

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, June 11, 1969

Senate called to order by the President.

Prayer by The Honorable Aaron D. Levine of Waterville.

Reading of the Journal of yesterday.

**Papers From the House**

**Non-concurrent Matter**

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

In the House March 12, 1969, Passed to be Engrossed.

In the Senate June 9, 1969, Indefinitely Postponed, in non-concurrence.

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

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

**Non-concurrent Matter**

Bill, "An Act Creating the Maine Power Commission." (S. P. 351) (L. D. 1217)

In the Senate May 28, 1969, Report "A", Ought to Pass in New Draft, Read and Accepted and the Bill, in New Draft, on June 5, 1969, Passed to be Engrossed.

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

(On motion by Mr. Violette of Aroostook, tabled until later in today's session, pending Consideration.)

**Non-concurrent Matter**

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

In the House, May 28, 1969, the Bill, in New Draft, (H. P. 1204) (L. D. 1531) Passed to be Engrossed as Amended by House Amendment "D" (H-395) and House Amendment "E" (H-400).

In the Senate June 9, 1969, Indefinitely Postponed, in non - concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist

and Request a Committee of Conference.

**Non-concurrent Matter**

S. P. 493—Joint Order Relative to State Board of Education to declare moratorium on Construction of Regional Technical Vocational Centers.

In the Senate June 9, 1969, Passed.

Comes from the House, Passed as Amended by House Amendment "A" (H-511) in non - concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 464) (L. D. 1543)

In the Senate May 26, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "B" (H-469) and "C" (H-507) in non - concurrence.

On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 1281)

In the House May 28, 1969, Passed to be Engrossed as Amended by Senate Amendment "B" (S-163) as Amended by House Amendment "A" (H-386) thereto, in non - concurrence.

In the Senate May 29, 1969, the Senate Receded and Concurred.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-163) as Amended by House Amendment "A" (H-386) thereto and House Amendment "A" (H-509) in non-concurrence.

On motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act Prohibiting the Conducting of Contests and Games by Retail Sellers." (H. P. 1207) (L. D. 1534)

In the House June 3, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-404)

In the Senate June 5, 1969, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

**Non-concurrent Matter**

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

In the Senate June 5, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-354) as Amended by Senate Amendment "A" (S-213) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-354) as Amended by House Amendment "A" (H-500) thereto, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Clarify the State Museum Law." (H. P. 296) (L. D. 372)

In the House May 29, 1969, Bill Substituted for the Report and on June 4, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-426).

In the Senate June 5, 1969, Ought Not to Pass Report Read and Accepted in non-concurrence.

Comes from the House, that Body having Insisted.

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

**Joint Order**

WHEREAS, the Skowhegan Tourist Hospitality Association, a group of Skowhegan businessmen and individuals, have joined together to promote tourism and goodwill in the Town of Skowhegan and surrounding areas; and

WHEREAS, this group has raised funds on its own for a project which has received recognition in many national newspapers and the medium of television; and

WHEREAS, the project is the construction of the world's tallest sculptured Indian, being 62 feet tall and standing on a base 10 feet in height, and it is recognized as a work of art; and

WHEREAS, the Indian was sculpted from Maine wood, by a well known Maine sculpturer, Mr. Bernard Langlais, who was born in Old Town, Maine and now resides in Cushing, Maine; and

WHEREAS, the statue will be located in the Town of Skowhegan, which bears an Indian name meaning a "Place to Watch"; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature duly recognize the initiative and imagination of the Skowhegan Tourist Hospitality Association in this undertaking to erect a statue to the memory of our early Maine Indians; and be it further

ORDERED, that suitable copies of this Joint Order be immediately transmitted to the Skowhegan Tourist Hospitality Association, in recognition of their outstanding achievement. (H. P. 1259)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Communications**

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

June 10, 1969

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

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

Bill "An Act relating to Neglect of Official Duty by Municipal Officers." (H. P. 528) (L. D. 699)  
Messers. FINEMORE

of Bridgewater  
DENNETT of Kittery  
BRENNAN of Portland.

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).

Messrs. DENNETT of Kittery

RIDEOUT of Manchester  
MARTIN of Eagle Lake

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

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

June 10, 1969

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

Sir:

The House today voted to Adhere to its action whereby on "An Act relating to Qualifications of Savings Bank Trustees and Other Officers" (S. P. 406) (L. D. 1370) it indefinitely postponed Reports and Bill and the Senate had voted to insist on its action whereby it had accepted the Minority "Ought to Pass" report and passed the Bill to be engrossed as amended by Senate Amendment "C" and asked for a Committee of Conference.

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

#### Senate Papers

Mr. Wyman of Washington presented the following Joint Resolution and moved its adoption:

**JOINT RESOLUTION MEMORIALIZING CONGRESS TO REVISE THE PRESENT SYSTEM OF ADMINISTERING FEDERAL GRANTS**

We, your Memorialist, the House of Representatives and Senate of the State of Maine in the One Hundred Fourth Legislature Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, the Federal Government's preeminence in the income tax field has led to a greater need for unrestricted sharing of such revenue with state and local governments by means other than

its complex system of categorical grants-in-aid; and

WHEREAS, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the needs and requirements of this State; and

WHEREAS, the complexity of federal grant-in-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

WHEREAS, unless the trend toward restrictive categorical federal grants is reversed, these grants will so entwine themselves that the state's freedom of movement will be significantly inhibited; and

WHEREAS, there is a need and justification for consolidation, simplification and revision of grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

**RESOLVED:** That We, your Memorialist, most sincerely recommend and urge the Congress of the United States to enact legislation designed to consolidate, simplify and revise the existing system by which grants-in-aid are made available to the states by replacing the numerous individual categorical grants with fewer but more flexible tax-sharing programs or block grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment and freedom to determine the needs of its people; and be it further

**RESOLVED:** That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State. (S. P. 485)

(Approved for appearance on the calendar pursuant to Joint Rule No. 11.

s JERROLD B. SPEERS  
Secretary of the Senate)

Which was Read.

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

House Amendment "A" (H-453) thereto.

Which report was Read.

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

**Committee Reports**  
**House**

**Ought to Pass - As Amended**

The Committee on Natural Resources on Bill, "An Act Revising the Water and Air Environmental Improvement Laws." (H. P. 905) (L. D. 1166)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-501).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-501).

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, this is major legislation and I would ask through the Chair for an explanation as to the impact of this bill from some member of the committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair which may be answered by any member who so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

The Committee on Business Legislation on Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law." (H. P. 622) (L. D. 810)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-406).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-406), as Amended by

**Ought to Pass in New Draft**

The Committee on Education on Bill "An Act to Provide a More Equitable Method of Distributing School Subsidy." (Emergency) (H. P. 512) (L. D. 683)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1254) (L. D. 1586)

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

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

**Divided Report**

The Majority of the Committee on Taxation on Bill, "An Act Increasing Certain Motor Vehicle Registration Fees." (H. P. 326) (L. D. 413)

Reported that the same Ought to Pass.

Signed:

Senators:

WYMAN of Washington

HANSON of Kennebec

Representatives:

SUSI of Pittsfield

ROSS of Bath

WHITE of Guilford

HARRIMAN of Hollis

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

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

FORTIER of Rumford

COTTRELL of Portland

DRIGOTAS of Auburn

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I would like to see this whole group of motorist taxes put together. We have other bills and I would hope that somebody might table this until we see what we do with the excise tax and the gas tax.

Thereupon, on motion by Mr. Hanson of Kennebec, tabled and tomorrow assigned, pending Acceptance of Either Report.

#### Senate Divided Report

The Majority of the Committee on State Government on Bill, "An Act Creating the Department of Natural Resources." (S. P. 386) (L. D. 1381)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington  
LETOURNEAU of York  
BELIVEAU of Oxford

Representatives:

D'ALFONSO of Portland  
DONAGHY of Lubec  
WATSON of Bath  
MARSTALLER

of Freeport  
DENNETT of Kittery

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-251).

Signed:

Representatives:

RIDEOUT of Manchester  
STARBIRD of Kingman

Which reports were Read.

Mr. Berry of Cumberland then moved that the Senate accept the Minority Ought to Pass as Amended Report of the Committee.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The committee heard this bill and came out with an eight to two Ought Not to Pass Report. I certainly hope that the Senate will adopt the committee report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would like to explain the bill, if I might briefly, to the members of the Senate. Yesterday in our debate on the budget we discussed quite briefly the matter of efficiency in State Government and the consolidation of departments, bureaus and commissions, which is certainly one of the more fertile areas that we can plow, seed and harrow. The consolidation of natural resources interests into one department seems a very logical place to begin, and the purpose of this bill is to put into one department several — admittedly not all — but several departments which can quite logically function together. It would be certainly one of the results that we would see a savings. I am sure that this is difficult to pin-point in terms of dollars and cents, but it certainly does make sense that we would reap some economic benefit from it.

It would be my hope that future legislatures would see fit to add to this department. For the moment we are primarily concerned with the Forstry Department, the Water Improvement Commission, Parks and Recreation, Mining, Geology, and a few ancillary bureaus in order to start off in small steps. I would hope that we could go ahead and do this, and I would urge your support on the measure.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The committee just felt that this was not the time right now to move on this. I still oppose the motion of the good Senator from Cumberland and would ask for a division.

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 accept the Minority Ought to Pass as Amended Report of the Committee on Bill, "An Act Creating the Department of

Natural Resources." A division has been requested. As many Senators as are in favor of accepting the Minority Ought to Pass a Amended 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 eleven Senators having voted in the negative, the motion prevailed and the Bill was Read Once. Committee Amendment "A", Filing No. S-251, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

**Conference Committee Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Amend the Eating Place Licensing Law." (S. P. 220) (L. D. 668) ask leave to report: Unable to agree.

On the part of the Senate:  
STUART of Cumberland  
MINKOWSKY

of Androscoggin  
GREELEY of Waldo

On the part of the House:  
SOULAS of Bangor  
BENSON of

Southwest Harbor

Which report was Read and Accepted.

Sent down for concurrence.

**Final Report**

The Committee on Towns and Counties submitted its Final Report.

Which was Read and Accepted.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act Relating to Civil Service Commission in City of Auburn." (H. P. 1248) (L. D. 1583)

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

Bill, "An Act Increasing the Gasoline Tax." (Emergency) (H. P. 1217) (L. D. 1549)

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

Sent down for concurrence.

Bill, "An Act Relating to Credit Reports." (H. P. 1247) (L. D. 1582)

Which was Read a Second Time.

Mr. Katz of Kennebec then moved that the Bill be indefinitely Postponed.

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 Indefinitely Postponed.

**House - As Amended**

Bill, "An Act Relating to Credit Card Crimes." (H. P. 563) (L. D. 744)

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

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

**Enactors**

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

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

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

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

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

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

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

An Act Providing for a Council - Manager Charter for the Town of Scarborough. (H. P. 730) (L. D. 954)

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

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



An Act Relating to Nonprofit Hospital or Medical Service Organizations. (H. P. 808) (L. D. 1047)

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

An Act to Grant a New Charter to the City of Belfast. (H. P. 965) (L. D. 1255)

An Act to Provide for Special Plates Observing the State of Maine Sesquicentennial. (H. P. 1130) (L. D. 1457)

(On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Enactment.)

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

(On motion by Mr. Greeley of Waldo, tabled and tomorrow assigned, pending Enactment.)

An Act to Clarify Taxation of Annuity Contracts and Insurance Policies. (H. P. 1229) (L. D. 1562)

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

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

(On motion by Mr. Bernard of Androscoggin, tabled and tomorrow assigned, pending Enactment.)

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

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

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

(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.

#### Emergency

An Act to Make Allocations from the Department of Inland Fisheries and Game Receipts for the Fiscal Years Ending June 30, 1970 and

June 30, 1971. (S. P. 478) (L. D. 1557)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. BERRY of Cumberland: Mr. President, I would inquire whether the Senate is in possession of L. D. 1246, Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine?

The PRESIDENT: The Chair would answer in the affirmative, the paper having been recalled by joint order.

Mr. BERRY: Mr. President, I move that the rules be suspended and the Senate reconsider its action whereby it accepted the Leave to Withdraw Report of the Committee, and I would speak very briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the rules be suspended for the purpose of reconsidering acceptance of the Leave to Withdraw Report of the Committee on Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine, Legislative Document 1246, Senate Paper 364. Is this the pleasure of the Senate?

The motion prevailed.

Mr. BERRY: I now move that the bill be substituted for the report, and to my motion I would just say this: that the Portland area is trying desperately to salvage something which would permit the construction of the ferry terminal. There are several avenues still open to us. The Appropriations Committee was very tolerant of our attempts to find solutions and when we were unable to they finally had to turn out the report. I would assure the Senate that we will not delay the proceedings here and I hope that the Senate would permit this to go to the engrossing stage and then table

it preparatory to such amendment as we could come up with.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate substitute the bill for the Leave to Withdraw Report of the committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: It was my feeling on the committee, and I think it was the committee's feeling generally, that this was an area the State should not get mixed up in, that we had problems enough and enough necessary places to put our money so this one was one that we should stay away from.

There was some question at the hearing about the effect of two ferries, about how much this would affect the one down in Bar Harbor. I know, in my own mind, this is a foreign concern coming in and there was a question of whether we should put in half a million dollars to build a terminal there. I was most reluctant to do this.

Also this ship is a pleasure ship, and whether that is good or bad is beside the point probably, but there was a general feeling in committee that while we went along with some areas, like some of the islands that only have a very small population and are unable to do some of these things for themselves, that we were reluctant to buy this proposition down there.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I think the picture has changed slightly with this proposal and it could well be that the southern section of the State could benefit substantially. In fact, I think the whole section of the State could benefit substantially from this proposal. I think that the present ferry service that we now have would benefit by this proposal.

Because the picture has changed, and because it does drastically affect the welfare of the State, in my opinion, I certainly would hope

that we can move this along a little further, certainly, for study.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to concur with the thoughts expressed by the good Senator from Cape Elizabeth, Senator Berry, and again with good Senator Gordon from Westbrook.

Perhaps many of you have been following in the paper the issue that we are discussing, and for those of you who are not completely familiar with it, within the Portland area we have had a number of businessmen who have pledged up to a million dollars from their own pockets to try to establish this run of the Lion Ferry between Nova Scotia and Portland. I think the fact is that we at least should at this time give the bill some life to show that we are in good faith and at least to let the City of Portland and the businessmen of the greater Portland area know that the State is at least acknowledging the fact of what they are trying to do for tourism of southern Maine, and also for development of the facilities along the waterfront.

They have been wrestling with this problem now for the last several months and I think there are still avenues that they are searching to try to come up with the money that they need. So, again, I would just hope, as the good Senator from Cape Elizabeth said, that we will just breathe a little life back into this bill and at least get it to the engrossing stage where we can further discuss it.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I am sure we are all aware, but I want to make the further assurance, that everybody in the Portland area and many, many people throughout the State of Maine are working very diligently to be sure that this ferry service does come to the State of Maine. I would hope that this body would just keep this bill alive so

we can use it as a vehicle and if we have to have it then we can have it. If some other arrangement can be worked out they are going to do it. Everyone is doing the very best they can to make this very necessary improvement to the whole State, I would say. So, I hope the Senate will go along with the motion.

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

Mr. DUNN of Oxford: Mr. President, I request a division.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the bill be substituted for the report on Resolve to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine. A division has been requested. As many Senators as are in favor of substituting the bill for the report will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Thereupon, the Resolve was Read Once.

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

Mr. KATZ of Kennebec: Mr. President, may I pose a question through the Chair to a member of the Appropriations Committee as to what the status of the unappropriated surplus of the State is at the moment?

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

What time does the Senate assign for the second reading of this resolve?

Thereupon, the Resolve was tomorrow assigned for Second Reading.

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

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

Tabled — June 9, 1969 by Senator Tanous of Penobscot.

Pending — Enactment.

On motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending Enactment.

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

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

Tabled — June 10, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Moore of Cumberland to Recede and Concur.

On motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending the motion by Mr. Moore of Cumberland to Recede and Concur.

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

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

Tabled — June 10, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 10, 1969 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: With all these tabling motions, I hesitate to make any similar attempt, so I will state

my objections to the bill and make a motion to indefinitely postpone the bill and all its accompanying papers. My reasons, I am sure, are shared by other members of the bar, other lawyers. This legislation, innocent appearing, would in effect enable corporations to practice law. It has been a cardinal principle throughout the United States and everywhere there is any practice of law that you must have individual responsibility on the part of the attorney, that there cannot be any corporation screen between the attorney and his client. It is in the public interest that it be that way.

If attorneys could incorporate, it would be difficult probably in a few minutes here to explain all of the harmful effects that would flow from such an organization. It would, in effect, become a business organization and would break down the professional situation that exists, or is supposed to exist, on the highest level between an attorney and his client. We feel — this is a lawyer's position, and I don't apologize for it at all — this is a lawyer's position and perhaps is not appreciated or recognized by those who are not, but we feel that when one advises as to one's handling of one's debts, whether or not bankruptcy is indicated, whether or not a wage-earner plan is indicated, whether or not debts are legal debts or illegal debts, or whether some debts should be preferred over others — and when you have a large portfolio of debts that is practically always the case — it is not an easy decision. It is not a decision for a clerk to make, it is not a decision for an untrained person to make. We feel that it is an attorney's decision, and we feel that once you break the barrier and allow corporations, whether they are affiliated with savings banks or loan companies, or others connected with a business enterprise, that you dilute the value of the opinion and the advice.

We have seen this in other legislation earlier this winter that has been defeated, and I thought it was the end of it, when this bill apparently came along doing the same thing. When anyone has got money to lend and is in

the business of making a profit from it, which is, of course, a legitimate, upright and honorable business, he certainly has a business interest to serve in the advice that he gives in regard to the handling of one's obligations. I am particularly aware of that, and I think that you are, when it gets below the level, or at another level, in finance than what is represented by our fine savings institutions, our mutual savings banks of the State. I am referring, of course, to a favorite subject of mind and I won't go into it at this point because I see some bills coming along when I am going to have to, I am afraid, to keep the legislation on the books that we had put through two years ago. It was tabled earlier today by the good Senator Levine, a bill that would really destroy what was done two years ago if it were allowed to go into effect. If you let, for instance, this principle expand, and I see no reason why it shouldn't be expanded if you are going to put it into effect here for the banks, if you let the loan companies have the friendly counseling service down the hall, or in anyway affiliate themselves with such an organization, you know the result. If you have been connected with the debts of people who have gotten into the toils of these Loan companies over the years you would soon discover that there is only one interest to be served and that is the interest of the lender, and at the highest rates that are tolerated or allowed under the law. We feel — I won't use the hackneyed, the expression of "opening the door, toe in the door" — but I say that from a lawyer's standpoint this is not good legislation. Maybe my explanation hasn't been a good one, but I couldn't let this go by without expressing it. I do repeat my motion, Mr. President, that the bill and all its accompanying papers be indefinitely postponed.

**THE PRESIDENT:** The Senator from Franklin, Senator Mills, moves that Bill, "An Act to Permit Savings Banks to Engage in Debtor Counseling Services," be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I would like to give you a little background on this bill. We had another L.D. submitted to us, which is now gone, that would have permitted non-stock corporations to engage in debtor counseling. Now debtor counseling by anyone except attorneys is specifically prohibited under our laws, and this was done, I believe, twelve years ago because there were abuses. You must remember, and think within this framework, that the people that are apt to need this type of counseling service are the small loan company clientele. We had a great deal of testimony on this bill, I mentioned, this non-stock corporation, engaging in debtor counseling, and it was quite clear that this bill would enable the small loan companies and the collection agencies to get into the debtor counseling service. Debtor counseling, by the way is when a man who is over-burdened with debt, perhaps has payments that exceed his income, comes in for help and this person advises him perhaps to consolidate his debts with a loan, perhaps a bigger and better one, I should say, negotiates with the people he owes money to, and so forth. We turned down, of course, that first bill because we could foresee quite clearly that the small loan companies and the collection agencies would set up one of these debtor counseling services and counsel this fellow to run down the hall and take out a loan from them. This, of course, would be intolerable.

However, there was a need indicated, and we had testimony, I believe, under the model cities plan or one of these federal plans that such a service was, if not required, at least recommended, but we couldn't find a vehicle for it. How are you going to get somebody to do this out of the goodness of their heart? One suggestion that was made would be that some kind of a community organization could be set up where people could volunteer to run this service. This probably would work, and I think is working now in the City of Port-

land—No, I will retract that statement; this probably would work in the larger cities, but it is questionable whether in the smaller towns of which we have an abundance, that such a thing would in real life operate. How do you find then an ethical organization that has the interest and the ability to do this thing, to make it available to this type of bar work? It seemed to us that perhaps the banks might be such a vehicle. They would tend to wean this person away from the small loan companies and introduce him to some other source of credit. We had no qualms about the ethics of these organizations. We felt, however, that in order for them to extend themselves they should, and probably would want to, charge a fee, so we set it up in this bill so that savings banks, savings and loans, national banks, and trust companies, but not credit unions, under our law could provide this debtor counseling service. I don't even know if this vehicle will work. I don't know if the banks will want to do this. However, we are convinced that there is a need, and we think that this is a safe and worthy piece of legislation. I think you will be well advised to vote against the motion indefinitely postpone. I would ask for a division.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I would like to concur fully with the remarks made by Senator Logan of York. I think I might add that this would be a separate corporation as far as the banks will be concerned and would be to the advantage of the people in the State of Maine. I would hope the Senate would oppose the motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that Bill, "An Act to Permit Savings Banks to Engage in Debtor Counseling Services," and all its accompanying papers be indefinitely postponed. A division has been

requested. As many Senators as are in favor of the motion to indefinitely postpone the bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

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

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

Tabled — June 10, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — June 10, 1969 by Senator Gordon of Cumberland.

Pending — Final Passage.

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of 22 Senators, with 4 Senators voting in the negative, the Resolve was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

Tabled — June 10, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Acceptance of Either Report.

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

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

Tabled — June 10, 1969 by Senator Berry of Cumberland.

Pending — Final Passage.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have an amendment which I will offer, if permitted, which would delete from the bill the permission to the insuring authority to extend additional credit to firms which are in trouble and additional funds would help them out again. Many people have objected to this feature because it was felt that the State would be putting good money where bad money was, that if they failed the first time that they shouldn't be extended additional State credit. The title has been changed to remove this. This is known as preservation of credit.

However, the bill, if it is amended this way, will, in my opinion, provide a certain reasonable extension of insuring facilities to our State enterprises. Basically it adds the words "service enterprises" to those which may be guaranteed. Now, service enterprises are such as we would understand to be computer centers and any related operation which will help other industries to grow. Consequently, I would hope that those who have objections to the bill would feel that this rather minor extension of their facilities would be in order.

I would move that the rules be suspended and the Senate recon-

sider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland Senator Berry, moves that the Senate suspend the rules so that the Senate may reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I am the sponsor of this piece of legislation. I take no pride in authorship, in that sense. This legislation came about through the report of the State Credit Research Committee which was, I feel, a committee made up of some pretty comparable and I think somewhat conservative people.

I would just like to read the one section in which they referred to this particular aspect which the Senator from Cumberland, Senator Berry mentioned. It says: "The current MIBA act generally refers to expansion. It was brought to the committee's attention that in some cases the use of State credit to prevent an existing firm from failing is as important as the attraction of new industry. It is assumed that the support of State credit would in some cases revitalize failing businesses." I can see why some members sort of open their eyes when they read this part where it goes into these businesses that are presently having financial problems. All I can say in answer is that we are putting a considerable amount of faith in the Maine Industrial Building Authority as such, and the hope would be that these members of this MIBA would scrutinize businesses that were in trouble and would help only those that were to benefit.

I do not wish to jeopardize the over-all position of the bill, but I would ask for a division on the reconsideration motion and, therefore would, if the bill is reconsidered and the amendment put on, as I say, I would like to see the bill passed, but if there are enough votes to pass it in the present manner, I would like to see it passed that way.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I agree with what Senator Reed says and, on the other hand, I don't want to break faith with those to whom I talked. I think that perhaps this thing should rise and fall on the prevailing motion of final passage. If it is defeated for final passage then I think at that time in all fairness, I should present my amendment. Accordingly, Mr. President, I withdraw my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now withdraws his motion.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I was disturbed the other day when I looked at this bill. I talked to the sponsor for a minute or two, hoping that perhaps something could be done. I went downstairs to the Attorney General's office and one of the attorneys there, when I asked him about this "and service" that is added into this bill, his first reply was "uniform rentals, laundry, dry cleaning and restaurants. If you pick up a telephone book and thumb through the yellow pages half the items there would come under this." It doesn't seem to me that we should be guaranteeing or that the State should be getting in to this field of guaranteeing loans. I, for one, will vote against this whenever it shows up in the present form, or probably with the amendment that is proposed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I don't want to continue this too much because it isn't the biggest thing in the world, but I would like to point out that service industries are something that the State of Maine is very anxious to attract. If you get a big manufacturing business moving into the State, one of the ancillary benefits are the service industries that come in along with it. I would point out the recent move to Bangor from New York of one hundred people whose average

annual salaries are in excess of \$10,000 a year. This is just what we want, and this is the sort of bill that will help them out. There is nothing that we need to look aside on on service industries. They are the fastest growing industry in the nation today and something that I think holds a great deal for the future of the State. I do hope that we can pass this in its form as we propose it.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am very much opposed to this bill. We speak about wanting to attract more service industries; we have plenty of service industries in the State. They financed it through their own money. They have gone to the banks and borrowed money on their own and they are expanding all over the State. In every city there is expansion of the service industries. I think that is the way it should be. I don't want to see the State putting money in guaranty mortgages in competition with free enterprise, and that is just what we would be doing under this bill.

As far as the preservation of industries, I think that would be one of the poorest things that we could do. We are depending upon the board of the MIBA, and they have made several mistakes. We have several firms now where we are paying the mortgage off on them. We have others that failed, and they have been able to sell them to somebody else, and that is what they have to do. Some, they have been unable to sell. Now, if we go ahead and allow them to come in and get additional money when they are already failing, with the same people running the business, it is just going to put them so much farther into debt and the taxpayers in Maine who are guarantying this, and we will have come up with bond issues to pay it off when the time comes. I am very much opposed, and I urge you to vote against this constitutional change.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think this is a worthy purpose and a worthy desire, but I learned a good many years ago that when you put your name on the back of a note for a friend it can cause a lot of trouble. It seems to me that this is exactly the same thing.

From all that I read in the papers, the Maine Sugar Industries are on the verge of being in trouble and we have done the same thing there. This is wonderful for Aroostook County, and wonderful for Maine, and wonderful for me because I use a lot of sugar and I buy it more cheaply, but I just question whether the State should do what in my book is endorsing notes. So, I am going to vote along with Senator Dunn.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: As I said before, I would rather have half the bill than none at all. It isn't the most earth-shaking thing that this Senate will deal with, but I would just like to again read the section from this report. I won't go into the people who wrote this but, as I said, they are a pretty conservative group, at least the ones that I know. This is their section on the service part. It says, "According to recent studies, nationwide employment in service industries has been growing at a more rapid rate than manufacturing employment. These trends are likely to continue and Maine must be prepared to stimulate the development of service industries. Certain service industries would be of significant benefit to the State if, for example, another insurance company located its headquarters here, there would be a large employment and income effect. The development of other service industries could create significant employment and income effects upon providing these services in Maine where presently it



is necessary to purchase these services from out of State."

It seems to me, and I think unfortunately so, that whenever we think of the MIBA we think of sugar, and what is taking place. I don't think, myself, again that is all bad. It seems to me that these people, who are pretty aware of what is going on as far as natural trend is concerned, has advised this, and I think that it would be a mistake not to accept them. I realize that the MIBA board and the membership were putting a lot of pressure on them to make the right decisions, and I feel the legislature should ride pretty close herd over them, but I feel as if these people are competent and can handle that.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I agree with Senator Reed from Sagadahoc County. It is a growing industry here in Maine. Any industry, when there is a demand for any business, where it is feasible to create it, we don't have to pledge the credit of the State behind it. There are plenty of businessmen that are looking for that opportunity, and let them get the money the same as the rest of us do to run a business, and not go into competition by having the credit of the State finance their banking loans.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think it is a good piece of Legislation. We have a lot of businesses in the State now. If it hadn't been for the Maine Industrial Building Authority we wouldn't have had them in the State. The Maine Industrial Building Authority charges one per cent for their guarantee and this is in essence for any corporations that will fail. I don't think that the State will ever have to pay any of the mortgages because the one per cent that they are charging is accumulating and if any small company should fail that would be what the one per cent is for.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this Resolve being a Constitutional Amendment and having received the affirmative votes of 19 Senators, with 10 Senators voting in the negative, 19 being less than the required two-thirds vote, the Resolve failed of Final Passage.

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

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

Tabled — June 10, 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 tenth 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 10, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Berry of Cumberland to Suspend the Rules and Reconsider Adoption of Senate Amendment "A" Filing S-233.

Thereupon, the Senate voted to suspend the rules and reconsider its action whereby Senate Amendment "A" was Adopted.

On motion by Mr. Berry of Cumberland, Senate Amendment "A" was Indefinitely Postponed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "B" was Adopted and, subsequently, Senate Amendment "B" was Indefinitely Postponed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby the original bill was Substituted for the Reports of the Committee and, on subsequent motion by the same Senator, the Minority Ought to Pass in New Draft Report of the Committee was Accepted, the Bill in New Draft Read Once and to-

morrow assigned for Second Reading.

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

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

Tabled — June 10, 1969 by Senator Katz of Kennebec.

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

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I promise I won't speak at any great length on this matter, having spoken through so many columns in the record the other day, I reflected, on looking at the printed record, that perhaps it ought to be good idea for us to get the Appropriations Committee to have a cost accountant figure out what an inch in that record costs the taxpayers, then put a meter up down front like the taxi cabs have, and as we are talking see the money of the State go, perhaps some of us wouldn't be as long-winded as we are. However, I only want to add a word or two to what I said and I won't be long.

The other day, after we voted on this, several Senators spoke to me and said if the price ceiling part was taken off they would be willing to go along with the amendment. So, I prepared Senate Amendment "D" which, if you do vote to reconsider this morning, I will offer this. There were four things in the other amendment and there are three in this one, the price part being eliminated.

The real basic part of the proposal is still here and that is the part about the generic drugs. Just to remind you that one illustration we had the other day, which was given to me by a pharmacist, showed that a trade name or a brand name drug in one extreme illustration, of course it is extreme, it sold for twenty dollars. Its generic equivalent can be bought by the druggist for fifty cents. At that time I wasn't able to figure out what kind of a percentage

mark up that was, but since I have consulted my sixth-grade student at home and he told me it is four thousand per cent. That is extreme, but it is one of the areas where generic drugs compare so favorably to the brand names. That is the principal part of the amendment in which it would say that it would not be unlawful to use generic drugs or ingredients rather than the brand names mentioned in the prescription.

Then the second part of the amendment would provide, so that there just won't be any question about the activity of a druggist like Ex-Senator Ralph Lovell in Sanford would not be considered illegal by any board which might frown upon his practices of having people other than pharmacists type the labels and perhaps count the pills. This would put into the section on the practice of pharmacy that the typing of labels and the counting of pills, or capsules may be done under the direction of the apothecary.

The third part would further reinforce activities, such as the so-called medicare program of Ex-Senator Lovell, in regard to fees, to say that the pharmacist's fee for professional services rendered shall be fair and equitable, commensurate with his professional knowledge, skill and care in the compounding of prescriptions and the rendering of other professional services. That is right out of their code of ethics. Perhaps it might be an encouragement to others in Millinocket, for instance, where the drugs are awfully high, so I am advised by numerous letters. They find the drugs much cheaper in Bangor, and people notice it very much. Also in Brownville Junction the drugs are very, very high and they go to Dover to get them at much cheaper prices. The public knows these things and the poor know it. People who can't travel get stuck with the high drug prices. But this language added would assist others in organizing pharmacies such as Ralph Lovell has organized down in the southern part of the State by saying that discounts to the blind, disabled, those suffering from any terminal illness and volume discounts shall

be deemed fair and equitable under this section. That means that if we did this, if we passed this, it would mean that the State of Maine said it was all right and it was a good thing, which I think is something like legislating the Golden Rule.

Here is a letter that I got from Portland and it is kind of typical. He says he wants to congratulate me "on the stand you have taken to help us old people that are trying to survive on social security." He encloses an article out of a Machinist Trade Paper on May 15, in regard to Senator Margolis, a well-known authority on the subject, and then he gives his own illustration. He says, "In my own case I was stricken with cerebral thrombosis in 1961 and spent six months at the Maine Medical Center in Portland. When I was discharged they gave me a bottle of pills, a hundred, and charged me a \$1.50, which I thought was reasonable." Apparently the hundred pills lasted him three months. Then he says, "Three months later I had the prescription filled," and he names the drug store in Portland, "it cost me \$9.00". So from the \$1.50 from the Maine Medical Center it went up three months later to \$9.00. He said "I talked to the manager about the highway robbery and he gave me the same old excuses: hospitals are tax-exempt and subsidized by State and Federal Government" which is true, but six times as much is a lot of difference. "The hospital refused to fill this prescription because I wasn't an out-patient. It seems to me if that good druggist in Sanford, Maine can sell at a fair price why couldn't our local hospitals sell it to the needy and the aged whereas they are tax exempt and subsidized by the State of Maine and the Federal Government under the Hill-Burton Bill. Thank you a million times." It has been also pointed out to me, gentlemen, since we talked last about this that on May 21 in an Associated Press Dispatch from Washington it said that: "The Chairman of the American Medical Association's Council on drugs, in a sharp departure from the American Medical Association policy, called Tuesday

for prompt abolition of the use of brand names on drugs, and said the use of generic names would be safer for the public. Dr. John Ardreani of New Orleans, testifying before the Senate Small Business Committee's Monopoly Subcommittee said that brand names are, in essence, aliases. An alias, no matter how used, tends to confuse or deceive." I won't be any longer, gentlemen, but I think this is a chance to do something in this area. I hope you will substitute the bill for the report and adopt this amendment.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I don't have much to say on this subject except that I just don't think we can do it. I hope that we won't adopt this amendment. You can't have the physician prescribing one thing and the pharmacist changing it and giving the patient what he wants to. I wish I knew more about this, I don't prescribe that many drugs, but I am very much opposed to this amendment, and I hope that you will vote to oppose it.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to pose a question through the Chair to the good Senator from Franklin, or anyone else who could answer a question in regards to this amendment. It says the pharmacist's fee for professional services rendered shall be fair and equitable. It goes on down into the next paragraph and it says, "discounts shall be deemed fair and equitable under this section." This sort of leaves me a little confused. I would like to know what the definition is of "fair and equitable" in this amendment.

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

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I think that a fair interpretation of this language by a court that might be called upon to do it, and after all that would be where such an interpretation might come from, would be that, notwithstanding what it says in the first paragraph, "the pharmacist's fee for professional services rendered shall be fair and equitable, commensurate with his professional knowledge, skill, care, and the compounding of prescriptions and rendering of other personal services," notwithstanding that, that if the pharmacist wants to give discounts to the blind, to the disabled, those suffering from terminal illness and volume discounts, that that also may be fair and equitable, and under those special circumstances it is also fair and equitable and not an unethical practice such as would bring him before his Board of Pharmacy for revocation of his license for having engaged in it.

I would like to say to the good Senator from Cumberland, Senator Stuart, that the United States Government, if he doesn't know it, the United States Government, so I am informed by active practitioners in pharmacy, requires that all prescriptions written for which they are going to pay, for which the government is going to pay, give the generic equivalent whenever the brand name is used. And all this amendment would do would be to say that the State of Maine believes the same thing. I don't know how many of us here know it, but I expect they do on the Appropriations Committee, that the State of Maine must be spending very large sums of money every year by the purchase of drugs. I don't see why the State of Maine can't follow the same practice as the federal government which, after all, has a much more immediate and closer contact with the drug laboratories than we have, sees fit to adopt to save its own money.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from

Oxford, Senator Beliveau, that the Senate reconsider its action whereby Bill, "An Act to Revise the Pharmacy Laws", was indefinitely postponed. As many Senators as are in favor of Reconsidering its action whereby the bill was indefinitely postponed will say "Yes"; those opposed "No."

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor that the Senate reconsider its action whereby Bill, "An Act to Revise the Pharmacy Laws" was indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

On motion by Mr. Mills of Franklin, Senate Amendment "C" was then Indefinitely Postponed.

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

Senate Amendment "D", Filing No. S-242, was Read.

Mr. Berry of Cumberland then moved Indefinite Postponement of Senate Amendment "D".

On motion by Mr. Mills of Franklin a division was had. Nine Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion did not prevail, Senate Amendment "D" was Adopted and the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the twelfth 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 10, 1969 by Senator Beliveau of Oxford.

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

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

Mr. BERRY of Cumberland: Mr. President, I urge the members to vote against my motion.

The PRESIDENT: As many Senators as are in favor of reconsidering its action whereby the Senate passed this bill to be engrossed will say "Yes"; those opposed "No".

A viva voce vote being taken, the motion did not prevail.

The President laid before the Senate the thirteenth 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 10, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Dunn of Oxford presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-243 was Read.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This is the same amendment that we were discussing partially yesterday. I have read in the paper several times over the past two or three weeks that there has been no package offered in substitution for the proposal that we have been discussing as the whole supplemental budget. I would like to have this one on record, at least, so that there is one. This package totals, again, \$14.5 million. It has about \$10,000,000 worth of items that are mandatory or nearly so. It does not have any second year school subsidy. The first year subsidy is in our calendars, or will be on our calendar Friday, the \$4.9 million. The \$6.4 million, which now is \$7.1 million, I wonder sometimes if it

might not be advisable to consider distributing that under perhaps another system. I am thinking right now of the block grant. I think it might be well if we gave consideration to that to a certain degree.

I am not going into this item by item; I think we discussed it enough yesterday and everyone knows about what is in it. There is no pay raises or changes in this bill, but that is something certainly that can be taken into consideration. I think there is a great difference of opinion on how much should go in, and I think that this could be settled at a later date. I would ask for a division on this motion.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I oppose the motion and urge the Senate to vote against adoption of the amendment. The amendment attempts to offer a very simple answer to a perplexing problem, and the most effective way it reaches the answer to this terrible problem facing us is by cutting out almost \$9,000,000 that were going to flow to the towns and cities and, by implication, it says very, very, neatly" we are going to pass our problem back to you." This is not a solution in any sense of the word. The State of Maine not only is a father to our towns and cities, but its employer. It is the biggest employer in the State. Here again the bill very, very neatly side-steps the issue and resolves it by not appropriating money for the very, very necessary pay raises for our State employees. I suggest it is not a solution at all, but a side-stepping of responsibility.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: One thing that bothers me the most is that on the supplemental budget for 1970-1971 we are going to be paying it in two years: in 1969-1970 and 1971. What I don't like about it — I feel we need the money, we have got to

fund it, but I would like to see it funded in such a way that we shouldn't leave the next legislature in a deficit. When the next legislature convenes there will be about \$17,000,000 or \$18,000,000 they will have to raise without bringing up any additional services. I feel that whatever we spend in 1970-1971 we should raise in 1970-1971, instead of raising it in two years. I think that would be more honest to the people. Most people don't realize when the legislature will meet the next time, if they don't provide any new services, they still will have to come up with more money. I think that is the wrong approach, the wrong way of running a business. I think that for 1970-1971 we should pay in 1970-1971. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is the adoption of Senate Amendment "B". A division has been requested. As many Senators as are in favor of adopting Senate Amendment "B" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Seven Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion did not prevail, and the Bill as Amended, was Passed to be Engrossed in non-concurrence.

On motion by Mr. Katz of Kennebec, under suspension of the rules, sent down forthwith for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the majority side with reference to Item 8, on Page 9, L. D. 1316, Resolve, Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises, I move that the Senate reconsider its action whereby this bill failed of final passage. During the debate I mentioned an amendment and said that I would offer it if the bill did not receive final

passage. Accordingly, I would hope that the Senate would reconsider its action whereby it failed of passage so the amendment may be offered.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby this Resolve failed of final passage.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Reconsider its action whereby the Resolve Failed of Final Passage.

#### Joint Order

Out of order and under suspension of the rules, Mr. Katz of Kennebec presented the following order and moved its Passage:

ORDERED, the House concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to study the Bill, "AN ACT Restoring the School Construction Aid Percentages to the Average Percentages of the Original 1957 Act," (H. P. 548) (L. D. 727) and as amended by Committee Amendment "A" H-488 and introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, at the next regular session of the Legislature. (S. P. 496)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Presently when a community votes to construct a school, the package is sold to the community based upon a specific state participation. For example, that the state will contribute 48 per cent of the cost of school construction. Over the term of the bonds that will subsequently issue, under present law, the proportion of State contribution may vary, and

this causes substantial local dislocation and disaffection. It is the intent of this bill to have the Maine Education Council study the question of this dislocation and make a recommendation. I would suggest that somebody table this until the next legislative day pending consideration.

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

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

Mr. Sewall of Penobscot was granted unanimous consent to address the Senate:

Mr. SEWALL: Mr. President and Members of the Senate: I want to apologize for not having all the fiscal figures at my fingertips. In answer to a question, which was posed earlier through the Chair to any member of the Appropriations Committee, at the present time the status of our unappropriated surplus is in a minus position. We do estimate that by the end of the year, in other words, June 30, we are estimating a figure of \$1,500,000, from which we have already taken \$277,000 for certain emergency items, which would leave an estimated balance at the end of this year of \$1,222,000 in unappropriated surplus.

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

Bill, "An Act Creating the Maine Power Commission." (S. P. 351) (L. D. 1217)

In the Senate May 28, 1969, Report "A" Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft, on June 5, 1969, Passed to be Engrossed.

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

Pending—Further Consideration.

Mr. Violette of Aroostook moved that the Senate Insist.

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

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I guess this question has been debated enough on my part in this Chamber here. I would like very much to have this legislation back to the other body and face its final test there, and I suppose I will have to abide by that decision. I hope that the Senate will stay with me in sending it back to the other body and getting a good test vote there, and I suppose I will have to abide by that. I would like a roll call on the vote.

The **PRESIDENT**: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Senate Recede and Concur with the House on Bill, "An Act Creating the Maine Power Commission." 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 pending question before the Senate is the motion of the Senator from Cumberland, Senator Moore, that the Senate recede and concur with the House on Bill, "An Act Creating the Maine Power Commission". The House accepted Report "B" Ought Not to Pass, of the Committee. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

**YEAS** — Senators Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Moore, Peabody, Quinn, Sewall, Wyman, and President MacLeod.

**NAYS** — Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Gordon, Kellam, Letourneau, Levine, Martin, Mills, Min-

kowsky, Reed, Stuart, Tanous, and Violette.

ABSENT: Senators Anderson and Duquette.

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

Mr. STUART of Cumberland: Mr. President, I would like to pair my vote with Senator Anderson. He would vote "Yes" if he were here; I vote "No".

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

Mr. MILLS of Franklin: Mr. President, a point of order: I believe, Mr. President, that this was carried far enough yesterday on this pairing business. I ask for a ruling from the Chair as to when a pair may be made. I do not believe that anyone can take from his general knowledge the position of a Senator and announce a pair without an individual and personal contact with the Senator to whom he is claiming a pair.

The PRESIDENT: The Chair has always assumed in questions of pairings that the absent Senator has initiated action with the Senator who pairs.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I address such a question to the good Senator from Cumberland, Senator Stuart: has he been in communication within the last twenty-four hours with the Senator from Hancock, Senator Anderson, in regard to this very question of pairing his vote.

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

Mr. REED of Sagadahoc: Mr. President, I must admit that yesterday I was somewhat guilty, I felt kind of badly and I really didn't think about it until afterwards. I would say that Senator Anderson has been contacted this morning. In fact, I was going to ask to pair with him. However, I would remind the Senate that the Senator from York, Senator Duquette, is not here this morning and, therefore, the assumption was that we were even-steven. But Senator Anderson had been con-

tacted, and I think that before any Senator should pair they should have talked very recently with the Senator involved.

The PRESIDENT: The Chair would assume that in any case where a pair has been requested that the Senator requesting the pair has been in contact with the absent Senator.

The Senator from Cumberland, Senator Stuart requested that his vote be paired with the Senator from Hancock, Senator Anderson?

Mr. STUART of Cumberland: Mr. President, I have not contacted Senator Anderson in the last twenty-four hours, and since I am confused as to just what I am doing, I will withdraw the pair and my vote will be "No".

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

Mr. BERRY of Cumberland: Mr. President, with further reference to this situation, I think I am correct in stating that if a vote is paired the actual action taken is the refraining from voting by the person who requests the pair. I think this would result in anybody, such as Senator Stuart, not being recorded and, in essence, he is being excused from voting when he requests that he be paired. I have observed that the action in the Senate on some matters has been tantamount to a casting of a vote in absentia, and this is incorrect.

The PRESIDENT: The Chair will announce the vote.

Fourteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with two Senators absent, the motion did not prevail. The Senate voted to Insist.

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

Bill, "An Act Relating to Credit Reports." (H. P. 1247) (L. D. 1582)

Pending — the motion by Mr. Katz of Kennebec that the Bill be Indefinitely Postponed.

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

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



Senate: At the time that this bill appeared on the calendar this morning I noticed the other two members of the committee were not present in the Chamber. The only thing that I wanted to state was that we have debated this bill at great length yesterday. I think it was spelled out that most of us on the Committee felt that there was a need for this legislation; that those people who have been refused or denied credit, that they should receive a copy of the credit report. The fact was, I think it was well established, that the only cost to this report was a six-cent stamp and a little time on the part of the credit corporation or the retailer. I oppose the motion to indefinitely postpone.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: There is a brief remark I would like to make in reference to this, to a statement that was made yesterday by the good Senator Tanous in reference to the young men going out and getting credit reports and getting \$1.30 per report. This basically has nothing to do with the credit bureau movement in the State of Maine in the slightest degree. This was done by the Retail Credit Association in behalf of insurance companies, and this is where many of the pertinent questions that Senator Tanous objected to in that type of report were prevalent. Again, it had nothing to do with the credit bureaus at all, Mr. President and Members of the Senate. I would hope you would sustain the motion to indefinitely postpone this bill and all its accompanying papers.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to say in opposition to the pending motion that this bill received a rather long hearing before the Legal Affairs Committee. I believe all, if not all, certainly a great many of the people who are involved

in the reporting system as a business appeared before the committee and opposed the document.

Now the document they opposed was the removal of a privilege, No. 1159, which the courts have held that when these groups enter into contracts they are in a position of privilege with each other, and that can be used as a defense to a suit. I think you will all agree, if you just look upon it just on that basis, that this isn't really fair for a company that is making reports on people to make the wrong reports and then be protected by virtue of privilege. As was pointed out at the hearing, obviously there is no problem at all if the report is in fact truth. Truth is a defense in these matters, regardless of privilege. If these companies had always infallibly told the truth they would have no difficulty at all. I think they, without admitting it bluntly, they admitted there were errors made at times and that it was unfortunate. But they didn't want to have this privilege removed.

I believe that the concenses of those people was that they didn't mind too much having to make some sort of a report to the individual who is involved. Consequently, the committee watered the bill way day to the point where when the report is made to another firm, which is requesting the report, if it is negative, a copy of the report ought to be given to the individual involved. This would allow him to refute matters which are not the truth.

Many times these reports are arrived at by virtue of, as I said, young college students going out and asking neighbors and so forth. The fact that a neighbor says that a particular man next door or up the street drinks excessively or something, he may not in fact actually drink excessively; this person may be of a type that feels any person who drank at all is excessive. We have a number of people around who are like that, and they could give such information. This information would be the basis of the report, or part of the basis.

This is merely a matter of fundamental fairness that we spend for a six-cent stamp to

notify the person who has been reported on. Now, the fact that maybe the man could come down to an agency and ask what they thought about him I don't think is a particular valid point here, because many people don't live that close to the place anyway, and sometimes they are really not provided with that much knowledge to know who to go ask.

The young man that testified, I believe that Senator Minkowsky is in error, at least the man I thought Senator Tanous was talking about, is a young man who is now in the City of Portland and he worked for the Credit Bureau of Greater Portland. It sounds like a pretty long title for a collection agency. This young man worked with them, and the manager of the company said himself in his own testimony that possibly he regretted giving him the job. He has since learned various things, and, as a matter of fact, I think he used his experience as the basis of a thesis in school, which kind of burned a few people.

Now, I just asked the Senate to go along with their position of yesterday. I don't believe that our zeal to protect businesses in this line of work should lead us to overcome our fundamental knowledge of fair play, that if the report is going to be given to strangers, is going to be derogatory, why not let the man know about it and then he can come in and refute it. I would ask for a division against the motion to indefinitely postpone.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I don't know two hills of beans about the legal business but I do know the retail business, and I have a feeling this is just ill-advised legislation when you attempt to throw a fish net over the entire retail community of the State. Now if you have problems, address your attention to the problems, but don't establish a procedure that will cause a very, very substantial financial and time consuming burden on every retailer in the State of Maine who offers credit. This is what you are

doing. If you have a feeling that you want to protect the person who has been turned down, give him protection by saying that upon request the credit bureau shall give him a statement. This is a reasonable approach.

I just don't understand the approach in facing this one specific problem. We are taking such a fantastically broad approach to solving this. I had hoped that in the interim that the proponents would come up—I had a feeling yesterday that they really didn't understand the implications for every retailer in the State who extends credit. And I am not talking about Porteous, Mitchell, and Braun which has a staff of stenographers and secretarial help; I am talking about the average Maine retailer which is certainly without any secretarial help, and which has a twenty-five year old typewriter to bang out letters with two fingers. If you don't kill the bill, I certainly would urge you to cut it down to size and have a proper response to what is a very, very limited problem.

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

Mr. Conley of Cumberland then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec to Indefinitely Postpone.

Thereupon, on motion of Mr. Minkowsky of Androscoggin, a division was had. Fourteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion did not prevail.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to explain, in regard to the remarks of the good Senator from Kennebec, as to the request for the report. This is basically what the bill does; it doesn't have any bearing upon reports that are favorable or just made in the course of business and no action taken. What it says is that when the credit report is given, and the credit is not extended by virtue of the report, that

the credit reporting agency would be notified of such by the business involved, therefore, the credit bureau then would send a copy of its report to the individual. This merely is a matter of a photocopy; they send him a copy of the report. I think it basically does what the Senator from Kennebec says ought to be done, although he is still opposed to it. If there is any little terminology in there that he finds difficult, I wouldn't object to an amendment being put on to clarify it for his benefit, but I would hope that the bill would not be indefinitely postponed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I said before I didn't know anything about the legal profession, and I would suggest perhaps that the Senator from Cumberland is not an expert in retail matters. I would say 99 per cent of the reports that we get from the credit bureau are oral and are reports over the telephone. If he suggested it is just a matter of transcribing the report with a duplicating machine, I think he doesn't understand the problem, and I don't think the committee understood the problem. I would hope that you would support the motion for indefinite postponement.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, in reply to the statement that Senator Kellam made, the Credit Bureau of Greater Portland, by which it is known, is highly ethical and highly regarded in that particular area for doing a very, very ethical and honorable job. The young man he is referring to came from the Retail Credit Association to testify in behalf of the committee, and I think if you are going to legislate you should legislate against them, if this is the case, and not against the credit industry in the State of Maine or throughout the nation.

If a person has a credit problem which they are conscious cognizant of, and basically created some-

times with their own doings and in some cases are justifiable cases where they have not been guilty of it but because of medical circumstances, they have the prerogative and the privilege of going before the credit bureau and asking them for a complete disclosure of their credit problems, and which, in every case I have come across the credit bureaus, at least in the State of Maine, have complied with it. I sincerely hope that the motion to indefinitely postpone does prevail.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I hadn't intended to speak on this matter but there have been so many questions that have been posed and I feel, as Chairman of the Legal Affairs Committee, that perhaps I ought to clear the air on some of these questions.

First of all, I assure you that the Legal Affairs Committee was fully aware of all the evidence that was presented before the committee on the hearing date. I value that committee very highly and it is close to my heart, may I add, because we just signed our final report this morning.

Secondly, I did talk with the Senator from Kennebec, Senator Katz, on this, and I had intended to put an amendment on this whereby it would provide that the retailer would only have to notify the credit bureau that the individual was denied, and thereafter the credit bureau would have to send a copy of the report to the individual, and this would relieve the retailer from this chore. It is a very simple amendment that is just a matter of doing away with two or three words. Again, this only applies in the cases where an individual is refused so that, as the good Senator Katz mentioned, when he does get a report over the telephone and the report is bad I would assume that he would, as a person that has been in business the length of time that he has, would probably make up his mind immediately as to whether he is going to give this

individual credit or not, so that he could tell the credit bureau "It doesn't look good and I am not going to extend him credit." Fine, the credit bureau then sends a report out to the individual. I frankly don't see how much simpler we can get with this situation and how much easier we can make it on anyone than to just give a copy of the report to the ones that are denied. I don't know why there is so much opposition to such a very simple and pure problem. Thank you.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: If this is the case, it does create an extreme hardship on the reporting bureau, which is handling many, many reports during the course of the day, that they be spending more of their time in sending out reports to the debtors who were refused then they would be trying to do the creditable jobs the merchants are asking them to do.

Besides that, I think another factor that has to be taken into consideration is the labor cost of doing this. This is really extremely high, and I can't see having these people subjected to this. I feel this is a perfectly legitimate reason and grounds to indefinitely postpone this bill.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Now we hear the hue and cry from the credit bureaus of the cost involved in this. I can't agree with that. I wish they would spend a little more money getting their reports together. In that way their information may be a little more accurate. Nobody's character would be defamed or destroyed by actually manufacturing, or reeling out, whatever you want to call it, some twenty odd reports a day. Now this is ridiculous when an individual can undertake in an eight hour day to reel out twenty some odd reports on individuals who are citizens of this State, and

try and tell me in honesty that these reports are done accurately and they are done with time-consuming and deep research, I can't agree with that philosophy. I feel it is about time that the character of the people of this State is perhaps a little better protected than a report that cost \$1.30 and individuals that turn out twenty-five or thirty a day. Thank you.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, requests permission to speak a fourth time. Is there objection? The Senator may proceed.

Mr. MINKOWSKY of Androscoggin: Thank you very much Mr. President and Members of the Senate. I didn't expect to get this deeply involved, but nobody is infallible in business, not even attorneys, who also are subjected to make errors. But I can assure you the reports that the bureaus make throughout the State of Maine are files that they have accumulated over the years, that they keep up to date, and the information is actually very accurate. Again it goes back to the original statement I made in reference to the area that Senator Tanous objected to, with this man going out and getting twenty or thirty reports a day, this has nothing to do with the bureaus in the State of Maine. This is on the insurance end of it, they have their own particular system to follow, which they abide by, and I still maintain that the bureaus in the State of Maine, who have been a very sincere asset to the Maine economy, as well as to the merchants in the State of Maine and to the professional people, should not be branded because somebody else in another area who is listing information for insurance reports maybe stepped out of line.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Relating to Credit Reports," be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the bill will rise and remain standing

until counted. Those opposed will rise and remain standing until counted.

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

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

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

Pending — Enactment

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending Enactment.

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

"An Act Relating to Nonprofit Hospital or Medical Service Organizations." (H. P. 808) (L. D. 1047)

Pending — Enactment

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending Enactment.

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

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

Pending — Enactment

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

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

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

Tabled—June 10, 1969 by Senator Wyman of Washington.

Pending—Acceptance of Either Report.

(Senate at Ease)

Called to order by the President.

Thereupon, on motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Acceptance of Either Report.

On motion by Mr. Katz of Kennebec, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the second tabled and unassigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries." (S. P. 71) (L. D. 193)

Tabled—May 8, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Moore of Cumberland, and under suspension of the rules, the Senate voted to Reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-250, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to take from the table the ninth tabled and unassigned matter:

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

Tabled—June 10, 1969 by Senator Hoffses of Knox.

Pending—Enactment.

On motion by Mr. Hanson of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-252, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the third tabled and unassigned matter:

Bill, "An Act to Reconstitute School Administrative Districts Numbers 31, 32, 40, 41 and 54." (H. P. 513) (L. D. 684)

Tabled—May 15, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

The same Senator then moved the pending question.

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

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the fourth tabled and unassigned matter:

Bill, "An Act to Reconstitute School Administrative Districts Numbers 60, 65, 67, 68, 69, 70, 71 and 72." (H. P. 514) (L. D. 685)

Tabled—May 16, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

The same Senator then moved the pending question.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Bill, "An Act Increasing the Number of Official Court Reporters" (S. P. 137) (L. D. 434)

On motion by Mr. Quinn of Penobscot, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-235, was Read.

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

Mr. MILLS of Franklin. Mr. President, could we have a little explanation of what the effect of this amendment is, and what it is going to do?

The PRESIDENT: The Senator from Franklin, Senator Mills, poses a question through the Chair to the Senator from Penobscot, who may answer if he desires.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I sponsored the bill, L. D. 434, An Act Increasing the Number of Official Court Reporters, by one. The Chief Justice of the Supreme Court informed me that since we have passed another bill, L. D. 1236, making two new Superior Court Justices, that it will be necessary to have another reporter for service.

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

Thereupon, on motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending the Adoption of Senate Amendment "A".

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Table, Bill, "An Act Relating to the Motor Vehicle Dealer Registration Board" (H. P. 1180) (L. D. 1500).

On further motion by the same Senator, retabled and tomorrow assigned, pending Enactment.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

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

#### Non-concurrent Matter

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. D. 1002)

In the Senate May 27, 1969, the Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, the Bill substituted for the report and Passed to be Engrossed as Amended by House Amendments "A" (H-461), "B" (H-499) and "C" (H-513) in non-concurrence.

On motion by Mr. Logan of York, tabled until later in today's session pending consideration.

#### Non-concurrent Matter

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

In the House June 4, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-409) as Amended by House Amendment "A" (H-457) thereto and House Amendment "A" (H-458).

In the Senate June 10, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-244) in non-concurrence.

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

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

#### Committee Reports House Divided Report

Five members of the Committee on Judiciary on Bill, "An Act Relating to Charitable Organization's Immunity in Civil Actions." (H. P. 558) (L. D. 739)

Report in Report "A" that the same Ought to Pass:

Signed:

Senator:

MILLS of Franklin

Representatives:

BRENNAN of Portland

DANTON

of Old Orchard Beach

MORESHEAD of Augusta

BERMAN of Houlton

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

Signed:

Senators:

QUINN of Penobscot

VIOLETTE of Aroostook

Representatives:

FOSTER

of Mechanic Falls

HEWES of Cape Elizabeth

HESELTON of Gardiner

Comes from the House, Report "A", Ought to Pass, Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Mills of Franklin moved that the Senate Accept the Ought to Pass Report "A" of the Committee.

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

Mr. KATZ of Kennebec: Mr. President, might I ask through the Chair whether this bill completely does away with all charitable immunity?

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

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS: Mr. President, and Members of the Senate: That is correct. The answer is in the affirmative, Senator Katz. L. D. 739, and I quote, "Charitable Organizations: In all civil actions against a charitable organization the defense of charitable immunity is abolished." We could talk about this, and that imaginary meter that I spoke about this morning running down there could run up to a large fare if we exhausted the subject. However, if we exhausted all that I know about it, it wouldn't take such a long time.

But, I can say that this is an antiquated concept that people won't contribute to a charity if someone is likely to sue the charity and someone is likely to have recourse against the charity for its wrong-doings. If you are going to a strawberry festival at the church, and someone spills a plate of strawberries on the marble floor, and you fall and you break your leg, and they get plenty of opportunity to clean it up and they let it stay there, and it was negligent, then your leg hurts you just as much and you are just as bad off as though it was the corner drug store that you did it in. And the theory behind abolishing this charitable immunity is that everyone ought to have to stand up to his civil wrongs and pay for them.

Now, the practicality of it is that there isn't probably a church or an organization of any kind that caters to the public to any extent

today that isn't covered by insurance, and if you allow the charitable immunity to stand, the insurance is quite a bargain for the insurance company because, unless they put a provision in the policy saying that they won't assert the privilege of the charitable immunity in defense, then you are really not buying anything, and this would mean that the hospital would be liable for its negligence, regardless of insurance. This would mean that the corner church would, the ladies sewing circle, if it were incorporated, which it usually isn't of course. The individuals in it would be, if it was just an organization. Briefly then, the answer to the good Senator's question is, yes, it does.

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

Mr. QUINN of Penobscot: Mr. President, and Members of the Senate: I voted against this bill. There are many charitable organizations that are organized to do good in many fields, and they are not rich organizations and sometimes they are not incorporated; they are merely organized, a group of willful citizens that want to get together and do some good. As to the spilling of the strawberry dish at the strawberry festival, it seems to me that an organization like that, that doesn't have the funds to cover itself by insurance, but still by united effort are doing some good, should not have this immunity removed from them.

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

Mr. BERRY: Mr. President and Members of the Senate: I just can't let this occasion go unnoticed. This is a millenium, the gentle light of sweet reason has drifted into the Judiciary Committee, and I will leave it to the judgement of the body as to which of the members has seen the light.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I suppose we will have to wait until the vote is taken, and see how my friend from Cumberland votes, to see which side has seen the light.

Seriously, I hate to disagree with my friend from Franklin, Senator Mills, but I have to concur with the opinion of the other member of the Senate on Judiciary, Senator Quinn. In 1965 we amended the immunities law to allow charitable immunities to be sued to the extent that they had insurance coverage. We do know that most of our larger organizations do carry insurance and so a great majority of the public is safeguarded. My reason for voting that it Ought Not to Pass is my concern for many small charitable organizations that really have no wealth, really don't own much property, don't have much money, but do quite a lot of good. I suppose somebody will say, well, they ought to go buy insurance so that they could be covered, but on the other hand, we do know that they do have substantial shortages of funds to do the work that they are organized to do, and I don't know, perhaps I haven't come up to date completely on it, but I can't resolve myself to removing totally the immunities from that type of organization.

I know we have a lot of very small church organizations, a lot of small benevolent organizations, that do a lot of good for the public, and I do recognize, I suppose that whether you are harmed by a small organization, or by a large hospital that carries insurance, why, your leg hurts just as much or your back hurts just as much if you injure it, but I think on the matter of concept of liability and of recovery, I think it is pretty much been built around the concept of distributing or having society bear the burden of somebody's damage. So, if a large organization is sued, and recovery is had, there is some way of passing this on to the general public,



and this has been the concept of the development of torte liability and allowing recovery. I still find it difficult, on my own part, to say that all our small charitable organizations ought to, you know, be able to be sued to the extent that they would be very, very severely damaged, and so this is the reason why I voted against the legislation and I hope that it does not prevail.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate accept Report "A" Ought to Pass, on Bill, "An Act Relating to Charitable Organization's Immunity in Civil Actions." As many Senators as are in favor of accepting Report "A" will say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion did not prevail, and the Ought Not to Pass Report "B" of the Committee was then Accepted in non-concurrence.

Sent down for concurrence.

### ENACTORS

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

An Act Relating to the Taxation of Farm Machinery. (H. P. 1216) (L. D. 1548)

(On motion by Mr. Katz of Kennebec, tabled pending Enactment.)

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

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

(On motion by Mr. Minkowsky of Androscoggin, temporarily set aside.)

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

An Act Relating to Municipal Park and Conservation Commissions. (H. P. 749) (L. D. 967)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secre-

tary presented to the Governor for his approval.

The President laid before the Senate the matter set aside at the request of Mr. Minkowsky of Androscoggin:

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

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I can assure you today it will be a very, very brief presentation. First, what I would like to do is have the rules suspended to reconsider our action whereby this bill was passed to be engrossed for an amendment.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, moves that the Senate suspend the rules in order that the Senate reconsider its action whereby Bill, An Act Providing Androscoggin County Funds for Child and Family Mental Health Services, was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of suspending the rules will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and seventeen Senators having voted in the negative, eight being less than two-thirds of the Senators present and voting, the motion to suspend the rules did not prevail.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MINKOWSKY: Mr. President and Members of the Senate: This was my last final attempt to see possibly if we could have the light displayed as far as how detrimental this might have been

to Androscoggin County and its people. I wanted to show my good faith by at least attempting to offer an amendment which I felt was palatable and would act as a guideline for the county commissioners and to protect the people of Androscoggin County. Since this particular matter has not prevailed, I now feel, as a Senator from Androscoggin County, it is my duty to ask that this particular bill and all its accompanying papers be indefinitely postponed. When the vote is taken, Mr. President, I would ask for a roll call.

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, now moves that Bill, "An Act Providing for Androscoggin County Funds for Child and Family Mental Health Services," Legislative Document 1405, be indefinitely postponed and has requested a roll call. 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. Will all those Senators in favor of ordering a roll call rise and remain standing until counted?

Three Senators having arisen in favor of the request to order a roll call, and three being less than one-fifth of those Senators present and voting, a roll call is not ordered.

The Chair recognizes the same Senator.

Mr. MINKOWSKY: Mr. President, I request a division.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, "An Act Providing for Androscoggin County Funds for Child and Family Mental Health Services," be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

#### **Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$770,000 for the Construction and Improvement of Vocational Education Facilities at Northern, Southern, Eastern and Central Maine Vocational-Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and the Unorganized Territory Schools and Indian Schools. (H. P. 317) (L. D. 404)

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

#### **Bond Issue**

An Act to Authorize Bond Issue in the Amount of \$2,515,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and Adult Offender at our Mental Health and Corrections Institutions. (H. P. 311) (L. D. 398)

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

#### **Bond Issue**

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

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

#### **Constitutional Amendment**

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority. (S. P. 97) (L. D. 307)

This being a Constitutional Amendment and having received the affirmative votes of 24 Members of the Senate, the Resolve was Finally Passed and, having been signed by the President, was

by the Secretary presented to the Governor for his approval.

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

Mr. KATZ: Mr. President and Members of the Senate: We have attempted to do several things in the line of school construction this year. The other day you recall, I think it was today, we asked the Maine Education Council to study the question of school construction and financing. Here we just passed an amendment pledging the credit of the State for loans of the Maine School Building Authority. The Senate, I think, is not aware of the fact that in the next ten years school construction costs will probably be in excess of \$200,000,000 in the State of Maine, and I think that these steps that have been taken in this session will give us an opportunity to put our house in better order getting ready for additional costs.

#### Joint Order

Out of order and under suspension of the rules, Mr. Katz of Kennebec, presented the following order and moved its Passage:

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An Act Revising the Maine State Personnel Laws, House Paper No. 1048, Legislative Document No. 1376, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its findings and recommendations to the next regular or special session of the Legislature. (S. P. 498)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: The Senate will notice that this refers to a bill which was twice tabled today and will be coming up for our consideration in just a moment or two. I have grave reservations

about the bill, which is the basis for my introducing the order. I would ask that somebody table this order until the next legislative day, and I would like to reserve the reasons for my misgivings until we get to the bill itself.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Passage.

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

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

Tabled—June 10, 1969, by Senator Wyman of Washington.

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 rather belatedly and I refer the attention of the Senate to this L. D. 1376. I would like to consider just a few parts of this to express so that you can see why I have a concern. Just so that we will have something to hang our hats on, Mr. President, I would move that this bill be indefinitely postponed.

On page three of the bill, under Powers and Duties, we are all anxious to strengthen our executive to make his job more effective so that State Government can be run more efficiently and more effectively, but I think this particular bill attempts to do this at rather a high price tag. It does away with the personnel board, and it establishes a director, and the director, I quote, "shall be under the immediate supervision, direction and control of the Governor, and he shall perform such delegated duties as he may de-

scribe, except as otherwise provided by law." This establishes the director of personnel as an arm of the Governor.

Under the director of personnel is an advisory counsel, whose functions are purely advisory. And a little later on it says, under Classification, that "The director shall establish such classifications which shall take effect upon adoption by the Governor." Under Compensation it says that, "Compensation shall be recommended which shall become effective after its adoption by the Governor."

It sounds in context like a good attempt to solve a problem that is prime for solution in the State, and that is our ability to separate from service state employees who are not functioning up to the standards set by their employers and their supervisors. But in the process this bill, as far as I can see, absolutely and completely takes away the non-partisan atmosphere of State employment in the State of Maine. It puts us in grave jeopardy of having state employment revert back to the fine old days of the spoils system when it was not a case of what you know but who you know.

I want to assure the Senate that my misgivings are not directed against the fact that we have a Governor who is of the opposite party because presumably this is just a temporary situation. But it would extend just as completely if we had a Republican Governor. If there is one thing that I am absolutely sure about, it is that in general the odor that comes from the cleanliness of State Government is sweet and clean compared to most states in the country. I feel that this bill, no matter how well intentioned, jeopardizes the sweet smell of State employment that we enjoy today. Consequently, Mr. President, I will move indefinite postponement of the bill. I will assure the Senate that, if indeed the Senate goes along with this motion, that the Legislative Research Committee will be given the very highest priority in the consideration of this joint order.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Revising

the Maine State Personnel Laws", be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Letourneau.

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: I would like to ask a question. It seems to me that four years ago we had a study about this personnel relations board, or whatever you call it. I don't recall that anything much happened about it. We spent a lot of money and didn't get any results.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: This would eliminate our present system with its checks and balances through the State Personnel Board. Under the proposed system, the person charged with making a decision in the daily operation will be the same person who would make all final decisions relating to this department. The so-called Citizens Advisory Board would not have any authority comparable to the present personnel board. It would be, as its title indicates, merely an advisory board. While there are faults in our present system, many improvements could be made in our personnel department if it was properly staffed and given funds to do the job it was charged to do. A system very much like this one proposed by the Legislative Document was instituted in Connecticut several years ago. After four years of such a system the State found that they weren't happy with the returns and they went back to their old system again. I would definitely move for indefinite postponement of this bill.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am pleased to see this bi-partisan approach to opposition to this measure. I have to remind myself of my age again because I was here thirty-two years ago when the personnel law was first adopted. I remember so well the non-partisan, very civic-minded group that were behind this mea-

sure. The League of Women Voters of the State had it as a project that year. Believe me, when the League of Women Voters take on a project, and get behind it, it takes an awful lot to stop their progress of their action. Also, at the time the Government Department of Bowdoin College, under the leadership of the great historian, research man and writer, Dr. Orin C. Hormel, who published that year a book on Personnel Problems in Maine. I remember it so well because I was one of the functionaries or clerks in the Judiciary Committee that heard the bill. Dr. Hormel gave me an autographed copy of his Personnel Problems in Maine.

Miss Marion Martin was a member of the Senate, who is known to all of us, and it was her bill. She lead the debate in the Senate. I member the late Senator Asby of Aroostook County was one of her protagonists. The main thing that happened in the progress of that legislation was departments coming forward and getting exempted, so when the bill finally got enacted there were lots and lots of employees that were not under it. But over the years, subsequently, they came under it, department after department. We have yet to see, I think, any real substantial criticism of the machinery under which our personnel law operates. You can't help but get an overtone of political desire in studying this bill. I mean, this would change the horses, this would give an opportunity for a new board to be set up, and it would open the door, I think, to more politics than exists today. I think we can say that there are relatively little politics in the administration of the personnel law in Maine, just as there was, I think, no politics in the institution of it thirty-two years ago.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I have no particularly strong feelings on this bill one way or the other. In answer to the Senator from York, Senator Letourneau, I believe the State has already spent some \$60,000, as I

remember it, and I don't know but it was closer to \$100,000 by the time we got through spending money trying to study the Maine State Personnel Laws and what should be done.

I would support an order that goes in and studies it further. I would like to see really two stipulations on it: one is that we are not going to spend any money, and the Research Committee itself can do the work. Secondly, that it report back to this legislature instead of passing the buck to the next one. This is the problem, you spend a lot of money studying this and pass it off to the next legislature. To me, it is just a waste of money. I don't care how you change this around, I have come to this conclusion since I have been here, that you are going to have politics involved as far as State employees and what have you here in Augusta. This charge was brought back that this bring back the spoils system. Again, I refer to Jackson, and I have always been a supporter of the spoils system. I feel, if you are going to have politics, why not have it and have it right out in the open. This sweet smell that we have around here is all right; I haven't anything against it, but I can't help but think with the spoils system you might get the smell of some good honest sweat because the Governor who is responsible, I feel, for the State employees and the running of these departments really is going to be pushing it to them and seeing that the job is done. I feel that politics isn't all wasteful; that it can mean economy and efficiency in Government. I feel very strongly about this. The fate of this particular measure I am not that versed in, but I would hate to see us spend a lot of money for a study and then just refer it to the next legislature. I think that would be a mistake.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The \$60,000 figure that has been mentioned here as having been spent was for a study for a pay plan, not for the procedures of

personnel hiring and firing itself, and firing itself. I would call to the attention of the Senator from Sagadahoc that the order does indeed say the next special or regular session of the legislature. It is my intention that this order means that the legislature itself will take a look at the problem, without reference to outside high-paid talent.

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

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: Personally I think this order to refer this to the Legislative Research Committee is just one way of killing the bill. I know that we spent \$60,000 four years ago, and we got nothing. Now we are going to spend some more money. No matter what you do, if you send it to Legislative Research, it is going to cost some money, because the members of the Research Committee are going to travel up here and get twenty dollars a day, plus mileage, plus room and board, no question about that. I have been here a long time, and as far as the Personnel Board, the same people have been there for years and years. If you want to talk politics about it, I will be glad to talk politics.

I am concerned to a certain extent but not that it affects me. My daughter graduated from a high-class secretarial school in Boston. I assure you it didn't cost \$400 to go there. That was back in the 1950's and for some reason or other she thought she would like to come up here and apply to work for the State. So she did, she came up here to Augusta, took a test and she never heard anything about it. They didn't even have the courtesy to give her an answer. For a while I thought maybe she wasn't smart enough. She wound up in Paris, France and Frankfurt, Germany working for a high class firm, so evidently they thought enough of her knowledge and ability to hire her. The State of Maine didn't.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to share a sense of misery with the Senator from York, Senator Letourneau because living in Augusta, from time to time I get requests to see if I can help some desirable person get employment and, if I trust my memory, I have never succeeded in getting a job for a single solitary applicant. So, if indeed there are politics, they must be bi-partisan politics.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Revising the Maine State Personnel Laws", be indefinitely postponed. As many as are in favor of indefinitely postponing the bill will say "Yes"; those opposed, "No".

A viva voce vote being taken, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the eighth matter tabled earlier in today's session, by Mr. Logan of York:

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. L. 1002)

In the Senate May 27, 1969, the Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, the Bill substituted for the report and Passed to be Engrossed as Amended by House Amendments "A" (H-461) "B" (H-499) and "C" (H-513), in non-concurrence.

Pending—Further Consideration.

Thereupon, on motion by Mr. Logan of York, retabled and tomorrow assigned, pending Further Consideration.

#### Joint Order

Out of Order and under suspension of the rules, Mr. Katz of Kennebec presented the following order and move its Passage:

ORDERED, the House concurring, that the Maine Education Council established pursuant to Chapter 452 of the Public Laws

of 1967 is authorized and directed to study the impact of parochial school closings on the economy of the State; and be it further

ORDERED, that the Maine Education Council submit a written report of its findings, together with any necessary recommendations and implementing legislation, at the next regular or special session of the Legislature. (S. P. 499)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps you may have noticed, but in all budgetary plans and all package amendments one figure has been recurred in all of them, and that is the figure of \$274,000 plus. This figure, which was in the Senate Amendment offered by Senator Dunn this morning, is the State's additional share of the cost of education for children who previously have been going to school in parochial schools. It is a sizeable amount of money. Now we find as recently as last week that five more parochial schools within the State are

closing completely at the end of the current school year. This puts a very, very grave burden on the public school systems around the State and also a very perplexing problem to the Diocese of Portland.

I have a feeling that the State is probably a little slow in looking at this, but the intent of the order is to have the Maine Education Council look into what could be a very, very serious problem for many thousands of parents around the State.

In accordance with our well-established procedure, I would ask someone to table this until the next legislative day.

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

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

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(Off Record Remarks)

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