

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, June 12, 1969

Senate called to order by the President.

Prayer by the Rev. Robert A. Merrill of Gardiner.

Reading of the Journal of yesterday.

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

S. P. 495—Joint Order relative to recalling S. P. 389 - L. D. 1314 "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands from legislative files to Senate.

In the Senate June 9, 1969, Passed.

Comes from the House, having Failed of Passage, in non-concurrence.

On motion by Mr. Bernard of Androscoggin, the Senate voted to insist.

**Non-concurrent Matter**

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

In the Senate June 9, 1969, Passed to be Engrossed as Amended by Senate Amendment "B" (S-224) as Amended by Senate Amendment "A" (S-240) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-224) as Amended by House Amendment "A" (H-514) thereto, in non-concurrence.

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

**Communications**

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine  
June 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 Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (H. P. 258) (L. D. 334) it had accepted the Minority "Ought not to pass" Report and the Senate had

accepted the Majority "Ought to pass" Report and passed the Bill to be engrossed.

The House also voted to Adhere to its action whereby Bill "An Act to Relieve Certain Elderly Householders from Extraordinary Property Tax Burdens" (H. P. 1017) (L. D. 1325) was indefinitely postponed and the Senate had substituted the Bill for the Report and passed the Bill to be engrossed.

The House also voted to Adhere to its action whereby on "An Act relating to Control of Riots" (S. P. 141) (L. D. 423) it had accepted the "Ought not to pass" Report and the Senate had insisted on its action whereby it had substituted the Bill for the Report and passed the Bill to be engrossed.

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 11, 1969

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

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

Resolve in Favor of Town of Harrington for Medical Care of an Indigent (H. P. 543) (L. D. 722)

Mrs. LINCOLN of Bethel

Messrs. QUIMBY of Cambridge  
CURTIS of Bowdoinham

Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (L. D. 980)

Mrs. LINCOLN of Bethel

Messrs. CURTIS of Bowdoinham  
OUELLETTE  
of South Portland

Bill "An Act Relating to the Statute of Limitations for the

Malpractice of Physicians" (S. P. 85) (L. D. 279)  
Messrs.

MORESHEAD of Augusta  
BERMAN of Houlton  
DANTON of Old Orchard  
Beach

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

State of Maine  
Office of the Governor  
Augusta, Maine

June 11, 1969

To the Honorable Members of  
The Senate  
and the House of Representatives  
Of the 104th Legislature

I have considered Senate Paper 412, Legislative Document 1368, An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections, and have decided to return it to the Legislature without my signature.

This Legislation deals with a very delicate area of State Government - the relationship between the heads of our State Departments and the people of Maine whom they serve. Despite commendable efforts by the Legislature to arrive at a workable bill, L. D. 1368 remains a proposal that could seriously undermine this relationship by threatening our State Department heads with criminal prosecution if they speak out publicly on any issue that is subject to referendum.

The bill states that no employee or department head of the State shall expend or authorize the use of public funds appropriated to his agency to influence the outcome of any referendum, though he may comment on the effect or rejection or adoption of the question involved in the referendum. Although I do not question the intent of this provision, the scope of the exception for comment by a department head is left very unclear. There appear to be many ways in which a State official could comment on a referendum question while still using public funds. Therein lies the basic uncertainty in this regulatory act.

For example, could a department head use his official stationery to write letters explaining his position on a referendum question that affects his department? Could he receive expenses or even salary to attend a public meeting to support or appraise a referendum matter that has been endorsed by the Legislature and the Governor? Could he prepare and distribute materials in which he explains to the public the effects of rejection or adoption of a referendum question? Would opponents charge that these normal agency functions are misuses of public funds and accordingly seek legal actions? The Bill gives no guidance to a department head on any of these questions or any similar ones. He would have to make his decisions under the constant threat of criminal prosecution. Inevitably, faced with this threat, most public officials would become silent.

Such a development would be most unfortunate. Many issues which the voters of the State must act upon at referendum are complicated. They may involve difficult judgments on pollution abatement, bond issues or bond issues for the construction of educational facilities or mental health facilities. They may require decisions on basic constitutional questions that cover a wide range of subjects. Very often, particularly with respect to bond issues, a State official will be the most knowledgeable individual on the need for construction proposed in a bond issue. Unless he is free to inform the public of these needs in a detailed, factual manner, the people will not have a fully informed basis for their decisions. Instead, the public debate may be dominated by private opposition groups that do not hold positions of public trust and that can easily mislead through misinformation and ignorance.

This Legislation betrays a contrary fear - that the debate over a referendum question might be dominated through the use of State funds to finance a hard-sell campaign. I quite agree that such a use of State funds would be inappropriate. The Attorney General has issued an opinion stating that the purchase of advertising for

such a purpose is unauthorized by statute. State resources must never be used to overwhelm or silence opposition to a referendum question. There are always two sides to any question. But we must be sensitive to the distinction between the presentation of important information which a department head might uniquely possess and the possibility of excessive salesmanship which goes beyond the duty of a department head to inform the public he serves. This bill, with its vague prohibitions and its use of criminal penalties, ignores this distinction.

I am convinced that the controls which L. D. 1368 seeks are available through the principle of political accountability - a principle which holds that the Governor of a state, as Chief Executive, is responsible to the people who elect him for the full conduct of his administrative heads. This principle in turn assumes that all department heads are directly responsible to the Governor and that the departments are sufficiently few in number to permit fully coordinated programs. In Maine, at the present time, these conditions do not prevail. Some department heads are not even appointed by the Governor and others have terms that are not concurrent with the Governor's.

If we correct these conditions, we can develop a State Government organization that permits the Governor and agency heads to use administrative controls over the conduct of State department officials with respect to referendum questions. If these policies are not respected, the department heads can be dismissed by the Governor. Ultimately, if appropriate restraints are not observed, the Governor can be rejected by the voters.

I realize that this approach which I outline is not an easy one. It requires a careful reassessment of our entire State government structure. A statute that warns department heads to keep out of policy matters considered in a referendum at the risk of 11 months in jail is an approach that may seem easier. But the issues raised by L. D. 1368 are too important for easy answers.

I believe that we should focus our energies on developing a modern administrative structure, responsive to the people and acting as a coordinated unit under the direction of the State's Chief Executive.

I therefore request that my action vetoing L. D. 1368 be sustained.

Respectfully submitted,  
KENNETH M. CURTIS

Governor  
S. P. 412 - L. D. 1368 - An Act Prohibiting Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections.

Which was Read.

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

#### Orders

On motion by Mr. Tanous of Penobscot,

ORDERED, the House concurring, that the members and legal clerks on the Joint Standing Committees on Judiciary and Legal Affairs be given copies of the Annotated Revised Statutes of 1964.

(S. P. 497)

Which was Read.

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

On motion by Mr. Katz of Kennebec,

ORDERED, that the President of the Senate and not exceeding four members of the Senate designated by him be and hereby are authorized during the current biennium to attend the conference of the National Legislative Conference and National Conference of Commissioners on Uniform State Laws, and be it further

ORDERED, that the necessary expenses of the President and the members appointed by him be paid from the Legislative Appropriations.

Which was Read and Passed.

On motion by Mr. Katz of Kennebec,

ORDERED, that the Secretary of the Senate be and hereby is authorized during the current

biennium to attend the National Legislative Conference and meetings of any Committee thereof on which he may serve, and be it further

ORDERED, that the Secretary of the Senate be reimbursed for the necessary expenses.

Which was Read and Passed.

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the President of the Senate, the Speaker of the House, and the Majority and Minority Leaders, and Assistant Leaders of the Senate and House be hereby authorized during the current biennium to attend the conferences of the National Conference of State Legislative Leaders; and that their necessary expenses be paid from the Legislative Appropriations; and be it further

ORDERED, that the dues of the State of Maine for membership in said Conference be paid from the Legislative Appropriation.

(S. P. 500)

Which was Read and Passed.

Sent down for concurrence.

#### Committee Reports House

##### Ought Not to Pass

The Committee on State Government on Bill, "An Act Establishing a State - Municipal Government Revenue Sharing Program." (H. P. 1174) (L. D. 1498)

Reported that the same Ought Not to Pass.

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

Which was read.

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

##### Ought to Pass—As Amended

The Committee on Labor on Bill, "An Act Establishing the Municipal Public Employees Labor Relations Law." (H. P. 636) (L. D. 824)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-431).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-431).

Which was Read.

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Provide for the Construction and Improvement of Airports throughout the State; for a Tourist Information Building at Kittery; a State Office Bldg; the Repair and Improvement of Certain State-owned Bldgs; and to Provide for Other Essential Improvements to Facilities for the Dept. of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by issuing bonds in the amount of \$11,140,000. (H. P. 307) (L. D. 394)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-487).

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

Which reports were read.

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

##### Ought to Pass in New Draft

The Committee on Taxation on Bill, "An Act to Provide Boat Registration Fees in Place of Personal Property Tax." (H. P. 397) (L. D. 507)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Extend Registration Coverage and to Provide Increased Fees in Lieu of Personal Property Tax on Certain Watercraft." (H. P. 1236) (L. D. 1569)

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

Which was Read.

On motion by Mr. Hanson of Kennebec, tabled and tomorrow

assigned, pending Acceptance of the Committee Report.

**Ought Not to Pass**

Mr. Violette for the Committee on Judiciary on Bill, "An Act Relating to Immunity of Government Employees Under Civil Defense Law." (S. P. 166) (L. D. 540)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

**Ought to Pass - As Amended**

Mr. Moore for the Committee on Industrial and Recreational Development on Bill, "An Act to Rename and Reorganize the Department of Economic Development." (S. P. 363) (L. D. 1245)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-257).

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

**Final Reports**

The Committee on Business Legislation submitted its Final Report.

The Committee on Industrial and Recreational Development submitted its Final Report.

Which reports were Read and Accepted.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act to Provide a More Equitable Method of Distributing School Subsidy." (H. P. 1254) (L. D. 1586)

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

Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education." (H. P. 1232) (L. D. 1565)

Which was Read a Second Time. Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-233, was Read and Adopted.

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

Senate Amendment "B", Filing No. S-237, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

**Senate**

Resolve, to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine. (S. P. 364) (L. D. 1246)

Which was Read a Second Time.

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

**Senate - As Amended**

Bill, "An Act Creating the Department of Natural Resources." (S. P. 386) (L. D. 1381)

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

Sent down for concurrence.

**Orders of the Day**

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

Bill, "An Act to Amend the Charter of the City of Portland." (S. P. 379) (L. D. 1289)

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

Pending — Passage to be Engrossed

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

Sent down for concurrence.

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

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

Tabled — June 11, 1969 by Senator Hoffses of Knox.

Pending — Consideration.

On motion by Mr. Hoffses of Knox, retabled until later in today's session, pending further consideration.

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

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

Tabled — June 11, 1969 by Senator Sewall of Penobscot.

Pending — Consideration.

On motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending consideration.

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

JOINT RESOLUTION Memorializing Congress to Revise the Present System of Administering Federal Grants. (S. P. 485)

Tabled — June 11, 1969 by Senator Katz of Kennebec.

Pending — Adoption.

There upon, the Joint Resolution was Adopted.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" — Filing H-501 from the Committee on Natural Resources on Bill, "An Act Revising the Water and Air Environmental Improvement Laws." (H. P. 905) (L. D. 1166)

Tabled — June 11, 1969, by Senator Berry of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-501, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" — Filing H-406

from 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)

Tabled — June 11, 1969 by Senator Levine of Kennebec.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-406, was Read. House Amendment "A", Filing No. H-453, to Committee Amendment "A" was Read.

On motion by Mr. Logan of York, House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed in non-concurrence and, subsequently, Committee Amendment "A" was Adopted in non-concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Increasing Certain Motor Vehicle Registration Fees. (H. P. 326) (L. D. 413) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — June 11, 1969 by Senator Hanson of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Martin of Piscataquis, the Minority Ought Not to Pass Report of the Committee was Accepted.

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

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

Tabled — June 11, 1969 by Senator Wyman of Washington.

Pending — Enactment.

Mr. Wyman of Washington then moved the pending question.

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



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

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

Tabled — June 11, 1969 by Senator Greeley of Waldo.

Pending — Enactment.

Mr. Greeley of Waldo then moved the pending question.

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

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

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

Tabled — June 11, 1969 by Senator Bernard of Androscoggin.

Pending — Enactment.

Mr. Martin of Piscataquis then moved that the Bill be Indefinitely Postponed.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: We have other taxation which affects motor vehicles which I think would also affect my thinking on this bill, and I would hope that it would be retabled possibly unassigned, because when these other measures come along where we can look at all of them together, then I certainly can make a decision, but I don't like either passing one or knocking one off at this time.

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

Thereupon, on motion by Mr. Mills of Franklin, retabled and tomorrow assigned, pending the motion by Mr. Martin of Piscataquis that the Bill be Indefinitely Postponed.

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

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

Tabled — June 11, 1969 by Senator Tanous of Penobscot.

Pending — Enactment.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for June 16, 1969, pending Enactment.

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

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

Tabled — June 11, 1969 by Senator Tanous of Penobscot.

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

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

Mr. TANOUS of Penobscot: Mr. President, I do have an amendment being prepared on this matter, and I certainly hope that this might be tabled another day by somebody.

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

Thereupon, on motion by Mr. Mills of Franklin, retabled and tomorrow assigned, pending the motion by Mr. Moore of Cumberland that the Senate Recede and Concur.

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

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

Tabled — June 11, 1969 by Senator Sewall of Penobscot.

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: This is in my district or awfully close to me. I believe it is in my district but most of my district up that way is under water, and I thought the Town of Flagstaff was. It went under water once when the dam was built which formed a big lake, Flagstaff Lake.

I know Senator Sewall, the good Senator from Penobscot, gets up there for his recreation a good deal more than I do, and I wish he would tell us about this for the interest of my constituents. That is, are these part-time people that want to incorporate the town into a corporation and have town government, or is this the hard-bitten natives up there that live all year around there wanting to get back into a corporation?

When they flooded the place they took up the people in the cemetery and moved them out to higher land and everybody else moved into some other town. I didn't know that there was much of anything left. Could you give us some vital statistics on this proposed town?

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

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was hoping that my good friend, Senator Conley, would get up and take the honors in this matter but I guess he hesitates to.

If you will recall, this particular bill was reported out of committee originally Ought Not to Pass, then it was recommitted to the Legal Affairs Committee and the bill was rewritten in a new draft. It is somewhat of a companion bill to the Item 3, which we passed this morning, "An Act to Create the Mountain Resorts Airport Authority," and it provides for incorporation of a Town of Flagstaff.

As I mentioned, the bill has been rewritten, and the Secretary of State may not call for an election until the airport is under construction and until twenty people have been permanent residents under our law, if I remember right. It is the last item on the bill, Mr. President; until twenty people have become residents of the area before an election may be called to incorporate the town, under our law.

The exact boundaries are in the bill itself and I think it involves two parts of townships. We did fly

over the area and you are correct; much of it is covered under water. This is intended, of course, to be used as a ski resort in the future under the Airport Authority Bill. I understand there are plans for building a community there, stores, hotels and motels. It is my understanding that there are plans of spending in the area of \$151 million in that particular area to revive the original Town of Flagstaff, and this would be made into a ski resort with a jet airport, as I mentioned in Item 3. Other than that I don't have more information on it but I am sure, if you want to get together with me, I can fill you in on more. I have it in my room downstairs.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Having in mind that I have a corporate constituent up there, the Rangeley Light and Power Company which is represented here in this body by the good Senator from Cape Elizabeth, Senator Berry, and he gets up there a lot more than I do too, and also having in mind that over in England a century or two ago, I guess about one hundred years ago, they had a very bad situation —

The PRESIDENT: For what purpose does the Senator rise?

Mr. KATZ: To request a personal privilege. I would like to hear what the Senator is saying, but I can't without the microphone.

Mr. MILLS: I am sorry. I thought I was getting out, I am sorry. It is too bad, we pay for these microphones, and some fellows are getting the reputation of being "whispering Senators" because they stand away back and no one can hear them, so we are wasting all that money. I am sorry, and I will try to get out.

As I was saying, Mr. President, the calendar seems to be moving along kind of fast this morning and I guess we can divert for a minute. This Flagstaff situation is serious and I don't mean to make light of it. We ought to consider it very carefully before we incorporate a town, and especially if there aren't even twenty people there yet, as

seems to be indicated, and I am not sure that is true. I don't mean to question the word of the Senator, but I think he was speaking from light information, if any information. But if there are not twenty people up there yet, and these are New Yorkers that are coming down with a big project, which we talked about a few weeks ago and which we debated quite fully, then we ought to wait until we have really got a going concern before we put them into business as an incorporated township.

I have in mind the historical precedent in England where they had these many townships, and some of them got under water, through modernization, developing of dams, canals and so forth, but they still kept sending members to parliament who didn't live anywhere near. We don't want anyone to suggest that someone is going to start voting that Flagstaff cemetery that has been moved to high ground, or anything of that kind.

Now, this is just up for engrossment so it has got another chance to be looked at, but I think we ought to have more information before this body before we incorporate a town.

Now, if the good Senator Sewall from Penobscot and the good Senator Berry from Cape Elizabeth have a portfolio on this about how it ties in with that Mountain Resorts area, Item 3, and why it is necessary, I think we ought to be given that information before we are asked to vote favorably on it, because you are asking me to accept into my bailiwick another town which I am not sure that we need at this point.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am sure that there may be many people in and outside of the legislature who would like to see a watered - down version of the Senator from Cape Elizabeth running from the cemetery from Flagstaff, and I will give this a great deal of thought. And I am no authority on the particular problem, but I am very happy to see Brother Mills, the good Senator

from Franklin, concerned on this legislation.

To be factual, Senator Tanous made two statements which I would like to - I won't say correct, but I would point out the facts of the situation. The bill does not say that the incorporation of this large Town of Flagsaff will depend upon the construction of the airport. The bill says that it will become effective upon receipt of the approval of the project by the manager of the Maine Recreation Authority for the airport project, and by the Federal Aeronautics Administration. Now approval and funding, as we know, unfortunately, are two vastly different words, so the Federal Aeronautics Administration could give its approval for the project, and never its money, and this bill would be implemented.

The second point that Senator Tanous mentioned was that there was a requirement for twenty inhabitants of the town to vote on the project. I will quote you from the bill: "Said election may be held, although the number of persons is less than twenty." So I assume that where it says "persons" we would have to talk two, and to have a majority you would have to have three so, without any question, the bill permits the incorporation of the so-called Town of Flagstaff with three or more residents of the proposed town. I will leave that to the members of this body to determine whether this is what you would call a good procedure.

I share Senator Mills' concern that we are giving very serious powers - all the rights, privileges and everything pertaining to municipal operations would be given to a project which could be voted on by three or more people. I consider it as he does, a rather serious problem which should be fully explained, and I am certainly not in the position to do it. Unfortunately, I guess all I can do is point out what I consider problems here. If they are solved I would be happy to support them. But I think we have here two problems - I agree with Senator Mills: if the airport is constructed, and if we have a reasonable number of

inhabitants in the town. But I can tell you an additional fact, that there is not a single permanent resident in the area under consideration who is breathing anyway today.

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

Mr. MILLS of Franklin: Mr. President, I am going to move to indefinitely postpone the measure. I have another reason. I think that when any group, whether they are New Yorkers, financiers, promoters or anything else, move into the territory of any one of you Senators and decide they are going to launch a multi-million dollar program, that they are going to incorporate a town, that just about the first point of call, first of all, should be on the representative representing that area. I think that is good sense, especially if they have got high-paid lobbyists who know something about politics. The second point of call ought to be the Senator who represents that area. I haven't heard a thing about this town, and I think, until they clear it with the people who are elected to represent those people who would make up this town, I don't think they ought to get off the ground in this legislature. I move to indefinitely postpone.

The PRESIDENT: The Senator from Franklin, Senator Mills, now moves that Legislative Document 1576, Bill, "An Act to Incorporate the Town of Flagstaff," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Mills of Franklin that the Bill be Indefinitely Postponed.

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

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

Tabled — June 11, 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 fifteenth 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 11, 1969 by Senator Reed of Sagadahoc.

Pending — Motion by Senator Berry of Cumberland to Reconsider Failure of 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 would hope that we would reconsider our action, and then I would like the privilege of offering an amendment I discussed yesterday, which would remove completely from the title of the bill and from the body any relation to loaning money again to an enterprise which is in trouble. I think this is the major objection, and I would urge you to vote for reconsideration.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this resolve failed of final passage. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Resolve was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-254, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

JOINT ORDER — Relative to Maine Education Council study of Bill, "An Act Restoring the School Construction Aid Percentages to the Average Percentages of the Original 1957 Act." (H. P. 548) (L. D. 727) (S. P. 496)

Tabled — June 11, 1969 by Senator Hoffses of Knox.

Pending — Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

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

Tabled — June 11, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

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

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

Bill, "An Act Relating to Non-profit Hospital or Medical Service Organizations." (H. P. 808) (L. D. 1047)

Tabled — June 11, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Logan of York, retabled and tomorrow assigned, pending Enactment.

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

Bill, "An Act Increasing the Number of Official Court Reporters." (S. P. 137) (L. D. 434)

Tabled — June 11, 1969 by Senator Sewall of Penobscot.

Pending — Adoption of Senate Amendment "A" — Filing S-235.

On motion by Mr. Quinn of Penobscot, retabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Relating to the Motor Vehicle Dealer Registration Board." (H. P. 1180) (L. D. 1500)

Tabled — June 11, 1969 by Senator Greeley of Waldo.

Pending — Enactment.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: In regards to L.D. 1500, Bill, "An Act Relating to the Motor Vehicle Dealer Registration Board," this in effect repeals the Dealer Registration Board. Now, this bill is no longer needed because I call your attention to a bill that we have already enacted this morning, which is Item 9, Page 8, L.D. 1506, Bill, "An Act Revising the Motor Vehicle Dealer Registration Law," and this Bill, 1506, presently in this Bill is incorporated the contents of 1500. In other words, the thing we are trying to do here is already incorporated in the contents of 1506, which is already enacted. So, actually, if you passed 1500 also, what you would have is a duplication. It isn't necessary so I will, therefore, move for indefinite postponement of L.D. 1500 and all its accompanying papers.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, now moves that Legislative Document 1500, House Paper 1180, Bill, "An Act Relating to the Motor Vehicle Dealer Registration Board," be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

JOINT ORDER — Relative to Legislative Research Committee study of (H. P. 1048) (L. D. 1376) Bill, "An Act Revising the Maine State Personnel Laws." (S. P. 498)

Tabled—June 11, 1969 by Senator Sewall of Penobscot.

Pending—Passage.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I listened to this discussion yesterday with a great deal of interest. I had no prior knowledge of the order, nor have I rehearsed with anybody what I am about to say today.

I was particularly impressed with the comments of Senator Reed. I am of a mind that the impression which we received yesterday from this rather full discussion of the bill that was affected and the background on the order is that there is perhaps not the necessity for the study. There were particular problems which were raised by members of the Senate yesterday, but they seemed to be isolated instances of perhaps obtaining a position or something like this, or perhaps ill treatment or bad manners, or something like that, at the hands of personnel people. I do feel that we should not send to Legislative Research Committee items for study which really don't need to be studied. I certainly had that impression yesterday.

I do want to emphasize that this is not an area in which I have any particular expertise or interest, but I do have the impression from listening yesterday that there is a serious question whether we really need to do this at all. It was pointed out that there should be no money spent on the project; that the members of the Research Committee themselves should do the work. I think we all know that the Legislative Research Committee has many tasks assigned to it. By far the vast majority of them are important, significant, and are not referred to them in a sense of burying the problem. I think that in my mind at least, there is serious question of whether the Research Committee should literally be bothered by this. This isn't the biggest thing in the world and I would think that perhaps the order shouldn't pass.

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

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

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

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

Tabled—June 11, 1969 by Senator Logan of York.

Pending—Consideration.

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

Mr. LOGAN of York: Mr. President, may I have the status of this bill please.

The PRESIDENT: The Secretary will give the status.

The SECRETARY: In the Senate, May 27, 1969, the Ought Not to Pass Report read and accepted. Comes from the House passed to be engrossed as amended by House Amendments "A", "B" and "C" in non-concurrence.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. LOGAN of York: Mr. President, I move the Senate recede and concur.

The PRESIDENT: The Senator from York, Senator Logan, now moves the Senate recede and concur with the House. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I am confused by the multiplicity of House Amendments. I wonder if the Senator from York, Senator Logan, could explain the implications of our receding and concurring with the House.

The PRESIDENT: The Senator has posed a question through the Chair.

The Chair recognizes the Senator from York, Senator Logan.

Thereupon, on motion by Mr. Logan of York, retabled until later in today's session, pending the motion by that Senator to Recede and Concur.

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

JOINT ORDER — Relative to Maine Education Council study of the Impact of Parochial School Closings. (S. P. 499)

Tabled—June 11, 1969 by Senator Hoffses of Knox.

Pending—Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

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

In the Senate June 9, 1969, Passed to be Engrossed as Amended by Senate Amendment "B" (S-224) as Amended by Senate Amendment "A" (S-240) thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-224) as Amended by House Amendment "A" (H-514) thereto, in non-concurrence.

Pending—Further Consideration.

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

Mr. KATZ of Kennebec: Mr. President, might I ask through the Chair of the Senator from Sagadahoc, Senator Reed, whether he desired to make a motion on this item.

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

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: My motion would be that the rules be suspended and we reconsider our action whereby we adopted Senate Amendment "A", in the hopes that Senate Amendment "A" would be indefinitely postponed and that we could send it back to the other body with the adoption of Senate Amendment "B", which does not have any funds attached to it.

The PRESIDENT: Does the Senator wish to make a motion that the Senate recede from its action whereby this bill was passed to be engrossed?

Mr. REED: Yes, Mr. President.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, moves that the Senate recede from its action whereby Bill, "An Act Relating to Welfare Assistance," was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

On motion by the same Senator the Senate voted to Recede from its action whereby Senate Amendment "B" was Adopted.

Mr. Reed of Sagadahoc then moved that the Senate Recede from its action whereby Senate Amendment "B" was Adopted.

Thereupon, on motion by Mr. Katz of Kennebec, retabled until later in today's session, pending the motion by Mr. Reed of Sagadahoc that the Senate Recede from its action whereby Senate Amendment "A" to Senate Amendment "B" was Adopted.

There being no objections, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec, recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

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

Mr. STUART of Cumberland: Mr. President, is the Senate in possession of L. D. 1496, An Act to Revise the Pharmacy Law?

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

Mr. STUART: Mr. President and Members of the Senate: This is the bill that revises the pharmacy law with the two amendments on it. As I stated the other day, I am bothered by this amendment that permits a pharmacist to substitute the drug that is prescribed by the physician. I indicated the other day that I had not done my homework, and in the last twenty-four hours I have done a great deal of homework and have practically a library on the subject,

plus consulted the Executive Secretary of the Maine Medical Association.

This is an amendment that is very bad. It is not acceptable to the doctors, something the pharmacists would never do anyway, and certainly is not in the interest of the people. I certainly wouldn't want to take a drug that was not exactly what the physician has prescribed. I have consulted the good Senator from Franklin, Senator Mills, and he would like to work something out. It is my feeling, since it is getting late in the session, we probably would do just as well to indefinitely postpone the entire bill. I would first like to reconsider our action whereby we passed this bill to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, moves that the Senate reconsider its action whereby Bill, "An Act to Revise the Pharmacy Laws", was Passed to be Engrossed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't think that we need to pull the lateness of the session into the picture at this point, because we have been several hours since we last met and we are going to be way ahead of the people down in the other end. We have time enough to do constructive pieces of legislation, enact them, between now and the time we do call the last round-up in here. I don't think in the name of time running out that we ought to throw out something that has got some merit, as the good Senator Stuart has indicated.

It shouldn't be news to him that that this amendment that we discussed, and which we put on the bill the other day, was in fact suggested by a pharmacist. He says no pharmacist would ever operate under it. It is very peculiar that I have a pharmacist who wrote to me advising this very thing. It is also peculiar that the Federal Government requires, before it will pay a prescription, it requires that it be written so that it can be filled generically. I can tell you

also, Senator, that also there is considerable unvocal interest in this legislation that goes into some of the largest industries of this State, which end up through their retirement plans and so forth, a great interest in the expense to their aging people and people on retirement because of the expenditures for drugs. I can tell you too that this will have an enormous impact I think, a beneficial impact if it does go through.

I indicated to the Senator this morning, the good Senator from Cumberland, Senator Stuart, that with his technical knowledge, and with this intensive study that he has just confessed to over the last twenty-four hours, I should be very happy to work out any amendment that could possibly suit these people, but not to say throw the whole thing out the window and don't do anything possibly for another two years. We don't need to study this thing; we do know where the trouble is. We know that when drugs with the perfectly same chemical constituency can be sold, can be bought for fifty cents, and sometimes gets sold for as much as twenty dollars, there is something rotten in Denmark—damned rotten, if you want to know.

We don't have to be told by the doctors, we don't have to be told by the dentists and the pharmacists that they are not ready to move. The people of this State want some action in an area like this. I suggest, if you have a decent compromise, if you have something we can work out, we will sit down and work it out, but we want it in the interests of the people of the State; not the dentists, doctors and the pharmacists alone. I suggest that this perhaps lie on the table and you give me the benefit of this intensive study that you have had the last twenty-four hours, and perhaps we can work out something. But I want a bill and I want something that will do something, not just put off. If you will accept that suggestion you might possibly table this until tomorrow.

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



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

#### **Papers From the House**

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 Revising the Maine State Personnel Laws." (H. P. 1048) (L. D. 1376)

In the House June 5, 1969, the Majority Ought to Pass as Amended report Read and Accepted and the Bill on June 6, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-467)

In the Senate June 11, 1969, Bill and Reports Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted.

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

#### **Committee Reports House**

##### **Ought to Pass in New Draft**

The Committee on Legal Affairs on Bill, "An Act to Grant a New Charter to the Town of Brunswick." (H. P. 962) (L. D. 1254)

Reports that the same Ought to Pass in New Draft Under Same Title. (H. P. 1260) (L. D. 1590)

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

The Committee on Business Legislation on Bill, "An Act Repealing the Law Relating to Truth-in-Lending and Disclosures of Interest and Finance Charges in Retail Sales." (Emergency) (H. P. 797) (L. D. 1038) Reports that the same Ought to Pass in New Draft Under New Title: "An Act Establishing a Truth in Lending Law." (H. P. 1261) (L. D. 1591)

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

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

#### **Divided Report**

The Majority of the Committee on Labor on Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers of One (LD 27)

Reports that the same Ought to Pass in New Draft Under Same Title. (HP 1235) (LD 1567)

Signed:

Senators:

TANOUS of Penobscot  
PEABODY of Aroostook  
BELIVEAU of Oxford

Representatives:

GOOD of Westfield  
REDARD of Saco  
CASEY of Baileyville  
HASKELL of Houlton  
McTEAGUE of Brunswick  
HUBER of Rockland

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

Signed:

Representative:

DURGIN of Raymond

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, In New Draft, Indefinitely Postponed.

Which reports were Read.

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

#### **Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

Bill, "An Act Relating to Installation of Sprinkler Systems in Hotels." (H. P. 260) (L. D. 336) ask leave to report: that the House recede from passage to be engrossed and from adoption of House Amendment "B"; that the House indefinitely postpone House Amendment "B" and pass the Bill to be engrossed as amended by Committee Amendment "A" and House

Amendment "A"; that the Senate reced and concur with the House.

On the Part of the House:

LEWIN of Augusta  
SCOTT of Wilton  
BOUDREAU of Portland

On the Part of the Senate:

LOGAN of York  
BERRY of Cumberland  
BOISVERT

of Androscoggin

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-186) and House Amendment "A" (H-214) in non-concurrence.

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, might I inquire through the Chair as to the implications of the Conference Committee Report from any member of the committee?

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The acceptance of the Conference Committee Report would put both bodies in agreement on the bill. The bill would be in essentially the same form as it came from the committee, and it requires that all buildings constructed after next January 1, of non-fireproof construction of more than two stories, must have sprinkler systems. This gives anybody who wants to build a combustible building between now and then the chance to beat the law, so-called, and it does say that no existing buildings will be touched in any way, shape, or manner that are constructed now. The applicable buildings are only new construction and the type of building, a wooden building, of course, in particular, built after next January 1, of three or more stories would have to have a sprinkler system.

The PRESIDENT: Is it the pleasure of the Senate to accept the report of the Committee of Conference?

The motion prevailed, and the Committee of Conference report was Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### Enactors

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

An Act to Regulate the Removal and Disposition of Certain State-owned Objects and Specimens. (SP 489) (LD 1573)

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

An Act Relating to Comparative Negligence in Civil Actions. (SP 89) (LD 251)

An Act Relating to Interest on Judgments. (S. P. 107) (L. D. 314)

An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes. (SP 117) (LD 326)

(On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

An Act Relating to Powers and Duties of the Attorney General. (SP 142) (LD 424)

An Act to Authorize Limited Supervised Practice by Third-Year Law Students on Behalf of Certain State Agencies and Legal Aid Organizations Pursuant to Court Rules. (SP 335) (LD 1133)

An Act Relating to Creation of Professional Service Corporations. (SP 378) (LD 1288)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

An Act to Give Relief to Elderly Persons from the Increasing Property Tax. (SP 474) (LD 1550)

An Act Amending the Charter of the City of Portland Relating to Recall. (HP 1040) (LD 1365)

An Act Establishing the Boundary Line Between the City of Bath and the Town of Woolwich. (HP 1079) (LD 1402)

(On motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending Enactment.)

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

An Act Relating to Hospitalization for Mental Illness of Inmates

of County Jails and During the Pendency of Criminal Proceedings. (HP 1239) (LD 1574)

An Act Placing All Unclassified State Forestry Department Employees in the Classified System. (HP 1243) (LD 1578)

An Act Revising the Savings Banks Laws (HP 1021) (LD 1360)

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.

The President laid before the Senate the matter previously set aside, as requested by Mr. Tanous of Penobscot: An Act Relating to Creation of Professional Service Corporations, (S. P. 378) (L. D. 1288)

On motion by the same Senator, the Senate voted to reconsider its action whereby the Bill was passed to be Engrossed.

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

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

Senate Amendment "A", Filing No. S-253, to Committee Amendment "A" was Read and Adopted, and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Which 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 third matter tabled earlier in today's session, by Mr. Hoffses of Knox:

Bill, "An Act to Correct Errors and Inconsistencies in the Fish

and Game Laws." (S. P. 464) (L. D. 1543)

Pending—Consideration.

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

Mr. Hanson of Kennebec then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "A", Filing No. S-259, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: The reason that I asked for this amendment is because the constitutionality of this section has been questioned and the Attorney General's office is presently researching the law in this regard. If I remember correctly, at a previous session we had a bill which was very similar to this section which was declared as unconstitutional at that time.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: There might be a question of constitutionality on this section 49 of L. D. 1543, but this is only following the pattern that is in the laws of Quebec, Canada. The purpose of this section in this bill which corrects errors and inconsistencies in the fish and game laws is to attempt to have a club to control, to an extent, the destruction of our deer herd and our moose herd along the northwestern part of the State.

I have been, as I mentioned previously, to a meeting in a Canadian town near the northwestern part of the State, and have been advised by the game wardens up there that they would be much in favor of such a statute in our books that would control the Canadian residents, the Canadian workers working in our woods, from carrying firearms to and from work and having the rifles while at work. They feel that this would do quite a bit in controlling the deer kill in that section of the State, and it seems that it is quite important that we attempt to help our Inland Fish and Game Department to control this.

We have in the northwestern part of our State about two hundred miles of border with five ports of entry or five major places that the Canadian workers can come in. In one of those ports last year the deer kill registered was four hundred and fifty some deer that were registered. The Canadian wardens themselves, together with the members of the Chamber of Commerce of the small town of St. Brownfield, Quebec, a small town that has 4,000 population, claim that there has probably been three or four times as many deer killed illegally. So this section 49 in L. D. 1543 is just the tool to attempt to help our game wardens control the deer kill up in that section. I would like a division on the matter.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Adoption of Senate Amendment "B".

The President laid before the Senate the fourth 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. D. 1002)

Pending—Consideration.

Mr. Logan of York then moved that the Senate reconsider its action whereby the Senate Accepted the Ought Not to Pass Report of the Committee.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hope the Chair will forgive me for my inattention here but what bill are we considering?

The PRESIDENT: We are considering Bill, "An Act to Provide for the Interception of Wire and Oral Communications", tabled matter twenty-two on page 10 of our calendar.

Mr. VIOLETTE: Mr. President and Members of the Senate: I oppose the motion of the Senator

from York, Senator Logan, and I move that the Senate adhere to its action.

The PRESIDENT: The Chair would inform the Senator that the motion to recede takes precedence, so that motion would have to be disposed of prior to the motion to adhere.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, in cutting through the parliamentary moves, I might inquire of the Senator from York, Senator Logan, as to the implications of what he is attempting to do and what its final result on wire tapping in the State will be.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: When this bill was first presented to the Senate I was a little bit lukewarm about it. The very nature of this type of legislation gives one pause to reflect. However, at the behest, frankly, of the sponsor I spent some time and looked into this. I discovered that frankly, to my surprise that the title of this bill was a gross misrepresentation of what it is. This bill is actually an act to restrict the interception of wire and oral communications.

I learned to my surprise that Maine has no law on its books restricting bugging or wiretapping; you can do it, I can do it, the police can do it, anybody can do it, and it is not against our State law. This bill restricts this, with the single exception of allowing the police to do it upon obtaining a proper court order.

Now, this bill was inspired by the recently passed Federal Wiring Tapping Act, and follows very closely that act in all respects. It follows the guidelines laid down by the United States Supreme Court for the states in two separate decisions. I assume that my distinguished colleague from Franklin, Senator Mills, will soon be enforcing that federal act in his proposed capacity as U.S. Attorney, and I assume it has his full support and endorsement.

At the present time we have in this State, as a businessman or as

a private individual, I could put listening devices in your home or in your office, if I were voyeur I might put one in your bedroom, and it would not be against the law. I could take a parabolic microphone and point it at someone's office window and listen to their conversation and it would not be against State law. I could record what you are saying, I could place hidden cameras and photograph what you are doing, and it would not be against State law. This bill would make it against State law, for you, for me, or for anyone else to commit such gross invasion of privacy, and it provides fines and punishment for doing this. The single exception are our police officers who, upon getting a proper order from a Justice of the Superior Court and following certain strict procedures, can be allowed to intercept wire or oral communication. The bill is very specific in what such an order may be given for and it designates it here: murder, kidnapping, gambling, robbery, bribery, extortion, selling or dealing in narcotics or any other dangerous drugs or conspiracy to commit any of the foregoing offenses. It specifies that the police officer can only reveal this information to another police officer or in court. It further provides that after a tap is removed that a survey be made and the results of that tap given to the person who was monitored. None of this is required now.

It is my humble opinion that the State of Maine should have on its books laws that would prevent the invasion of privacy such as I have described, laws that bring us into conformity with federal law that has been recommended. Every Attorney General of the United States, with the single exception of Tom Clark, since 1931, and I include Senator Robert Kennedy in that, has approved the use of wiretaps for police investigations. Wiretap legislation is on the books of a number of States. Since 1967 Maryland, Massachusetts, New York, Oregon, Nevada, Georgia, New Jersey, and Rhode Island all have bills equivalent to this.

Senator Katz has asked the impact of the amendments. One of the amendments, as sometimes happens in the lower chamber, was in error, that is House Amendment "A", and it would be my intention to remove that. House Amendment "B" and House Amendment "C" tighten up the original act. The original allows District Court Judges to approve such taps; that would be removed and restricted to Justices of the Superior Court. The original bill provides that a survey be made in ninety days; the amendment makes it immediate. The original bill has this expression in it: "on designated offenses," the list of which I read to you, "or other crimes dangerous to life, limb, or property and punishable by imprisonment for one year." That section was tightened up by deleting that expression.

I say, members of the Senate, that it is time the State of Maine enacted legislation to protect us all from such invasions of privacy as are now permitted under our law. Thank you, Mr. President.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate recede from its action whereby it accepted the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The most objectionable aspect or portion of this bill was not commented upon by the good Senator from York, Senator Logan. That is Section 711 of L. D. 1002, which permits the Attorney General, or any Assistant Attorney General specifically designated by the Attorney General, to approve the use of wiretapping without a court order.

As the good Senator indicated, there were two conflicting amendments here; one which repeals the section and the other which retains it. I assume that, regardless of what happens, we will still retain this portion of the document. This will permit the Attorney General to allow law enforcement officials to tap a line if following this tap application is made to a Superior Court Judge to confirm it or to re-

ject it. It goes on to outline other areas, the only areas where wire-tapping would be permitted, and lists the crimes. Finally, "or any conspiracy to commit any of the foregoing offenses." Now, a conspiracy, legally, is an act whereby two or more persons attempt to commit a crime, in effect, which means that it is language so broad that it will permit the use of wire-tapping, particularly in any instance where the Attorney General wanted to do it. It could be exposed to abuse, and up to this time no case has been made why we need this legislation here in Maine.

It has been suggested in the press and elsewhere that we are being inundated, or at least that there has been a serious threat, by the Mafia and that we need this legislation to acquire convictions. As I indicated several weeks ago, only in exceptional circumstances, cases involving national security, is the FBI permitted to use wiretapping. Attorney General Clark, who was instrumental in acquiring more indictments against organized crime in his tenure as Attorney General than the previous two Attorney Generals, has concluded that this type of legislation is not necessary to acquire arrests and ultimately convictions. I want to quote very briefly from a portion of very brief testimony of General Clark before the Committee on Judiciary in the United States Senate when they were considering this legislation to permit or to restrict wiretapping. This bill is a two-fold bill; it restricts wiretapping and, to my knowledge, there has been no abuse here in Maine. If we are anticipating problems, fine, but let's not create problems where none exist. I want to quote from the Attorney General's testimony: "privacy has always been a rare commodity, but never so rare as in our times. Never, therefore, has it been more important that we cherish privacy. The sheer numbers in our lives, our urban living and our immense and growing technological capacities burden and further threaten privacy. They compel us to seek ways of being alone and being let alone, of solitude and a chance to be ourselves. John Stuart Mills said, 'the worth of a

state in the long run is the worth of the individuals composing it.' When the state demeans its citizens, or permits them to demean each other, however beneficent the particular purpose, it can only find that it has limited opportunities for individual fulfillment and for national accomplishment. Public safety will not be found in wire-tapping," the Attorney General stated. "Security is to be found in excellence in law enforcement, in courts and in corrections; that excellence has not been demonstrated to include wiretapping." This isn't a police officer testifying. This is an individual who is the chief law enforcement officer of our country, who has arrived at this conclusion after several years of experience with the F.B.I., who certainly have the qualifications, experience and background, which the great majority of the police officers in the State of Maine do not have. "Nothing so mocks privacy," he says, "as the wiretap and electronic surveillance. They are incompatible with a free society, and justified only when that society must protect itself from those who seek to destroy it."

There has been no case made for the need of this legislation here in Maine. As I say, it centers around the right to be left alone. As I mentioned a week or so ago, at no time has the F.B.I. or any other law enforcement agency in other states which have had this acquired a conviction solely as a result of their ability to tap wires.

This is very dangerous legislation, there is no need for it here in Maine. If it were to be enacted, passed into law, I can envision and anticipate many, many abuses, moreso than the end would justify. I trust that we will oppose the pending motion to recede, so that we can ultimately send the bill where it should go.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Since we have turned the lights out we are depending upon the debate for proper illumination, and yet I have the impression if we killed the bill that we are not in

effect tightening up the existing statutes prohibiting wiretapping. I think what I would like to see is a tightening up of the bill to prohibit wiretapping, except in a specific case where a privilege has been requested in advance for a specific case from a specific judge. I would appreciate somebody steering me in this direction.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Senator Katz is exactly right. This is not permissive legislation; it is the other way around. The police, you and I, have a *carte blanche* now under Maine law to do whatever we please, and this bill puts an end to that practice. I am more interested in protecting my own privacy than I am in anything else, and that is why I am debating this bill. I wouldn't be up here for any other reason.

My distinguished colleague from Oxford bore down on the Attorney General. Let me read Section 711, I fail to see where this allows him to do anything on his own accord. "The Attorney General, or any Assistant Attorney General specifically designated by the Attorney General, with written approval of the Attorney General, may apply *ex parte* to a judge of competent jurisdiction for an order authorizing or approving the interception of wire or oral communication. Such Judge may grant in conformity with this section an order authorizing," and so forth. It lays out some of the requirements, and I will do my best to keep this in context. "Shall state the applicant's authority to make such application, and include the following, the identity of the law enforcement officer, a full and complete statement of the facts and circumstances relied upon by the applicant to justify his belief that an order should be issued, including details," and it goes on in that vein.

"A full and complete statement as to whether or not other investigative procedures have been tried and failed, or why they appear to be unlikely to succeed if tried or

too dangerous." They don't have to do any of this now.

"A statement of the period of time for which the interception is required to be maintained.

"A full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application.

"Where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results." These are all things they have to tell the judge before he may issue such an order.

"The judge may require the applicant to furnish additional testimony or documentary evidence in support of the application."

This isn't permissive legislation; quite the contrary. This is highly restrictive legislation. We have nothing now, and I want my privacy protected. I don't know anything about the Mafia and I don't care about the Mafia. All I know is that somebody can bug me and I don't like it, and this bill would prevent it. Thank you, Mr. President.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The police in Maine today are not able to use wiretapping because the results of the wiretap cannot be introduced into evidence. It is very simple. This legislation would permit this type of evidence to be introduced. The reason they haven't been able to use it is because under our rules of evidence and under our Constitution such wiretapping is clearly unconstitutional, and can only be rectified by statutory authority. This is what this bill seeks to do.

To answer, as far as you and I are concerned, we do have remedies today if a person taps our wires. We do have civil remedies today which would prevent this abuse from continuing.

Now, to enact the law is not going to change the facts. At the hearing, although I am not on the

Judiciary Committee I happened to be at the hearing at this time, those who spoke in favor of it were police officers whose sole purpose was to use this to enforce our criminal code. No case was made at that point where there was a pressing or compelling need for this legislation. The primary purpose of this and the motive behind this bill is not to protect you and me, but it is to give the police an unneeded tool. As I say, the police cannot use results of a wiretap today in evidence in the courts of our state, and there are ample civil remedies available to you and I if another person, another individual, uses a wiretap on our property or against our will, or uses statements made by us in the course of conversation or something else. The problem is, as I say, we have two conflicting reports here, and I still don't see where Section 7 on Page 7, which is the exception which gives the Attorney General in an emergency situation the authority with respect to conspiratorial activities or organized crime, which certainly is an extremely broad term, to permit the use of wiretapping and then must within forty-eight hours, I believe, after the interception has occurred, not after it began, but after the interception has occurred, he must then request the court, file a petition in court, for authority. Then, of course, the situation would arise that what if the court should deny the Attorney General's motion or the Attorney General's request for a wiretapping. Then, of course, all the work and effort that was done, and all the evidence, so-called, that was obtained would not be admissible in court.

The solution to whatever problems exist in Maine is not through legislation of this nature; it is through better training of our law enforcement officials. Title 17 of the Maine Revised Statutes is several hundred pages in length, covering every conceivable criminal activity that we could possibly anticipate, and we keep amending laws and passing new laws every year, but that isn't the solution. The solution is to enact legislation

such as that proposed by Senator Logan to require training facilities for minimum training standards for law enforcement officials.

It is important for us to realize, I think, we have seven or eight hundred municipal police officers in this State, an additional three hundred State police officers, and a few hundred sheriffs, and several hundred constables, all of whom would have the authority through the Attorney General to use this wiretapping. Of the eight hundred municipal police officers, less than half have any conceivable type of training for this position, and of that half their training consists of a few weeks of training outlines, and survey courses in arrests, procedure, rules of criminal law, rules of criminal evidence, and so forth, none of which adequately provides them or trains them to cope with the problems of today.

I say we are not going to accomplish anything by this legislation. I hope that we can kill it, and if they want to come up with a bill, where the proponents generally feel that the primary goal of this document is to protect us, then I would suggest that they completely revise this document because the intent and the language in L. D. 1002 seems to be centered solely around giving police officers a right which they do not have today.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I can't get too concerned about a Justice of the Superior Court giving an incompetent person the authority to do this. He may, but that doesn't worry me. I wish to thank my distinguished colleague from Oxford, Senator Beliveau, for bringing to my attention something which I apparently overlooked. This exception, the emergency provision which he referred to on Page 7, Item 7, is indeed a bad provision, and he will notice that it is amended out on House Amendment "B" very specifically. I think we have chewed this over enough. I think the facts are evi-



dent, and I move the question, Mr. President.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was sitting back here enjoying the warm spring day, and I asked myself as Senator Beliveau was speaking, he seemed to be a little concerned about the bill, he doesn't often wax as warm on subjects as he did, and when he starts talking about the answer to problems is training our police force here in the State of Maine, I asked myself just what have some of the positions been that have been taken on bills that have been before this body to help out the eight hundred people that are trying to defend you and me in this State. How did some of us vote on the State Police laboratory bill? How did some of us vote on the bill to seize vehicles transporting narcotics for commercial purposes? Are we talking out of two sides of our mouth? This is a law enforcement bill, and if you want to keep our law enforcement people barefoot and ignorant, and if you are not interested in defending our homes and our wives, and the people of the State of Maine, then you can kill bills like this that have happened before. I suggest that it not be done. Senator Katz and Senator Logan have expressed their desire, their interest, and their promise to put this bill in the form necessary to accomplish the purpose. I would suggest that we do it. Let's do away with this hypocrisy. I request a roll call, Mr. President.

The PRESIDENT: A roll call has been requested. 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 want to assure the good Senator from Cumberland, Senator Berry, that, having five children in my family, I am as much concerned about law and order as, hopefully, all members of the Senate are here. I just want to express what I said a couple of weeks ago,

when the Senate quite convincingly turned down this legislation, that I felt that the time had not come in Maine when this type of legislation was needed. I recognize it, and most people recognize it, including our law enforcing authorities, as a major invasion of the rights of privacy of our people.

I then said, and I repeat now, that if we are going to allow this type of invasion of our privacy that the situation and the conditions ought to compel it. I said then, and I say now, that I have seen no evidence brought before me that in my judgment, in fact, I heard none at all that warrant this kind of a law at this time being placed on the books of our State. I made at that time the analogy of the implied consent law that I voted for since it has been on the floor of the Senate, that the law enforcing authorities of our State had made out a case that, in my judgment, the time had come when we had to put more teeth into the matter of the operation of our motor vehicles and the use of liquor and penalties applied. This is a major invasion of the rights of our people, but that the emergency and the conditions that have been demonstrated to us warranted it. The case at least was made to me by facts and evidence presented in committee of what the situation is today.

I have had no such facts and figures brought to me before any committee which indicates that this law would be needed in order to cut down the crime rate in the State of Maine. So, I submit to the Senate that let our law enforcing authorities go out and do the job of enforcing the laws we now have on our books. If they can substantiate with facts and figures that they cannot combat crime in our State without this type of legislation, then I will listen to them as attentively as I have listened to our law enforcing authorities with regards to the implied consent law. And at such a time, if they have that type of evidence to present to me, I will consider it and possibly vote for it.

I do submit that this is an invasion of our rights that has not been demonstrated to me that we

ought to put into the books at this time. I certainly hope that the motion of Senator Logan does not prevail.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is actually unique in our experience this session. Here we have a bill which the proponents say will protect our rights and the opponents say will jeopardize our rights, and it is a highly technical bill. The Senator from York, Senator Logan, says that he is capable of putting together some amendments that will protect our rights, protect us against illegal wiretapping, permit wiretapping only in the case where a competent jurisdiction gives permission in advance. I hope that you support his motion and let him put this bill in order for us to get this kind of protection.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate recede from its action whereby on Bill, "An Act to Provide for the Interception of Wire and Oral Communications," the Senate Accepted the Ought Not to Pass Report of the Committee. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate recede from its action whereby the Ought Not to Pass Report of the Committee was accepted on Bill, "An Act to Provide for the Interception of Wire and Oral Communications." A "Yes" vote will be in favor of the Senate receding; 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, Sewall, Stuart, Wyman and President MacLeod.

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

ABSENT: Senator Anderson.

A roll call was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate adhere on Bill, "An Act to Provide for the Interception of Wire and Oral Communications"?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am completely confused. I noticed that every Democrat in the Chamber voted against this, and I honestly don't see the implications. It is a confusing bill. Half the people in here feel that we are protecting the rights of our people and half think we are jeopardizing the rights. I would like some kind of a response as to where I have gone astray. Perhaps if we tabled this overnight we might get a fresh start on it tomorrow.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I voted with the majority, but I went along with most of the lawyers because I thought they were more competent and know more about it than we do, so I went along. I don't think there was any party issue, as far as I was concerned.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending further Consideration.

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

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

**Non-Concurrent Matter**

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

In the Senate June 9, 1969, Passed to be Engrossed as Amended by Senate Amendment "B" (S-224) as Amended by Senate Amendment "A" (S-240) Thereto, in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "B" (S-224) as Amended by House Amendment "A" (H-514) Thereto, in non-concurrence.

The PRESIDENT: There is a motion pending before the Senate on Legislative Document 918, and that is that the Senate recede from adoption of Senate Amendment "A" to Senate Amendment "B". Is this the pleasure of the Senate?

The motion prevailed.

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

On motion by Mr. Reed of Sagadahoc, Senate Amendment "A" to Senate Amendment "B" was Indefinitely Postponed in concurrence.

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

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

Sent down for concurrence.

Mr. Hoffses of Knox moved that the Senate reconsider its action whereby it Indefinitely Postponed House Amendment "A" to Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law." (H. P. 622) (L. D. 810).

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I was a member of the Business Legislation Committee, and I feel that all the members of this Committee were, to my knowledge,

for business; they weren't against business. This proposal was put before this Committee and the Committee didn't favor it.

This legislation regarding small loan companies was passed over two years ago. They charge an interest rate now on the first \$300, if I am right, at two and a half per cent, then as it goes up it is one and a half, and any unpaid balance is at eight per cent now. When a man goes in and gets a loan from the small companies what basically happens is that they chain him. They put a set of chains on his hands and they are trying to keep him chained. They don't want to let him loose.

The Committee felt that interest rates, the prime rates, have gone up now, so the Committee went along and changed the interest rate after thirty months from eight per cent to twelve, and we felt this was very fair to the small loan companies. Now the loan company lobbyists are trying to change the recommendation of the Committee, and the recommendation of the Committee was unanimous just to let them raise the interest rate after thirty months. But what they want to do is have us let them renew the loans.

By letting them renew the loan the money that is still due on the loan goes up on the high interest rate, and the man is never able in his life to clear himself or to break loose from the chains that they put on him when he gets the loan.

One thing I found out, and I was amazed, was that three loan companies are among the largest corporations in the United States. When we heard this bill we found it out from the loan companies. They own a lot of chain stores, they are in the same category as General Motors and U. S. Steel, and now they come crying to us that they want some more money from the poor people. They made all this money from the poor people. We are not here to make the rich richer and the poor poorer. I think we have got to protect the poor and see that justice is done.

If we accept this amendment, I think, we are sinning to God. According to my religion, the He-

brew religion, and I think according to the Christian religion, it is a sin to hurt the poor. That is what we are going to do, basically, if we go along with this amendment. I would urge the Senate to vote against reconsideration.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I have a great deal of respect for the statements made by my good friend, Senator Levine, but I think what he said is just one man's opinion when he said that the poor get hooked or chained and never can break loose.

I think we are all concerned about the poor person or the poor man who has to get a loan. By the same token, I think, we need to be concerned about these loan companies. We can't drive them all out of business. Now, I don't think what they are asking for in this bill is unreasonable. Regardless of all the charges and countercharges made regarding this bill or this problem, I just want to read a statement I have prepared here in support of it.

The present law says that a person may borrow up to \$2,000 for up to thirty-six months. The interest rate is two and a half per cent per month for the first \$300 and one and a half per cent per month on the balance. That is clear enough. But after thirty-six months the rate of interest drops to eight per cent per year. In view of current interest rates, it is obvious that no one in the business of loaning money for making money who borrows at ten or twelve per cent is going to loan it at eight per cent. You just can't do it and stay in business. To me that is absurd.

Under the present law, the borrower, if he has an outstanding loan with one company, he cannot go back to the same company because he is restricted. So, what does he do? He goes across the street and tries to negotiate a loan. The proposal before us says that if a borrower is reasonably current in his payments, that is, if he is three-quarters paid—that is,

if he has paid three out of four payments, or nine out of twelve—he may go back to the same company and negotiate another loan and do business with the same company. I don't think this is unreasonable. This permits the public and the borrower to continue doing business with the company with which he has been doing business but does not permit him to become overburdened and overwhelmed.

This legislation, in my opinion, is in the best interest of the public and I am going to support the motion.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I shall try to lay out the facts and the pros and the cons on this important piece of legislation. I gather from what my distinguished colleague, Senator Barnes, has said, that an amendment will be proposed.

Under present law you can borrow up to \$2,000 for thirty-six months, and the interest rate then drops to eight per cent on any of the unpaid balance. The effect of this, in any event, is that the loan has to be paid off, period. You can't renew a loan and you can't borrow a little more to bring it up. The loan must be paid off before you can get any more money from that small loan company. The reasons for this are that there have been experiences where these small loan companies would keep these people borrowing and reborrowing until they never got quite paid up and out from under. Well, the present law certainly slammed the door on that practice.

Now, a case was made that this works a little hardship on the borrower. For example, one of the members of the committee had a constituent, a woman who was taken sick, she had a small balance on a loan and I guess Christmas came, or some such thing, and she wanted to borrow a few more dollars. Well, she couldn't do it from that loan company, the law wouldn't allow her to do it.

If she wanted that money she would have to go across the street to another loan company and borrow again at the high rate of interest, starting all over again. A case could be made that this does work a hardship on the borrower.

Now, the committee considered this thing as fairly as we could, the interests of the borrowers, the interests of the small loan companies and the possibilities that we were squeezing these people too hard, and we felt that present law isn't aged sufficiently to make a mature judgment on it. The present law is two years old and many of these thirty-six month loans made under present law have not run their course. We did, however, feel that the eight per cent terminal interest was unreasonably low, and we considered tying it in with the prime rate, the rediscount rate, and we couldn't come up with anything satisfactory there, but we picked twelve per cent because that is the maximum rate of interest that anyone can loan money for without a license. So, by allowing them a terminal interest of twelve per cent we were simply giving them the right to do what everybody else in the State can do.

This is a judgment matter and you can argue the thing on both sides, but, in the judgment of the committee, we felt that the renewal privilege was not in order but that the terminal interest could go up. Thank you, Mr. President.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Since the other day when I mentioned that taxi meter down front ticking off the dollars that it costs to talk on this record I have tried to restrain myself, and I will at this point. The only thing that bothers me—I am not worried about the logic of this situation, I am not worried about the merits of it—but I know it has been lobbied very severely and very intensely for a long time and naturally, when you have been around in politics for some time,

that is a matter of concern. Just in commenting on the lobby, I might say that the Attorney General at the time of the notorious Wilco Case, in the Fall of '66, I think it was, that great whitewash that took place with the Wilco Company that wasn't uncovered for several months, in which no prosecutions took place, although the Deputy Attorney General was there and one other leading assistant was there—well, the Attorney General who was presiding over their activities is a leading lobbyist in this matter. They have a lot of money, they hire the best, and they are effective. There isn't one cent that has been spent on the other side in this case, not a nickel, and there isn't a consumers' council, there isn't a consumers' organization, there isn't a League of Women Voters, there isn't any organization that has had the time—and this is true, of course, of a great many issues that come before us, so I don't suppose I can bleed in that direction. But I do want to recite a few facts about this situation.

The aging of loans and the marriage that takes place between a borrower and the small loan company is the prime abuse. It is the abuse that any student of economics or any social worker, any attorney or any financier, interested in rehabilitating people in trouble financially encounters and must recognize and has recognized. The Brookings Institution in a study of this situation and debtors' troubles in Maine several years ago, I think the year 1966, made this conclusion. The bankruptcy courts, of course in Bangor and in Portland are seeing this all of the time. It is their business, and the people are going through that are in trouble, and they know what causes the trouble. It is this marriage that takes place that maybe death will separate, maybe bankruptcy, but nothing else, usually speaking. That was the reason for this legislation of two years ago. It was good legislation then and it is good legislation now. It hasn't gone into effect yet.

It is said that after thirty-six months the loan, at the premium

rates which the loan companies are allowed to charge, would drop to eight per cent, and from then on, if they hadn't gotten the loan back, they would have to be satisfied with eight per cent. Now, the committee, in its judgment in recognizing inflation, has said twelve per cent, and we say all right, fair and good. Twelve per cent, they are not going to suffer under twelve per cent certainly, but they are not going to be getting thirty, and there is going to be the impetus to get the money back.

Now, the great difference in lending institutions, particularly between banks and the loan companies, is the philosophy on getting the money back. You borrow from a bank, a conventional bank, and the banker is looking to you for the return of principal. If he doesn't, the examiners are looking to him. That is the way it has been and that is the way it has developed. If you do business with the loan companies, they don't want the principal back. If they can get you three months behind then practically every cent they get out of you is interest.

I am going to bore you again with Henry Butterfield of Portland, who was connected with the Wilco Case. In 1956 in June he borrowed \$350 and in October, 1966, ten years and three months later he had paid back \$90 of the principal, so he owed \$160. During that ten years and three months he paid them \$791 in interest. That can be multiplied by many times, that experience, and it shows the reason better of the existence of these loan companies. It is to get the interest, and if you are getting thirty per cent maximum, that is what you are interested in too, if you have got a society and State laws that permit it and allow it. The great impulse takes over.

Now, this law of 1967, two years ago, I think was well conceived. It hasn't been executed yet. Let's give it a chance, and if it doesn't work out, if there are troubles with it, I am sure the loan companies will be here with their six or seven lobbyists, well paid former State officials, and so forth, to point out the errors and help cor-

rect them in another session. I hope the motion of the Assistant Majority Floor Leader will not prevail.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: There are two sides to every story. We don't always hear the other side of the small loan picture because it isn't news. It isn't the bombastic name calling or exaggerated altercations and so forth of the opponents of this legislation. It is the serving of over 50,000 accounts in Maine per year. It involves \$30,000,000 of new money brought into this State for our people. It is a far different picture from that set forth by those who would drive the finance companies out of Maine.

Some fifty years ago, after considerable study, Maine passed a small loan law. It was one of the first states to do so. There is only one reason for the small loan law, which was true fifty years ago and is true today: those who borrow from these companies are poor banking risks. Savings banks will not loan to them, commercial banks will not loan to them, the tax-free, overhead-free credit unions cannot loan to them, so where do they go? Those poor banking risks need money to tide them over in emergencies, therefore, this law.

Presently we have the most restrictive statutes in the country. We are a small state; the City of Boston has more population. One office of one company in Boston will do more business than a dozen offices all over the State of Maine. For these companies to serve the people of Maine, they must make a profit. From the reports of the Banking Commissioner, the return on the investments of the industry over the last ten to fifteen years was approximately 5.7 per cent to 6.1. The Public Utilities Commission allows utilities a 7 per cent return. The last figures in Maine, however, show a return of 3 per cent. Twenty-four offices have been closed.

This bill and this amendment will permit a borrower to go back

to the same company to borrow money even if he has a loan outstanding. To do so he must be reasonably current in his payments. As the present law stands, the one passed last session, that is, if a borrower has a loan outstanding he is forced to go somewhere to another company if he wishes to borrow again. No business can live without repeat business, whether you are in the insurance or real estate business, or what have you, to survive, you can't drive your customer across the street. I urge that you give this motion serious consideration.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: This is one segment of the industry in the State of Maine that can come and show a loss and still make a profit. The catch in it is that they borrow their money from their companies, that is what they do. They pay themselves interest and they can pay any interest they want to. They can come up with a figure of one per cent and make ten. They can charge it on the other side. It has been proven to us, and we know it in committee, that most of the loan companies borrow from their own companies and they pay big interest rates, sure they do, so one company can lose and the other one can make a lot. What it boils down to is this: do we want to take and charge the poor man more, take it from him and give it to the small loan companies? That is all it amounts to.

I feel the loan companies are doing very well. They have established themselves and it has been proven that they have three out of ten largest corporations in the United States. I don't think any of us feel that General Motors or U.S. Steel are financially in bad shape. So, I don't feel that the loan companies, if they are along the same standing with General Motors and U.S. Steel, are financially in bad shape. So, we don't want to go and charge the poor man, make him renew his loan and pay higher interest so the loan companies can get richer.

We know that their business is dropping, but if their business is dropping they are to blame for it. They are overcharging now. They are getting 24 per cent now as an average. So, in the last few years quite a few credit unions have been established and they are taking some of the business. If this amendment passes they will still lose more business. I think that if we don't pass this amendment it is better for them too, because it wouldn't force more credit unions to be established in the State of Maine. As you see now, every church has their own credit union, and their interest rates are about half that of the loan companies.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I was here when that law was passed two years ago. I questioned that law then and I still question it today. I do believe that the issue we are facing right now is a question of rights.

Now, you have got different systems as far as banking is concerned. A man can go to the bank, borrow money, return to the same bank and borrow to pay back his loan and more if he needs it. This is the question I place before you. That person that goes to a loan company hasn't got that right and, personally, this is why I favor the motion to reconsider the house amendment.

This appeared in the paper this morning: "Truth in lending act not expected to affect habits." The dateline is New York. "The typical American consumer won't change his spending habits when the federal truth in lending law takes effect July 1st and he is told he is paying 18 per cent annual interest on his charge account many businessmen believe." Now, these are the small people that are paying. I sympathize with them, and I do believe that we probably can help them in a better way than to take a right away from them. That is why, again, I favor the motion.

Mr. Levine of Kennebec was granted unanimous consent to speak for a third time.

Mr. LEVINE: Mr. President and Members of the Senate: I would like to answer my good friend, Senator Boisvert from Lewiston. When a man goes to a bank to renew his note they don't change his rate of interest. The small companies want to change this law because their interest rate will go up right off. That is what the problem is and that is why they want it changed. If I have a note in the bank, the interest rate normally is the same, if the Federal Reserve Board doesn't change their interest rate, they don't charge me any more interest, but with this amendment here, automatically, they are making the poor man pay more. The first \$300 goes up right off to two and a half per cent automatically. So, what we are doing now is punishing the poor man by making him pay more interest and making these small companies richer.

We already have three small loan companies that are among the ten largest corporations in the United States, and by passing this kind of legislation I think that all ten will soon be loan companies.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the question of the Senator from Knox, Senator Hoffses, that the Senate reconsider its action whereby Committee Amendment "A" was indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I request a division.

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

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

The PRESIDENT: A roll call has been requested. The Chair would remind the Senate again of Senate Rule 3, which requires that when a Senator wants the floor to address the Chair and when the Chair recognizes the Senator he has the floor.

The pending question before the Senate is the motion of the Senator from Knox, Senator Hoffses,

that the Senate reconsider its action whereby it adopted Committee Amendment "A". A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all Senators in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the motion of the Senator from Knox, Senator Hoffses, that the Senate reconsider its action whereby the Senate adopted Committee Amendment "A" to Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law." A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Barnes, Berry, Boisvert, Cianchette, Dunn, Duquette, Gordon, Greeley, Hanson, Hoffses, Katz, Letourneau, Minkowsky, Moore, Peabody, Stuart and President MacLeod.

NAYS: Senators Beliveau, Bernard, Conley, Kellam, Levine, Logan, Martin, Mills, Quinn, Reed, Tanous, Violette and Wyman.

ABSENT: Senators Anderson and Sewall.

A roll call was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with two Senators absent, the motion prevailed.

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

On motion by Mr. Hoffses of Knox, a division was had. Twelve Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to reconsider its action whereby House Amendment "A" to Committee Amendment "A" was Indefinitely Postponed. House Amendment "A" to Committee Amendment "A" was Adopted in concurrence and Committee Amendment "A", as Amended by



House Amendment "A" thereto, was Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Mr. Greeley of Waldo moved that the Senate reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Increasing Certain Motor Vehicle Registration Fees." (H. P. 326) (L. D. 413)

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

Mr. BERNARD of Androscoggin: Mr. President, I would ask a question of the Chair: Would the Senator have to be on the prevailing side in order to ask for reconsideration?

The PRESIDENT: The Chair always assumes, unless informed otherwise, or unless there was a recorded vote taken, that the Senator was on the majority side, but not necessarily the prevailing side.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I was out when this Ought Not to Pass Report was accepted, but I feel the same about that as I do about the other gasoline tax and automobile measures. I would like to see it stay on the table until we get all of them together and see where we stand before we start to kill some of them. If this motion prevails I will be very happy to table the bill.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled pending the motion by Mr. Greeley of Waldo that the Senate reconsider its action whereby the Minority Ought Not Pass Report of the Committee was Accepted.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table Bill, "An Act Providing for Annual Revision of State Valuation." (H.P. 100) (L.D. 108)

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-255, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. WYMAN: Mr. President and Members of the Senate: It has come to my attention during the past year that it has been almost impossible for a municipality to have a correction in its valuation once the State has made it. Out of some 500 valuations the State made last year there were only two changed, which would mean that the Board of Equalization was 98.6 per cent right, and it seems to me that is just expecting too much. Now, in an endeavor to provide an appeal board so that if a municipality, whether it be Portland or Milbridge, or what municipality, should want to appeal the State valuation, this provides the opportunity to do it. I have had the Attorney General's office working on it for a long time in conjunction with the State Tax Assessor, and I don't think the State Tax Assessor, whom I respect very much, is particularly in favor of it, but I think the municipalities will be, and I hope the Senate will accept this amendment and pass the bill along to enactment.

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

The motion prevailed

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I am not sure whether I am in the right pew or not, but I have been very interested in this particular proposed amendment and I would like to have the matter lie on the table for a day so I could read it over. Since this is at the stage where it is going to be passed to be engrossed, I think this might be the time to do it. If I am correct in that assumption, I would appreciate having someone request this to be tabled until tomorrow.

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

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

On motion by Mr. Dunn of Oxford, the Senate voted to take from the Special Appropriations Table Bill, An Act to Clarify School Construction Aid for Certain Units. (S. P. 288) (L. D. 930)

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: This concerns a local matter on beautiful Mount Desert Island. I present Senate Amendment "A" and move its adoption.

Senate Amendment "A", Filing No. S-263 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 Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 162) (L. D. 536)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby Senate Amendment "B" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "B" was Indefinitely Postponed.

On motion by the same Senator, retabled pending Passage to be Engrossed.

**(Off Record Remarks)**

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