activity, resisted any type of restrictions whatever, and came out with a very much watered-down bill.

The original bill had to do with the defenses, and I would explain just briefly that under the case law there has been a holding that if a credit bureau, or that type of organization, organizes and releases information to its members under the claim of privilege that when they are sued for libel or slander, and that type of thing, the defense is raised that this is a privileged communication, and they have been substantiated on that basis. The original bill would take away this matter of defense.

Now, this in itself isn't such a bad thing to do. If a person is involved in giving an opinion of somebody else in writing, which substantially affects that person's everyday activities, it really wouldn't be such a bad idea to have him substantiate the truth of the statements he makes if he wishes to defend himself against a claim. That is what it all boils down to. Even under the present law, if a reporting agency tells the truth, they are perfectly protected, but they were very upset about being hemmed in in this way and raised considerable objection to the bill. The bill was rewritten to provide that if a credit report, or a report having to do with a person's character, was issued by a reporting agency and it was a negative report, if the report was such that the applicant, the person who was applying say for credit or a job, or whatever, was denied the position a copy of the report should be sent to the man who was making the application. That seemed to me to be a very simple thing.

This item has come up at the federal level. I think it is Senator Hart from Michigan, I believe, who has legislation pending that might require this situation. There have

been numerous instances where people have been injured unjustly by virtue of these reports. I don't think we have to go into documentation here, but it has happened a great many times, people have pointed it out to the committee, and I think the attorneys themselves probably are aware of some instances where they feel people were unjustly treated by collection agencies or credit bureaus.

Now, we felt that this was a very simple and economical thing for a reporting agency to do. You see, if they reported negatively on somebody, and that person deserved to be reported negatively, he undoubtedly would just accept that. He has applied, say, for credit or a job and he was in hopes that they didn't find out about a certain thing, they did find out about it and they wouldn't go along with him and consequently he lost out, that would probably be the end of it. But you see, on those occasions, and it does happen, where a person might be unjustly reported on negatively, where in fact a mistake of the individual was made, they got the wrong name or something like that, or they contacted a previous employer who had, say, a considerable gripe against him and reported falsey about him, or neighbors reported falsely about people, and that has happened in the past, this man would have an opportunity then to know the reason and go forth and probably make further explanation and thereby either possibly get the position he is applying for or the credit and so forth.

I know there are people in the merchant field who just don't want to be bothered with any type of restriction whatever, but if you are injuring somebody it just seems to me the only gentlemanly thing to do is to stand up and say so. I would hope that we could accept the Ought to Pass Report of the Committee.

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

Mr. MINKOWSKY: Mr. President and Honorable Members of the Senate: This L. D. is discriminatory against you as a

businessman or professional man, better known as the credit grantor, and the reporting credit agency. There is presently federal legislation which, I believe, has been passed and which will affect all states on a more equitable level in the very near future.

If a person was refused credit, he presently has the opportunity to visit the bureau which furnished the report for him and receive a private interview. As professional and businessmen, this legislation would dry up all sources of credit information which you would need to render to all the varied credit risks you might have.

If you will look at Subsection 1402, which Senator Kellam was referring to, it does state that if you turn a person down you must write to him and write to the reporting agency, then the reporting agency must furnish a copy of the report to the subject, or better known as the debtor. In speaking about this earlier, it was said "this just represents a six-cent stamp." But with the cost of labor today, I think that going through this particular thing as a businessman, and the agency going through it as the people who made the report on the subject, it would be quite expensive. In fact, on a three-dollar report this may cost more than three dollars with the cost of labor involved in the thing. I would hope the Senate would go along with the acceptance of the Minority Ought Not to Pass Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Very briefly, I would like to suggest that this is an example of using a howitzer where perhaps a BB gun would have been better.

Next Saturday afternoon into my place of business will walk a man who is bleery-eyed and who has come directly from the bar, he has been walking around to various stores trying, in a spirit of daring, trying to get somebody to give him credit to buy a watch, which he then will take and sell to somebody for a fraction of its value, and he has no equity in it anyway. It

is quite apparent that we are not to extend credit to him. We will make a check on him, but according to this law, we then would have to stop all our proceedings and inform him in writing that we were not going to extend credit to him, although he probably won't even remember the next day that he asked for credit. We are going to have to tell the credit bureau that we refused to extend him credit, and they are going to have to write him a letter giving him all the records.

Now, I imagine there may be abuses, but in twenty years in the retail business in Maine I have known of not a single case where a person in the Augusta area has been refused credit at the retail level where he didn't have recourse to find out why he has been refused credit. In those areas where the credit application is more serious and more germane, we will either tell the person why he hasn't gotten credit or, if it is a touchy situation, we will refer them to the credit bureau and, so far as I know, our credit bureau is completely responsible, answers the questions, and the person does in fact find out why he hasn't received it.

I think the intent of the legislation is fine. I think its implications for retailing in the State of Maine are enormous and very regrettable. I hope you vote in favor of the motion to accept the Minority Ought Not to Pass Report.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I suppose what the good Senator from Kennebec, Senator Katz, has to say has some merit to it, but there were members of various credit corporations that appeared before us that said that in their investigations many slanderous statements were given in reference to some of the people who were trying to obtain credit. The fact is that we did have some responsible people who were employed by the credit bureaus, and that was as far as the statement got, and it was never made a part of the document or a part

of the credit rating. But when they go into such things as what time a guy goes to bed at night, and who he is traveling with, and things of this nature that were definitely stated as being the types of true statements that were given in a credit rating, then I think there is need for some type of legislation.

I am sure that Senator Hart in Washington doesn't have this proposed legislation before Congress because it is a BB gun type of legislation. There is a howitzer needed apparently. The bill that we have before us is a very innocuous little bill. It states that if one is refused credit then all the credit corporation has to do is send him a statement telling him why. He will know whether it is a factual statement against him, whether the statements are true or whether they are false. If they are true, the credit corporation has nothing to worry about. If they are false, then I think that they should be rectified very early.

I notice that the majority of the committee was eight to two on this report and, although the minority report was accepted in the other branch, I think it is a worthy piece of legislation and I don't think it should be just swept under the rug so loosely.

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

Mr. KELLAM of Cumberland: Mr. President, I wanted to just say one thing to the body, that I think the statement relative to the town drunk wandering in for a watch might be somewhat misleading, although I really don't see how it could be. This is only a half-page bill and if you will read the bill you can see that if the credit report is requested and received there should be some attention given toward relaying the information to the credit applicant. Of course, there would be nothing to stop any store owner from declining to sell to people who walk into their stores. I am quite sure that merchants of the ability of the speaker wouldn't spend his money getting credit reports on someone such as he has described.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: The evidence that, as has been brought out by some of the speakers this morning, was presented before the Legal Affairs Committee, was quite crying in need in this particular matter. One of the former employees of a credit bureau appeared before our committee and brought in some forms of the questions which were asked, not of the individual that was being investigated, but from the individual's neighbors. With the young people in our presence, certainly I would not go into the questions which were on that form, and which we felt were certainly not a matter for consideration in credit reports.

These individuals went on to explain — and there were two of them that were employed by one particular bureau in Portland — went on to explain to us that they received \$1.30 per report. This is their employment, obtaining reports on people. Now, I submit to you that if an individual is going to make a day's pay preparing reports, how many reports would he have to compile in one day in order to make a living? Well, this individual told us that at the rate of \$1.30 per report he has got to be out in the field getting together at least twenty to twenty-five reports a day to make a living. Now, if you divide the number of hours by the number of reports, or whichever mathematical formula is necessary to arrive at this, how much time do you suppose an individual who is employed by a credit bureau spends on one report? This is ridiculous. Here you are talking about the character, financial status, the social standing of an individual, and you mean to tell me that somebody can put this together in a matter of minutes? Well, there is something wrong somewhere in our society if we are going to permit this, and permit these reports to be submitted, however erroneous they are, and to be relied upon and

people to be denied their rights under our laws. Something has to be done to curb these inequities that are being legally carried out by these credit bureaus.

I don't know if this is the instrument required for this or necessary, but certainly we should do something to protect the individuals of our State. This is within our province and it is within our authority to do so. I don't feel personally that this bit of legislation is at all a hardship on anyone. Now originally this bill, the way it was presented to us, I felt it was too great a hardship, it went too far, and I originally intended to sign an ought not to pass report on this. But I was lobbied by so many opponents on this bill, giving me their opinions on how it should be written, and virtually answered every lobbyist's complaint on the bill to the point where we watered it down so it would be acceptable to all of them, and yet they are dissatisfied. Well, what are we supposed to do as members of the Senate and as members of a committee? We have done our utmost to satisfy them and yet they are opposed to it.

All this bill calls for is that, when an individual is refused credit, that this individual ought to have the right to know why he was refused credit. This is the only thing this bill does. And it costs no more than a six-cent stamp or a telephone call. Sure, they will tell you "come in the office and we will tell you what the report contains." Well, I can just see somebody from East Millinocket or Van Buren or Fort Kent driving to Portland to find out what is in that report. And when you get there, it was submitted to us in committee, that the credit bureau is sorry but the report has been sent to the head office in Chicago and is not available for the people. Clearly there is something wrong here, and I think it is up to us to rectify this wrong and enact legislation which will protect the citizens of our State. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to reiterate what the good Senator from Penobscot, Senator Tanous, stated. I got two phone calls at home from two of the leading department stores in the city and they had some concern at first about this bill because of the fact that the bill, as written originally, said that they must give a report on all credit applicants. I think that is what the good Senator from Penobscot, Senator Tanous, was talking about once when he said he was going to sign the Minority Ought Not to Pass Report. We watered this down to just those few individuals who have been refused credit.

I think we have a job here to do to protect the consumer in that respect. I know that there are these fly-by-night credit outfits that are just riding loose, riding roughshod, and it is unfortunate because sometimes many a citizen's reputation is hurt because of some bad statement that has been made in a credit report, and there is no recourse because the person doesn't find out about it and may never find out about it. So, this type of legislation is going to protect the consumer in that respect and, as the good Senator said, nothing more than a six-cent stamp will straighten it all out.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I sit here and hear people comparing apples and pears. If there is a problem with the type of credit report that is being discussed where there are men in the field, this is completely outside the retail business. The typical credit bureau that is checking retail credit has no men in the field; they rely on their own records, correspondence and the telephone. If somebody makes application for a big loan to a bank or something, this is one thing, but when you say to every retailer in the State of Maine who extends credit and with whom, so far as I know, the hearing showed no substantial

problems, I have a feeling the problems were in other areas rather than the little retail stores.

If you say to every retailer in the State of Maine that any time you turn down credit based upon a report from the credit bureau that you have got to get your secretarial staff, which is non-existent in a mama and papa store which issues credit, or a store like mine which has no secretarial help, do you mean to tell me that I have to sit down at my typewriter and bang out a letter to the credit bureau and a letter to the person I refused credit to, I say you are putting a burden on, and it is a burden that is not justified by anything that I have seen in twenty years of operation on Water Street in Augusta. If it is a burden on other stores in Augusta, it is completely beyond me. We are in the business to extend credit, and if the credit bureau gives us a report that is the least bit suspicious, or the person says "They must be getting me mixed up with some other John Smith," well, by heavens, it is to our advantage to investigate and make sure that any confusion about which John Smith is resolved so we can sell the merchandise, because this is what pays our rent.

Bless the heart of the Legal Affairs Committee, I think there are two areas of credit here and you are putting in the retail store in a posture that it just doesn't belong in.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: On one particular item that Senator Conley from Cumberland referred to as "fly-by-night" outfits, I can assure the good Senator that here in the State of Maine there are no fly-by-night credit outfits because they are all regulated by the Department of Banks and Banking, and they are scrutinized, evaluated and analyzed twice a year. If by chance anything goes wrong, their license would be lifted in one single minute, and this has happened in the past.



I bring to the attention of the Senate that a large retail store in the State of Maine that would have possibly sixty new credit applicants in the course of a day, you may have at least one-third of those that might be rejected for one reason or another, and this definitely imposes a very serious hardship on a store to report back to the debtor, in this particular case, or the person who is requesting credit and then back to the bureau, and then have the bureau compile a report back to the person who allegedly was denied credit. This definitely, dollars and cents-wise, is a very, very expensive imposition upon these people, and I sincerely hope that you abide by the motion of Senator Katz.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: These are the hardest kinds of bills to debate because if you speak against this bill suddenly you are cast as being against the little man, as I learned to my sorrow in trying to present facts on small loan companies.

A man's credit is a reflection of a man's character. It is a lot more than a record of his performance. A man's personal habits are quite germane to his credit. What is his character? How much drinking does he do? Is he living beyond his means? Does he have perhaps criminal associations? These are all parts of a man's credit, and these are the things that perhaps this credit company will be forced to report under this bill.

If you are playing the stock market, there is a lot more to picking a stock, as some of you undoubtedly know, than the performance of the company. A good stock analyst knows who the executives of the company are, knows their abilities and how good they are. You can't put credit in black and white terms, I am afraid, and I think frankly, as has been stated here, that this would effectively dry up sources of credit information in this State. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Credit Reports." A division has been requested. As many Senators as are in favor of accepting the Minority Ought Not to Pass Report of the Committee will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

### Second Readers

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

#### House

Bill, "An Act Placing All Unclassified State Forestry Department Employees in the Classified System." (H. P. 1243) (L. D. 1578)

Bill, "An Act to Incorporate the Town of Flagstaff." (H. P. 1241) (L. D. 1576)

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

Bill, "An Act Relating to Hospitalization for Mental Illness of Inmates of County Jails and During the Pendency of Criminal Proceedings." (H. P. 1239) (L. D. 1574)

Resolve, Authorizing Louis Nadeau to Bring Civil Action Against the State of Maine. (H. P. 1240) (L. D. 1575)

Bill, "An Act Amending the Fictitious Grouping and Rate Filing Provisions of the Insurance Code." (H. P. 1227) (L. D. 1560)

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. 1244) (L. D. 1579)

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

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

#### House — As Amended

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

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

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

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

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

#### Senate

Bill, "An Act Relating to Jurisdiction and Judicial Divisions of the District Court." (S. P. 468) (L. D. 1526)

Which was Read a Second Time.

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

#### Enactors

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

An Act Altering Formula for Retirement Under State Retirement System. (S. P. 480) (L. D. 1558)

(On motion by Mr. Hoffses of Knox, tabled, pending Enactment.)

An Act Relating to Safety Devices for Railroad Utilities. (H. P. 440) (L. D. 564)

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

An Act to Provide for Discovery Procedures in Workmen's

Compensation Hearings. (H. P. 930) (L. D. 1191)

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

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

An Act Relating to Allowance for Widows of Justices of the Supreme Judicial Court and the Superior Court. (H. P. 1228) (L. D. 1561)

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

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

#### Constitutional Amendment

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

(On motion by Mr. Gordon of Cumberland, tabled and tomorrow assigned, pending final Passage.)

#### Bond Issue

An Act to Authorize General Fund Bond Issue in Amount of Fifty Million Dollars for Planning, Construction and Equipment of Pollution Abatement Facilities. (S. P. 343) (L. D. 1209)

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

#### Orders of the Day

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Damage to Private Water Supplies Resulting from Alteration of Highways" (H. P. 445) (L. D. 569), the President appointed the following Conferees on the part of the Senate:

Senators:

GREELEY of Waldo  
CIANCHETTE

of Somerset  
PEABODY of Aroostook

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to the Military Naval Children's Home" (H. P. 1203) (L. D. 1530), the President

appointed the following Conferees on the part of the Senate:

Senators:

REED of Sagadahoc  
STUART of Cumberland  
CONLEY of Cumberland

On the disagreeing action of the two branches of the Legislature on Resolve, Relating to Retirement Allowance for Hal G. Hoyt of Augusta (H. P. 868) (L. D. 1110), the President appointed the following Conferees on the part of the Senate:

HANSON of Kennebec  
MINKOWSKY  
of Androscoggin  
BARNES of Aroostook

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Mediation Authority of State Employees Appeal Board" (H. P. 1035) (L. D. 1345), the President appointed the following Conferees on the part of the Senate:

Senators:

LOGAN of York  
TANOUS of Penobscot  
DUNN of Oxford

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for a Presidential Preference Primary" (H. P. 516) (L. D. 687), the President appointed the following Conferees on the part of the Senate:

Senators:

DUNN of Oxford  
KELLAM of Cumberland  
TANOUS of Penobscot

On the disagreeing action of the two branches of the Legislature on Resolve, Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development (S. P. 390) (L. D. 1315), the President appointed the following Conferees on the part of the Senate:

Senators:

WYMAN of Washington  
LETOURNEAU of York  
DUNN of Oxford

On the disagreeing action of the two branches of the Legislature on

Bill, "An Act Relating to Neglect of Official Duty by Municipal Officers" (H. P. 528) (L. D. 699), the President appointed the following Conferees on the part of the Senate:

Senators:

MILLS of Franklin  
QUINN of Penobscot  
VIOLETTE of Aroostook

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to the Statute of Limitations for the Malpractice of Physicians" (S. P. 85) (L. D. 279), the President appointed the following Conferees on the part of the Senate:

Senators:

STUART of Cumberland  
DUNN of Oxford  
MOORE of Cumberland

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), the President appointed the following Conferees on the part of the Senate:

Senators:

BERNARD  
of Androscoggin  
MARTIN of Piscataquis  
MINKOWSKY  
of Androscoggin

On the disagreeing action of the two branches of the Legislature on Resolve, In Favor of the Towns of Harrington for Medical Care for an Indigent (H. P. 543) (L. D. 722), the President appointed the following Conferees on the part of the Senate:

Senators:

WYMAN of Washington  
PEABODY of Aroostook  
CONLEY of Cumberland

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Qualifications of Savings Bank Trustees and Other Officers" (S. P. 406) (L. D. 1370), the President appointed the following Conferees on the part of the Senate:

Senators:

HOFFSES of Knox  
KELLAM of Cumberland  
HANSON of Kennebec

(Off Record Remarks)

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

HOUSE REPORT—from the Committee on State Government on Bill, "An Act Revising the Maine State Personnel Laws." (H. P. 1048) (L. D. 1376) Minority Report, Ought to Pass with Committee Amendment "A" Filing H-467; Minority Report, Ought Not to Pass.

Tabled—June 9, 1969 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill came to my attention belatedly, and there is part of it that kind of stood my hair up on end. Presently we have a State Personnel Board which, imperfect in its operation, never the less has done a reasonably good job in keeping a sense of professionalism in state employment. I would ask of any member of the State Government Committee if the implication, as I read it, is correct that this bill would give us a single director of personnel who is responsible and subservient to only the Governor of the State in setting such things as employment policies, hiring practices, and the like?

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

Thereupon, on motion by Mr. Wyman of Washington, retabled and tomorrow assigned, pending Acceptance of Either Report.

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

RESOLVE, Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service En-

terprises and for Preservation of Certain Business Enterprises. (S. P. 291) (L. D. 1316)

Tabled—June 9, 1969 by Senator Moore of Cumberland.

Pending—Final Passage.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Final Passage.

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

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

Tabled—June 9, 1969 by Senator Reed of Sagadahoc.

Pending—Motion by Senator Tanous of Penobscot to Indefinitely Postpone House Amendment "E" Filing H-438.

Thereupon, House Amendment "E" was Indefinitely Postponed in non-concurrence.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Every time I go into a grocery store or into the Post Office someone who runs a snowmobile and knows that I run one too wants to know what the current status of the snowmobile legislation is. I wonder if someone could bring us up to date. I think it would be a good thing for all of us to know because it is embarrassing if you happen to own one yourself and they ask you, and there has been four or five snowmobile bills here. Some of the members, I think, like the good Senator from Penobscot, Senator Tanous, probably have got the information at their fingertips. I wish somebody would tell us all where the snowmobile legislation is and where it seems to be heading.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: To completely explain the entire bill, of course, would require much more time than I am sure I have at this time, but in reference to the amendments which I had indefinitely postponed,

I want to mention to each and every member of the Senate that these amendments, every one of them, either were covered under Senate Amendment "C", or were covered in the bill, or were contradictory to the existing or the proposed legislation. Apparently it is a personal vendetta, I guess, that is going on on this bill and there was a serious attempt by one individual, I think, to kill the legislation, but that is neither here nor there.

Right now this bill is as perfect, I guess, as anybody could put a bill together. It has completely revised the entire snowmobile law which is on the books in the State of Maine. It has made it a very workable piece of Legislation. I think the Maine Snowmobile Association has endorsed this very highly. Last week there was a representative of the United States Snowmobile Association here in the Senate Chambers, and who mentioned—and I am very proud of his comments — that they are going to use this bill for a model bill for the whole United States. So, I was quite pleased to hear that.

The bill itself revises the old law in that it makes the crimes under the bill more definitive, more interpretive, and more enforceable. We have done away with the motor vehicle part of it; we transferred it to the Fish and Game Department. The town clerks will now be able to register the snow traveling vehicles. You don't need a temporary registration. You can go to your town clerk, deposit a ten dollar bill — of course, this is presuming that this bill goes through — and everybody can register their snowmobile right at the town clerks office. From the ten dollars, six dollars will be retained at the local level. Three dollars, or two dollars and seventy-five cents actually, as twenty-five cents will be retained by the town clerks for their work, will be sent to Fish and Game for enforcement, and a dollar will be sent to Parks and Recreation for trails and maps.

The numbers, which many people have been concerned with, after going back and forth on it, we decided that perhaps the number ought to stay with the snow vehicle

because of the problems people will encounter when they want to trade the vehicle, they will have to scrape the number off, paint the vehicle again, so for all practical purposes we left the number with the vehicle. But where it is going to be on local level, we feel that you may well retain your number just as well if you can get to the town clerk in time before she issues it to somebody else, or if you discontinue the use of the snowmobile. There are many other aspects of the bill I would like to go into, but I think generally this covers the bulk of the bill itself.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: If the town clerks are going to issue the licenses, and we are going to retain the old numbers if we get there soon enough, is there some protection written in so there won't be a duplication of numbers? Are they going to have applications, numbered applications, or will they write the numbers in or how will that be done?

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: It is my understanding that the Commissioner will supply each and every town clerk in the State with numbers so that there definitely won't be a duplication of numbers, so that there won't be any problems there.

The PRESIDENT: The Secretary will read House Amendment "A".

House Amendment "A", Filing No. H-24, was then Read and Adopted in concurrence.

Thereupon, House Amendment "F", Filing No. H-463, was Read and Adopted in concurrence, and the Bill as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth 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 9, 1969 by Senator Tanous of Penobscot.

Pending—Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: As a result of several bills which should have been enacted by this legislature, it appears that the town manager bill, in its present form when it came out of committee, was inconsistent with other legislation which we have enacted in this legislature this year. So, it has been necessary to, or at least what we intended to do this morning, was to indefinitely postpone the amendments which are presently on the bill, and to introduce Senate Amendment "A" to adequately cover the inconsistencies in the law. With this in mind, Mr. President, I would like to move suspension of the rules so that the Senate can move to reconsider the amendments on the bill.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate suspend the rules. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Tanous of Penobscot, the Senate then voted to reconsider its action whereby it Adopted House Amendment "A".

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

On further motion by the same Senator, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A", as Amended by House Amendment "A" thereto.

On further motion by the same Senator, the Senate voted to Indefinitely Postpone House Amendment "A" to Committee Amendment "A" in non-concurrence.

On further motion by the same Senator, the Senate voted to Indefinitely Postpone Committee Amendment "A" in non-concurrence.

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

Senate Amendment "A", Filing No. S-244, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

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

Tabled—June 9, 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 sixth tabled and specially assigned matter:

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

Tabled—June 9, 1969 by Senator Wyman of Washington.

Pending—Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled, pending Passage to be Engrossed.

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

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

Tabled—June 9, 1969 by Senator Minkowsky of Androscoggin.

Pending—Motion by Senator Berry of Cumberland to Reconsider Passage to be Engrossed.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel kind of mixed up, I guess, a little bit. I was so happy because I thought we had a bill here where myself and Senator

Berry could vote the same way. This bill is to appropriate funds for educational costs for Maine students in private schools of higher education.

There is no question about it that the University of Maine at present doesn't have enough facilities to accommodate all of the students that should attend college in the State of Maine. We have now in the State of Maine quite a few private colleges but the enrollment of State students is only about twenty per cent. They promised if the State would pay for the tuition of additional students they would enroll more Maine students. The students that are attending the private colleges now most of the time come from wealthy families that can afford to pay their tuition. The only problem that we have now in the State of Maine is the lower income families that don't have the money to send their children the school.

Senator Berry was very much in favor of this bill until I put in an amendment that the money that the State will be paying for students attending private colleges should go to those that wouldn't go to college any other way. That means for the low income families. I would ask now the Senate to vote against reconsideration by the good Senator from Cumberland, Senator Berry, because his aim is just to kill the amendment. He isn't interested in lower income families attending college.

The PRESIDENT: For what purpose does the Senator rise?

Mr. BERRY: Objection to the personal views of mine which are being related by the Senator.

The PRESIDENT: The Senate would ask the Senator from Kennebec, Senator Levine, to be careful of what he is saying.

Mr. LEVINE: I apologize. My interest mainly lays in higher education and we should have more students attend higher education. The only way we can accomplish it is help the ones that need help. I have children going to private colleges; I can pay for them. I don't think the State should have to pay for my children. But by

the State paying tuition for additional students to go to private colleges, it will not solve the problem that we have now of not the ones that can afford to send their children to school anyway—what we have got to do is solve the problem, and the only way we can solve it is to help the ones that need help.

I have just read this Sunday - maybe most of you read the same thing - in the New York Times, and I think the New York Times should be good enough for us to go by, about loans from the government to go to college work. They claim it doesn't go over very good, the interest rate went up high, and the banks are not willing to loan the money. I mentioned it once before and now after I read it in the New York Times—I don't think they read what I said here before they printed their article—they didn't need me, I don't think.

But, if we pass this legislation and leave the amendment in it, we have got quite a few private colleges in the State, and the children of low income families will then be able to attend and they will become good alumni members of the colleges. Most private schools like to have some alumni members that in future years can contribute financially to the institution. I want to assure this body that if a poor boy goes to college he can be successful too. He can be a good alumni member and he can contribute to his school because everybody is loyal to the school that he graduates from and helps it financially all he can. If we want to do something constructive, if you want to help the youth of the State of Maine, I think we should leave this amendment, and I would urge the body to vote against the motion by the good Senator Berry from Cumberland.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: After this long tirade, I hate to inform the Senator that I am very much in favor of his amendment and have no intention of postponing it. I made a mistake when I moved that the bill be

substituted for the report originally, not realizing that there was a new minority report draft out, and that is what I wanted to put on here. So, consequently, I would hope that my motion to reconsider passage of this bill would be accepted by the body so we can go back and put the right bill before us with the amendment, and I will heartily support Senator Levine's amendment.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education", was passed to be engrossed. As many Senators as are in favor of the motion for reconsideration will say "Yes"; those Opposed "No".

A viva voce vote being taken, the motion prevailed.

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

Mr. BERRY of Cumberland: Mr. President, I move the rules be suspended and the Senate reconsider its action whereby it adopted Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that under suspension of the rules the Senate reconsider its action whereby the Senate adopted Senate Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, might I ask the impact of reconsidering Senate Amendment "A"?

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

Mr. BERRY of Cumberland: Mr. President, I move the rules be suspended and the Senate reconsider its action whereby it adopted Senate Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that under suspension

of the rules the Senate reconsider its action whereby the Senate adopted Senate Amendment "A". Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, might I ask the impact of reconsidering Senate Amendment "A"?

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

Mr. BERRY of Cumberland: Mr. President, now if Senator Katz would bear with me, I intend to make motions to indefinitely postpone Senate Amendments "A" and "B", substitute L. D. 1565 for the existing L. D. 1228, and then add back on again Senate Amendment "A" and "B" so we will be right where we are now in proper form.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by Mr. Berry of Cumberland to Reconsider Adoption of Senate Amendment "A".

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

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

Tabled—June 9, 1969 by Senator Hoffses of Knox.

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

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending the motion by Mr. Beliveau of Oxford to Reconsider Indefinite Postponement.

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

Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." (H. P. 1030) (L. D. 1339)

Tabled—June 9, by Senator Katz of Cumberland.

Pending—Motion by Senator Boisvert of Androscoggin to Reconsider Indefinite Postponement.

On motion by Mr. Katz of Kennebec, retabled until later in today's



session, pending the motion by Mr. Boisvert of Androscoggin to reconsider Indefinite Postponement.

The President laid before the Senate the tenth tabled and specially assigned 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." (S. P. 449) (L. D. 1483)

Tabled—June 9, 1969 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senate Amendment "C", Filing No. S-246, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to go through this amendment with the members of the Senate, but before I do I would like to give some notion as to the procedure that I hope the Senate will follow.

You will notice by looking at this amendment that it places on the supplemental appropriation bill the specifics of exactly what leadership is suggesting we do with the funds that will be raised by the tax amendment we adopted yesterday.

After this is adopted, and I hope you will go along with the adoption today, it will then go down to the House of Representatives where, it is my understanding, that another House amendment will be offered. It is my understanding that the House amendment will seek to raise the exemption on the intangible tax from the first thousand dollars of income to the first fifteen hundred dollars of income. At that time we again will be in non-concurrence so that the package will then come back to the Senate again to hopefully recede and concur. At that time, if all goes well and the sailing is very, very clear, the bill will then go back down to the House for enactment and then, subsequently, will come back here for enactment. As you well know, the enactment stage calls

for a two-thirds vote. So, those of you who have some misgivings about specifics in the bill will have ample opportunity to express your selves very, very vehemently.

I would like to take just a few minutes of the Senate's time this morning to suggest certain parts of Senate Amendment "C" towards which you should direct your attention. On the first page there is a figure of \$274,350. This is the first figure in the left-hand column on Page 1. This is the figure for the first year of the biennium that will have to be given to the State Department of Education to support the increased cost of parochial students who are presently involved in parochial schools that are closing. This is consistent with existing law.

The next figure I direct your attention to is the figure of 7.575 million dollars for school subsidies in the second year of the biennium. This figure, along with the 4.9 million dollars which presently is languishing on the table for the first year, will seek to give a total relief to our towns and cities of 12.5 million dollars for the biennium. Those of you who are aware of our attempts last session to raise a 10 million dollar figure will see that it is completely consistent and reasonable, in view of the increased costs of education.

Down at the bottom of Page 1 - the middle of the page, by the way, is just a change in the totals required by the additions above - down at the bottom of the page under Mental Health and Corrections you will find a figure which approaches 1.1 million dollars for the two years, and you will notice that \$473,000 of that provides what we have referred to as "combat pay" for those who are directly in charge of the inmates of the various institutions at Pineand, at the correctional institutions, and the State Hospitals. If there was one phase of this operation that we felt was completely deserving, it was to reward those who are in direct contact with the patients, who have very, very difficult and very menial jobs, reward them by moving their pay scale one scale up, and the cost of this is as you

see. The remainder of this \$545,000 for the first year and \$572,000 for the second year involves additional funds for range changes for psychologists and physical and occupational therapists at our institutions. There has been substantial publicity in the newspaper about the fact that our physical therapy program at Pineland is non-existent, and this of course will take care of putting it back into existence.

I would suggest to you that on Page 2 there is nothing to look about. This is unchanged from the existing bill. Page 3 is completely unchanged. On Page 4, in the middle of the page, you will find that there is a section called "Overtime Payroll." in our institutions we are squeezed by the necessity in the correctional institutions to change from a 48-hour week to a 44-hour week, and in the mental institutions and others to change from a 44-hour week to a 40-hour week, and this sum of \$300,000 will permit us to have resources available to pay time and a half overtime to the State employees who are trying desperately to man these hospitals, pending our ability to hire new people to do the job required.

Down below, just a few lines down below, you will see a figure of 2.1 million dollars. This includes 1.1 million dollars to raise the proposed raise for the State employees from seven dollars across the board to nine dollars across the board. That explains, I think, very briefly the implications of this document.

You may or may not notice that left out of this bill are certain figures for interest and debt retirement and some new people for the Department of Taxation to implement the programs which we are hoping to put before you very, very shortly. This then is the heart of the matter. We are caught between the devil and the deep blue sea, between those who claim we are falling very far short of the real needs of the State and those who claim that we are doing far too much. Sometimes I have the feeling that if we are catching it from both sides maybe we are indeed steering a responsible road

down the middle. I know of no one that is enthused about the approach that we are following because, like medicine that is very badly needed, it is rather bitter to the taste, but I think that this represents very, very clearly the kind of accommodations between the leadership of both parties that the public really wants.

I want to suggest to you that the leadership of the Republican and Democratic Parties have met, and met repeatedly, in attempts to resolve our differences and come to a harmonious midway point where we feel that we have expressed a consensus of what the State really needs and what the State really can afford. I move the adoption of this amendment, and I request a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Senate Amendment "A" be adopted and requests a roll call.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This amendment, as near as I can see, adds in some items that were on this sheet that was taken up in caucuses, and so forth, that have to be added, but it still leaves the total at about an increase of \$85,000,000 over the last biennium.

The taxes we have on the books that have taken care of the current biennium raised \$238,000,000. Those same taxes for the next biennium will furnish about \$249,000,000, according to estimates. That is an increase of \$11,000,000 in income from those taxes, and percentage-wise that is a 46 per cent increase over a two-year period. If we go to this amendment and 1483, the suggested supplemental budget, for an increase of \$85,000,000, that is an increase of 35.6 per cent in our expenditures. Somewhere along the line I think we are getting away out of line on this and it will come back to haunt us, I am sure.

It seems to me that we have a responsibility, not only to the people that sent us down here this time to look at these items and do the things that are mandatory, but to give a long hard look to those things that are perhaps desir-

able but do not have to be done at this time. I think we also owe this same responsibility to the people that will be here two, four, or six years from now, and it doesn't take any mathematical genius to figure out just what is going to happen. Those of us who have been around here for two, three, or four terms have seen the growth of this cost of State Government.

I have an amendment which I plan to offer. I am wondering, and this, I guess, would be a parliamentary question: if this amendment is accepted and I offer my amendment, whatever happens to that, what is the outcome? One amendment offsets the other, and which one would take precedence if — I don't expect them both to be accepted —

The PRESIDENT: Is the Senator asking the Chair the question?

Mr. DUNN: Yes.

The PRESIDENT: The Chair, not knowing exactly what the proposed amendment the Senator is trying to offer would do in relation to the amendment of the Senator from Kennebec, Senator Katz, I do not know, because if the Senate adopts the amendment that you offer then it would take precedence, I would assume. I don't know what the contradictions would be.

Mr. DUNN: I am not going to oppose this amendment as such at this time, and I will offer mine.

The PRESIDENT: If the two amendments should be in conflict, then the Senate would have to decide which one they were going to accept.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: Reluctantly I rise to oppose my good friend and colleague, Senator Dunn's suggested amendment, which is filing No. S-243. While I share much of Senator Dunn's concern about the State's ability to pay for the increases which the Part II Budget calls for, I sincerely feel that his approach is irresponsible and irrational in light of the circumstances which face this legislature today, June 10, 1969.

I will very briefly tell the Senate what this amendment would do if it were adopted. It cuts approximately \$4,500,000 off the suggested raise for State employees. I believe it leaves about \$8,000 to administer an insurance fund, but it cuts \$4,500,000 off the already curtailed recommendation for State employees. I am sure that many of you feel possibly that State employees do not deserve a raise, but these people have not been increased for two years, and the raise that has been suggested by your Appropriations Committee and the Leadership of both parties is really a cost of living increase in, I think, the broader sense of the word.

It also suggests a cut in the University of Maine budget, which already has been cut some \$9,000,000, by an additional \$3,700,000. I was interested to read the Portland Press Herald this morning that the University of Maine trustees met yesterday in Aroostook County and they voted to freeze the 1970 enrollments at this year's level in the wake of the reductions already recommended in the University's budget. The trustees were told that if further reductions are made in the budget some students already accepted for next fall may not be able to be accommodated. Further reductions, Dr. MacNeil said, would result in drastic measures, such as taking away already granted salary increases, closing installations, curtailing building construction and holding back enrollments. New students accepted at the University system's several campuses for next fall total 765 at the present time. And the University had asked and expected to get funds to accept approximately 1,050.

Additional cuts suggested by Senator Dunn in his amendment would be to remove the 18 per cent ADC fund, so-called, from the towns, which involves 2.1 million dollars. It completely ignores any educational subsidy monies, initially set at 6.4 million, and further added to by the amendment which Senator Katz has discussed with you previously.

Basically this amendment would pretty well rule out any increase to the State employees, cut the

University of Maine by an additional \$3.7 million, it would remove \$2.1 million from the aid to the towns in the form of the 18 per cent ADC, and delete the educational subsidy monies. There are other things in this document that are seriously hampered but these are the high points. So, I seriously urge the Senate to vote against the amendment which Senator Dunn has offered, which is Senate Amendment "B" to L. D. 1483. Thank you.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: When you hear the remark "irresponsible," I think that is a matter of each individual's opinion. Is it responsible to hold these expenses down or is it responsible to build them up to put us in trouble for future legislatures, impossible trouble, and it is not only possible, it is very probable?

In the first place, I will go back and talk about my amendment. I would like to make plain its origin. The amendment that I offered in the Senate back on May 5, 1969, and which was defeated, was taken by a member of the other body, a few changes were made, and that was printed up and dated May 12, 1969. It has been distributed but never offered in the other body, so this is an exact copy of that amendment. So, this has been in your books as H-305 for the last month.

We talk about pay raises for the employees, and I will agree to this much of it without question: that something has to be done or should be done in what we have been classifying as "combat pay" for those employees working in our State Hospitals and Pineland. The changes in the pay scale for those psychologists and physical therapists should be done. We have to do something to take care of the time and a half payment and cutting from forty-eight to forty-four hours a week. The other to me is desirable, and yet if you look this information was from the so-called "snoop book" here in the copy of the U.S. News of June 2nd it quoted figures of costs

of index prices going up 26.4 per cent from the 1957—1959 period to April of this year. In checking those figures back through in the so-called snoop book, there was increases in two or three cases that I did check that run from 25 to 33 per cent in that same period in the last five years. I didn't go back to the 1959 area; those books were in front of me and I took those figures. So, I am not sure but what, if anyone checked the figures out, that the employees at at the present time have more purchasing power than they did in 1957—1959. Be that as it may, some of this is mandatory and some of it is desirable.

The University of Maine's budget has been spoken of. Now, in our current services the University of Maine received \$39,846,000, and on top of that they got about another \$3,000,000 that the State colleges have been returning to the State treasury from tuition and other fees that they have collected, which gives them 42.8, and for this last biennium, the one that ends in a few days here, they received \$34,000,000. This amendment which I propose gives another \$3,000,000, which would bring them up to almost \$46,000,000 and that is about a 35 per cent raise. If you add what is in 1483, another 3.6, it is almost a 50 per cent raise, probably 48 or 49 per cent. It is a total figure of 49.6 million, or something like that, and 51 would be a 50 per cent increase. To me this may be responsible, and I am not saying that the University of Maine couldn't make good use of it, but I do say that there are limits. I believe that this is one area where we should look into those.

As far as newspaper reports, items that appear in the newspaper and sometimes I think they are well timed.

There are only three or four areas where you can really take any amount of money from the budget. The big items in this supplemental are about \$5,000,000 for debt and interest, which cannot be touched. There is 7.1 for employees, 12.5 for subsidies, 6.1 for Health and Welfare 2.5 for Mental Health, and 6.8 for the

University of Maine. The budget that I would propose totals to about \$14,500,000. It does not, as the Senator from Penobscot, Senator Sewall, said, it does not include any subsidy for the second year of the biennium, but the other body at this particular time has a new formula before it in an education bill where this could be taken care of.

In going through 1483, which is our supplemental budget, in marking those items which I considered mandatory, debt retirement, some of the vocational schools, some part of it in southern Maine is absolutely necessary, teachers group life insurance, interstate agencies, Bureau of Finance, those items total up to about \$10,000,000. Everything beyond that is something that is desirable, there is no doubt of it, but we do have a choice. It seems to me that it is time we made a choice, and if we don't do it, it isn't going to be very long before somebody will be faced with a much more difficult choice. Every year that goes by and we add to it makes it that much more difficult. So, I am opposing this bill not so much perhaps for the individual items as I am for the total cost. These mandatory things have to be taken care of; outside of that, it is a matter of choice, and I think we should give that quite a lot of consideration.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: When I hear a good solid sound legislator, for whom I have a great deal of respect and a large amount of personal friendship, accuse good Senator Dunn of being irrational and irresponsible in his action, I think that doesn't, of course, reflect exactly the feelings of the speaker, I am sure, but it does point up the situation in which we find ourselves.

Reduced to its simplest form, I think that the point made by Senator Dunn, that we are facing an \$80,000,000 plus increase, is the key to the problem in my particular thinking. The problems of future legislators, not four years

away, but two years away that face this problem, in my opinion, is going to be almost an insurmountable situation.

I feel that there has developed an aura of sacrosanctness about this proposal that is before us. We have been asked to go along as good fellows and to smooth the passage, and so forth, but I for one have arrived at the point where if being a good fellow means going along, without further study of this particular far-reaching and expensive proposal, I cease to be a good fellow. I feel that there is more than one solution to a problem which is getting upon into the nine figures, over \$500,000,000, if we are not pretty soon careful here. I think we have just got to slow down and be sure that we put in built-in safeguards here. If disagreeing with this particular package is that, as I say, I for one will be happy to join the group.

I noted with interest the comments which have appeared in the press both by legislators and by editorial writers indicating that criticism, however constructive it may be, of such an important document as this can be looked upon as being an obstructionist. If this be the case, then I say that, until we have arrived at the point that we know we have the solution, that "obstructionism" may be a good word.

Now, as far as the procedure here, I would strongly suggest either that Amendment "C" be indefinitely postponed, or that this body defer action on it until we have had a time to study. It seems to me the height of presumptuousness to present us with an amendment like this and say "let's act on it, send it to the other body and we will have a chance to get this back again." I would favor such a motion, either tabling this until the next legislative day for further study, or indefinite postponement of Amendment "C", with assurance that additional proposals will be brought in. There is no reason they shouldn't come from this body.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: If there is one thing I am sure of, it is that this package hasn't been suddenly thrust under anybody's nose here this morning. Anybody who had any vague interest in the contents of this has known what it was for days. It has been discussed in depth in caucuses. It is true that the amendment itself, which is confusing because it repeats so much of the original document that is before us today, but the guts of this is no secret to anybody in the State of Maine who has vaguely been interested in knowing its contents. I hope that we will have the courage to vote on it today.

You know it is so easy talking in vague terms and in general terms about a document as big as this, but let me talk about specifics. Let me talk about the worker who is a psychiatric aide over at Pineland or the State Hospital. We've got to cut his time back from 44 to 40 hours. And if that is all that we do is cut his time back, we, as employers, are saying to our employee, that you are going to get a cut in pay from \$86. to \$75. a week. Now, this same psychiatric aide has been having a devil of time, in the face of historic increases in the cost of living, to make ends meet. He is performing a function that this legislature said should be performed and, from everything I see, the psychiatric aides at our institutions are saints in disguise. But we are saying to him that we are not interested in your well-being, we want to cut your pay from \$86. down to \$75. a week. Is that what we want? Is this what the people want? I don't think so. It is very, very easy to say that \$85,000,000 is an awful big increase, and by heavens it is. And it is an increase that none of us feels very good about. But do you think that the people of the State of Maine want us to say to our communities, "Let's kill off the 2.1 million dollars in ADC that we hope to take over for you. Let's kill off, not only the Part II, but probably the Part I answers to school subsidies and let us save 12½ million dollars for the State

of Maine"? A more fraudulent saving I can't possibly imagine at a time when local costs of government are going up and up, and the local communities don't have the options that we have. Terrible and limited though the options facing us may seem to us, just think about the options facing the local community. So, let's chop 12½ million dollars in subsidy out of here, and let's chop 2.1 million dollars of ADC. There's a magnificent saving of over 14.6 million dollars. But is it a saving? And is this what the people want? I have a feeling that this is not what the people want. Earlier this session when I heard a very spirited debate upon tax relief for the elderly homeowner, and such phrases as "taking away — stripping away the dignity of the older person to live in the home in which he was born, because he can't any longer afford the property taxes that keep going up and up," is this what we want? I think the problems facing some of us today is the desire to come up with a simplistic answer to a fantastically complex problem and, my friends, it would be so wonderful if we could, but we can't. There isn't one of us here who doesn't feel uncomfortable about the decision we are going to have to make today, but it is our decision to make and today is the next step in making that decision.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I am going to support the good Senator Dunn and his amendment. He has outlined it very well. I feel that the time has come when we have got to stop this tremendous government spending for State government. It is time for us to give the taxpayer some thought, the fellow that has to pay the fiddler.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I feel uncomfortable about this, and this is a hard decision for me to make, especially to op-

pose good friends of mine such as the good Senator from Penobscot, Senator Sewall, and my good friend, Senator Katz from Kennebec County, but I feel a responsibility to the voters of my area, and they just don't want this spending. They think \$85,000,000 in one biennium is too much money.

Now, the good Senator from Kennebec has concern for the State employees, and I have concern for them, but I think we should also have concern for these people who are living on fixed incomes, and when we tax their investments, we not only fail to give them any chance to get any increase, but we actually cut their salaries, or their income.

I don't think anybody has been able to tell us what the future cost of this is going to be to another legislature. I think we are just ducking the issue and compounding it. As far as the State Hospitals are concerned, I am in favor of giving them more money. Of course, we have to take care of this increased pay for the employees, the bond interest has to be paid, and there are certain items that must be paid and I am all for those items, but I don't think we have got to vote \$42,000,000 to do it, and I certainly hope you will oppose the motion of my good friend from Kennebec, Senator Katz.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Just a couple of comments on two that were made by the Senator from Kennebec, Senator Katz, in mentioning psychiatric aides. I don't think that any of us question, or have any opposition at all, to doing whatever is necessary. In the Portland paper several Sundays ago it was suggested that they be given a certain percentage, and I think at that time they mentioned 25 per cent, increase for these certain jobs that are working with the patients. The supplemental budget as proposed moves them up one step. Now, there is nothing sacred about that. Those people can be taken care of at any rate

anyone wants to do. There is nothing set about it, one grade or two grades, or whatever is necessary.

To touch on the school subsidy, somehow I have always felt that the burden on schools, the cost of schools, has to lie with the local people. If we take it off, the more we take off, the less control there is, and I think they should have it where they know the cost and it is enough so they realize it, and they have to control the cost right there at home. This may not be popular, but this is my belief and I still think that they have to bear the burden more than the State has to.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: Without reiterating to any degree the discussion here this morning, or this afternoon, I would want to be on record as favoring Senator Dunn's amendment, and I am basing it strictly on the viewpoint that the people of the State of Maine have been asking for economy in State Government and I feel that this is one area where we can fulfill our obligation to them.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I believe I have said here before that I often consider myself a conservative but, when I vote and when I talk, I usually sound like a flaming liberal, and I guess possibly that is what is taking place this morning.

The Governor, in his message in January, I think what he has said on these two issues has borne out to be pretty true. He said that things have sort of caught up with us, and I think that is true, and he said, secondly, very simply, that you can't have it both ways, meaning that you can't have any relief for the elderly and have relief for the property tax without doing something on the State level. I think maybe why I am finding myself on the State level a liberal

is because of the reluctance I have of the federal government coming into the particular areas and dictating to the States, and I feel that if the states do not meet their responsibility, then you are going to have the people in Washington telling us what to do. I feel personally that they have their hands full with the world situation without telling the 400 and some odd towns in the State what is best for them and what they should and should not be doing. Therefore, I feel as if we have to tax our people and if this State has to act then this is the way it is, and I am for it.

I was also interested in what the Senator from Oxford, Senator Dunn, said in regard to the proposal that we have before us, Senate Amendment "C". He said he had no quarrel with the items, he only argued with the total. That, to me, doesn't make sense, and I think this is poor policy. The total reflects the items and if you believe in the items, and feel that they are needed, then you will have to agree that the total is needed.

As I said before, I was a contractor, and make my living, if it is at all, on bidding. I am not very successful because I'm not very rich, but I do know that when you take and you bid a job and you add up the items, lots of times you say, well, gee, that total bid is too high. You do go over the items again, but it is foolhardy if you take and cut them, and especially cut your labor and material costs to the point where you think what the job should go to and then then put that bid in. That's the best way I know of of going broke, and I think that this is true also at the State level. Now, the Senator from K e n n e b e c , Senator Katz, mentioned the items here as proposed, and I agree that it is pretty complicated actually. It is not complicated, but it repeats the L. D. almost itself. Really the only changes, the biggest changes, I believe, are in the million dollars for subsidies, extra money for bonding, and also an item for the State employees. I assume maybe we could call this the unreasonable budget. I am sure

the Governor believes we are being unreasonable in proposing it, that it doesn't go far enough, and I certainly believe the Republicans are being very unreasonable—and I would apologize maybe to the Senator from Franklin, Senator Mills because I said that I would hope that a small income tax would be proposed to pay for this Part II Budget—but the Republicans were unreasonable, they wouldn't go along with it, and the Democrats were very unreasonable because they didn't want to talk an increase in the sales tax, and so everyone is possibly being unreasonable. But, I would hope and, although I sympathize with the remarks of the Senator from Cumberland, Senator Berry, that he might like to look at this further, I think that we have looked at it, so I would merely say that if individuals wish to offer amendments that this is the time to do it, but if you have no amendments to offer, then I would like to see this thing moved on. It is getting late in the year and we are still going to have to face the real crunch when it comes up for enactment. Therefore, I will support this amendment at this time.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I seldom disagree with my colleague, Senator Reed, but he and the Chief Executive seem to suffer from the same malady which has to do with the difference between the sum and the parts that make up the sum. I find that fascination with the details should be coupled with fascination for the total of these details, and it is this lack of fascination on the part of the Chief Executive that has put us in the predicament that we are in. This is the reason I feel that some study is needed, and I do not share Senator Reed's thought that everybody has been privy to the star chamber proceedings that have been reported in the paper over the past week.

Pie in the sky would be a description of the procedure which has been followed by the Chief Executive in preparing a budget



without any attention to the total of the budget. It almost looks as though the method of preparing the budget has been to see how much can be done for everybody and, lo and behold, this is what the total is, but the requirements, the desirability of the details, is so necessary and so vital for the welfare of the State that we must pass it. It is this difference that I find important in our deliberations today, and why I am very much concerned with Senator Dunn's thinking about the 80-plus million dollar increase.

It is easy enough to stand up and say that speakers such as myself are against the necessary appropriations to put all our State employees on 40 hours, and of course we're not; there isn't a person in this room who is against this, and I hope our good associates outside in the sun cavorting on the State House lawn are enjoying, unlike you and I can today, the nice summer weather. They will get what they should get and I know everybody in the legislature will work for it. No, we are all for these particular items. We are for them to the extent that we can pay for them. And we are for them to the extent that we are not going to build in a time bomb which is going to explode in the 105th Legislature.

Prudence, careful deliberation, requires that this document receive due deliberation and study. In my opinion, it should be very definitely tied in with the general services budget previously passed. I do not consider that a sacred document and, now that it is law, unavailable for change.

One speaker alone in this debate has used the word "efficiency." It is a shocking thing that this has not received more attention. We talked a little bit about it when we talked about the State Highway Commission. I suggest that this be a word that we talk about on the general services budget and the supplemental budget. Has anybody thought that there is a possibility of not replacing everybody that drops off the State payroll for one reason or another? This isn't much different than the across the board cut that the Appropriations Com-

mittee applied, a philosophy with which I am not completely in agreement, but in the throes of the agony in which we seem to find ourselves now, it should not be lightly dismissed. The only head that was raised in the name of efficiency and economy was Senator Logan's Bill, which was rather quickly and deeply buried.

To say that we cannot, in a total biennial turn - over of money in excess of \$750,000,000 a biennium, to say that we can't make some cuts in excess of 10 or 12 million dollars, without stepping on all these motherhood toes that Senator Katz brings up, to my mind is admitting that we are not qualified to be here, and I don't believe that. I think that we have got the ability, I think we have got the knowledge, I think we have got the courage to dig into this \$83,000,000 increase, and I think we have just got to do it. I would hope that we are not going to rush into precipitant action at this stage of this legislation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate adopt Senate Amendment "C". A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate adopt Senate Amendment "C" to 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. A "Yes" vote will be in favor of adoption of Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

**YEAS:** Senators Beliveau, Bernard, Boisvert, Conley, Gordon, Hanson, Hoffses, Katz, Kellam, Martin, Mills, Reed, Sewall, Stuart, Tanous, Violette and President MacLeod.

**NAYS:** Senators Barnes, Berry, Dunn, Duquette, Greeley, Letourneau, Logan, Minkowsky, Moore, Peabody, Quinn, and Wyman.

**ABSENT:** Senators Anderson, Cianchette, and Levine.

A roll call was had. Seventeen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with three Senators absent, the motion prevailed and Senate Amendment "C" was Adopted.

Mr. Berry of Cumberland then moved that the Bill be tabled unassigned, pending motion.

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

Mr. Katz then moved that the Bill as Amended, be passed to be engrossed in non-concurrence, and sent down forthwith for concurrence.

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

Mr. **BELIVEAU** of Oxford: Mr. President and Members of the Senate: It is my understanding that from an earlier speaker that we were to be given an opportunity to amend this. It being engrossed at this point, we won't be given an opportunity to focus on this. I would suggest that someone table this so that we will be given an opportunity to review it this evening and possibly propose additional amendments tomorrow.

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

Mr. **GORDON** of Cumberland: Mr. President, I move this matter lay on the table until the next legislative day.

The **PRESIDENT:** The Chair would inform the Senator that his motion would be out of order. The motion to table was just made and defeated.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ** of Kennebec: Mr. President and Members of the Senate: If there is a desire to introduce the other amendment at this time I will withdraw my motion but, otherwise, I would point out that there will be ample opportunity the next time around to amend til ones heart's content. If the Senator from Oxford, Senator Dunn, would indeed like to offer his amendment at this time, I would request a response through the Chair, in which case I will withdraw my motion.

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

Mr. **REED** of Sagadahoc: Mr. President and Members of the Senate: I assume I am the Senator who misled here and I am sorry if I did. I meant that today was the time to make amendments, if any amendments had to be made before engrossment. However, and since a motion to table is not in order, I am wondering if the Senator from Kennebec, Senator Katz, could not remove his motion to send it forthwith and, therefore, if anyone does wish to amend, they could hold the bill and it would, I believe, just take a simple majority to reconsider engrossment at that time for the amendment, if I did mislead them.

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

Mr. **KATZ** of Kennebec: Mr. President, I would point out to the Senator from Sagadahoc that when this bill comes back to us from the other body we will be in non-concurrence and a very simple majority at that time would be effective. I am just concerned with the fact that it is June 10th, and I am not trying to railroad anything, but if anyone requests a specific opportunity now to put Senator Dunn's amendment on, fine, but otherwise I don't think we are taking anyone's prerogatives away.

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

Mr. BERRY of Cumberland: Mr. President, I move reconsideration of our action whereby we adopted Senate Amendment "C", only in an attempt to provide a means for tabling this until the next legislative day.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it adopted Senate Amendment "C".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I would request through the Chair of the Senator from Cumberland whether he voted on the majority side of the motion and, if so, is his motion in order.

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

Mr. BERRY: Mr. President, the answer is in the negative, and I would hope that somebody else would make the motion.

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

Thereupon, on motion by Mr. Conley of Cumberland, tabled until later in today's session, pending the motion by Mr. Katz of Kennebec that the Bill be Passed to be Engrossed.

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

Bill, "An Act Providing for Payment of the 1969 Education Subsidies to Municipalities." (S. P. 414) (L. D. 1379)

Tabled—June 9, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for June 13, 1969, pending Enactment.

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

Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools

of Higher Education." (H. P. 952) (L. D. 1228)

Pending — Motion by Senator Berry of Cumberland to suspend the rules and reconsider Adoption of Senate Amendment "A".

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to suspend the rules and reconsider Adoption of Senate Amendment "A".

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

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

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

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford to Reconsider Indefinite Postponement.

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

Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." (H. P. 1030) (L. D. 1339)

Tabled — June 9, by Senator Katz of Cumberland.

Pending — Motion by Senator Boisvert of Androscoggin to Reconsider Indefinite Postponement.

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

Mr. BELIVEAU of Oxford: Mr. President, I request a division on this matter and urge the Members to oppose the pending motion. We debated this at length and I think that we ought to act on it finally today and send it over to the other branch. I request a roll call.

The PRESIDENT: Is the Senate ready for the question? Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. As many Senators as are in favor of ordering a roll call will

rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Boisvert, that the Senate Reconsider its action whereby Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles", was indefinitely postponed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: It seems as part of my lot in life is to pair on this particular implied consent bill. I do want to see it moved along and, therefore, I do seek this permission; otherwise I would not. I would seek permission to pair on this vote. I would vote "Yes" on the reconsideration motion, and the Senator from Somerset, Senator Cianchette, would vote "No."

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, wishes to be paired with the Senator from Somerset, Senator Cianchette, who, if he were here, would vote "No," and the Senator from Sagadahoc, Senator Reed, would vote "Yes."

The Secretary will call the roll.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, as a matter of information, is the request to pair a vote subject to action of the body?

The PRESIDENT: There is nothing in the Senate rules that prohibits pairing in parliamentary procedure and custom has always allowed it in this body and many other bodies.

Mr. BERRY: Noting the absence of Senator Anderson, I am wondering if a similar courtesy might be extended by the other side in this case.

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

Mr. LOGAN of York: Mr. President, considering the past voting

of Senator Anderson and my own voting record, I request permission to pair with Senator Anderson.

The PRESIDENT: The Senator from York, Senator Logan, now requests permission to pair his vote with Senator Anderson who, if he were here, would vote "Yes" and the Senator from York, Senator Logan, would vote "No." The Senator from Hancock, Senator Anderson, if he were here, would vote for reconsideration; the Senator from York, Senator Logan, would vote "No."

The Secretary will call the roll.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, since this is a day of courtesy, I notice with dismay the absence of Senator Moore, who's position is well known in favor of this bill and I wonder if any high-minded Senator would care to pair with him.

The PRESIDENT: The Secretary will call the roll.

#### ROLL CALL

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

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

ABSENT: Senator Moore.

A roll call was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with one Senator absent, the motion prevailed.

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

The SECRETARY: This bill comes from the House, passed to be engrossed as amended by House Amendment "A". In the Senate, June 4, 1969, read once, House Amendment "A" adopted. June 5, 1969, read a second time, tabled, pending passage to be engrossed. June 6, 1969, indefinitely postponed in non-concurrence. June 9, 1969, tabled, pending the motion by Mr. Boisvert of Androscoggin to reconsider indefinite postponement.

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

Mr. CONLEY of Cumberland: Mr. President, I would move for a roll call on the engrossment of this bill.

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

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the passage to be engrossed of Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." A "Yes" vote will be in favor of passage of this bill to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

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

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

ABSENT: Senators Anderson and Cianchette.

A roll call was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with two Senators absent, the Bill was Passed to be Engrossed as amended in concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move reconsideration and hope my motion does not prevail.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves the Senate reconsider its action whereby the bill was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. Beliveau of Oxford then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Reconsider Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, a division was had. Sixteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion prevailed and the Bill was tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Reconsider Passage to be Engrossed.

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Conley 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." (S. P. 449) (L. D. 1483)

Pending — Passage to be Engrossed.

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

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