

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

Friday, June 13, 1969

Senate called to order by the President.

Prayer by the Rev. Lawrence E. Merckens of Hallowell.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, June 16, at 10 o'clock in the morning.

(S. P. 504)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers From the House Non-concurrent Matter

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

In the Senate June 4, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-199) and Senate Amendment "A" (S-221).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-518) in non-concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the snowshoe hare is one of Maine's most abundant and popular game animals; and

WHEREAS, the guinea fowl or wild turkey exists in large numbers in many of the southeastern states; and

WHEREAS, the Gorham and Windham Fish and Game Club, in conjunction with clubs of southern states, under state supervision, wish to exchange rabbits for turkeys; and

WHEREAS, the question of whether a wild turkey population can be established in Maine has

never been satisfactorily resolved; now, therefore, be it

ORDERED, the Senate concurring, that the Department of Inland Fisheries and Game is authorized and directed to act as the representative for the State of Maine and to supervise the accomplishment of this project.

(H. P. 1269)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, Gulf Hagas is a four and one-half mile natural canyon of astounding beauty, unaccessable except by trail, deep in the timbered woods of Piscataquis County; and

WHEREAS, this lost gorge is a vast cut in slate formations revealing 50 to 400-foot cliffs that cradle the west branch of Pleasant River in a series of spectacular falls; and

WHEREAS, their great natural attraction has been recognized by its owners, the St. Regis and Great Northern Paper Companies, and dedicated for public use and enjoyment; and

WHEREAS, a bronze plaque affixed to a boulder at Screw Auger Falls denotes acceptance and registration by the Department of Interior as one of Maine's 3 national landmarks and further attests to its reserved status; and

WHEREAS, in full recognition of their social responsibility, coupled with a grave concern for conservation, the St. Regis and Great Northern Paper Companies will refrain from commercial harvesting of wood and continue to pay taxes on this acreage so long as it retains its present status; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the One Hundred and Fourth Legislature of the State of Maine now assembled commend the St. Regis and Great Northern Paper Companies for their initiative in preserving the inherent beauty of Gulf Hagas and publicly recognize their outstanding leadership in strengthening the bond between

public and private interests; and be it further

ORDERED, that suitable copies of this Joint Order be immediately transmitted to the St. Regis and Great Northern Paper Companies in recognition of their invaluable contribution.

(H. P. 1268)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

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

June 12, 1969

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

Sir:

The House today voted to Adhere on its action whereby on Bill "An Act Creating the Maine Power Commission" (S. P. 351) (L. D. 1217) it accepted Report "B" Ought Not to Pass" and the Senate had accepted Report "A" "Ought to Pass" in a new draft (S. P. 471) (L. D. 1536) and passed the Bill to be engrossed.

Respectfully,
s BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

**Committee Reports
House**

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Establishing a Full-time Administrative Hearing Commissioner." (H. P. 1010) (L. D. 1312)

Reported that the same Ought to Pass in New Draft under same title. (H. P. 1242) (L. D. 1577)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-493).

Which report was Read.

On motion by Mr. Wyman of Washington, the original Bill was substituted for the Report and the Bill Read Once.

On further motion by the same Senator, tabled and tomorrow

assigned, pending assignment for Second Reading.

The Committee on Natural Resources on Bill, "An Act Creating Civil Liability to the State for Pollution of Waters." (H. P. 479) (L. D. 633)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1255) (L. D. 1587)

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

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

Divided Report

Five members of the Committee on State Government on Bill, "An Act Relating to Salaries of Legislative Research Committee Officials." (H. P. 43) (L. D. 44)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

BELIVEAU of Oxford
WYMAN of Washington
LETOURNEAU of York

Representatives:

DONAGHY of Lubec
STARBIRD of Kingman

Five Members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Representatives:

DENNETT of Kittery
RIDEOUT of Manchester
WATSON of Bath
MARSTALLER

of Freeport
D'ALFONSO of Portland

Comes from the House, Report "B", Ought to Pass, Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-521)

Which reports were.

On motion by Mr. Wyman of Washington the Ought Not to Pass Report "A" of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

**Ought Not to Pass -
Covered by Other Legislation**

Mr. Berry for the Committee on Natural Resources on Bill, "An Act Creating the Surficial Materials Conservation Act." (S. P. 314) (L. D. 1024)

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

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is the first of the so-called mining bills, which are five in number, that your Natural Resources Committee held hearings and have been working hard on ever since. I must say, in full candor, that we would have appreciated very much the chance to work a little bit longer on it.

The following three bills and two in the other body have been combined into one bill, all covering the aspects of conservation practices and hard - rock mining, strip mining and sand and gravel operations. I would like to call attention to the excellent and hard work that Senator Reed, Representative Lund, former State Senator Hildreth and Assistant Attorney General Bob Fuller have put in on this.

Four bills are being reported out "Leave to Withdraw," and this is concentrated in one master bill in New Draft, L.D. 1598, under the title "An Act Providing for Conservation and Rehabilitation of Land Affected in Connection with Mining." I move acceptance of the Committee Report, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves acceptance of the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Mr. Berry for the Committee on Natural Resources on Bill, "An Act Creating the Maine Mineral Land Conservation Act." (S. P. 228) (L. D. 658)

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

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Beliveau for the Committee on State Government on Bill, "An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Providing for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund." (S. P. 383) (L. D. 1356)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-266).

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Truth in Advertising." (S. P. 329) (L. D. 1128)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-267).

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Poor Debtors." (S. P. 333) (L. D. 1152)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-268).

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

Ought to Pass in New Draft

Mr. Reed for the Committee on Natural Resources on Bill, "An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and other State Agencies With Respect to Air Pollution." (S. P. 380) (L. D. 1290)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 502) (L. D. 1599)

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: L. D. 1597 is a rather, historic landmark in the field of environmental control. It establishes, for the first time on a significant and effective basis, control of air pollution in the State.

It does this in a logical, legal and non-harmful, from a financial standpoint to industry, way by two methods. First, the establishment of air quality for regions and, secondly, by the control and issuing of licenses for standards by polluters.

The act has been very carefully gone over. It once again represents the thinking and work of people of opposing views getting together and ironing out their differences. It will be effective and it is timely.

We have read many times in the news media of problems facing the State of Maine because we are the last virgin territory, so to speak, and we are receiving from other states industries which cannot operate there and want to come to Maine and contaminate our atmosphere, not as a prime purpose, but as a result of their operations. This will not stop any industry from coming in as long as it is willing to abide by reasonable standards by the establishment of pollution control facilities. All rules and regulations of the commission must be held with proper notice and everybody can appear. The act spells out the various factors which must be taken into account in establishing these standards, including the amount of expense involved to the polluting industries. The existing industries are protected to a reasonable extent so that there will be no hardship on them.

This is truly milestone legislation, and I must add that it is just barely in time that we will be getting it on the books. I move acceptance of the Committee Report, Mr. President.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate accept the Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. Reed for the Committee on Natural Resources on Bill, "An Act to Provide Certain State Level Land Use Controls." (S. P. 270) (L. D. 908)

Reported that the same Ought to Pass in New Draft, Under Same Title. (S. P. 501) (L. D. 1596)

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Defining the Crime of Theft Known as Shop-stealing and Establishing Rights and Penalties." (H. P. 365) (L. D. 1247)

Reported that the same Ought to Pass in New Draft, under Same Title. (S. P. 503) (L. D. 1599)

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

Second Readers

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

House

Bill, "An Act to Grant a New Charter to the Town of Brunswick." (H. P. 1260) (L. D. 1590)

Bill, "An Act Establishing a Truth in Lending Law." (H. P. 1261) (L. D. 1591)

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

Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees." (H. P. 1235) (L. D. 1567).

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

Sent down for concurrence.

(See action later in today's session.)

House - As Amended

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

Which was Read a Second Time (On motion by Mr. Levine of Kennebec, tabled and tomorrow assigned, pending Passage to be Engrossed.)

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

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-264, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate, during several of the hearings before the Natural Resources Committee comment was made that the official title of the Water and Air Environmental Improvement Commission was a rather lengthy, cumbersome and jaw-breaking title. It was suggested that the title of the commission be shortened to Environmental Improvement Commission. This is a move which I think most of our committee members are heartily in accord with. It in no way enlarges on the duties of the commission in any way, shape or manner, and merely changes the title. Accordingly, I would move adoption of the amendment, Mr. President.

Senate Amendment "A" was then Adopted.

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

On motion by Mr. Quinn of Penobscot, the Senate voted to reconsider its action whereby it Passed to be Engrossed Bill, "An Act Relating to Applicability of Workmen's Compensation Law to Employers of One or More Employees" (H. P. 1235) (L. D. 1567)

On further motion by the same Senator, tabled and tomorrow assigned, pending Passage to be Engrossed.

Senate — As Amended

Bill, "An Act to Rename and Reorganize the Department of Economic Development." (S. P. 363) (L. D. 1245)

Which was Read a Second Time.

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

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

Mr. BERRY of Cumberland: Mr. President, I would inquire if the Senate is in possession of L. D.

1316, Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and for Preservation of Certain Business Enterprises?

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

Mr. BERRY: Mr. President, for the purpose of presenting an amendment, I move that the Senate reconsider its action whereby this Resolve was passed to be engrossed.

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

The motion prevailed.

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

Senate Amendment "C", Filing No. S-265, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY: Mr. President, it has come to my attention that this has not been distributed yet. Therefore, I move that this be tabled until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Legislative Document 1316, Senate Paper 391, be tabled until later in today's session, pending Adoption of Senate Amendment "C". Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of Senate Paper 499?

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

Mr. KATZ: Mr. President and Members of the Senate: This was relative to a proposed study of parochial school closings. The Joint Order directed the study to the Maine Education Council, and I would like to present an amend-

ment that directs it to the Legislative Research Committee, so I present Senate Amendment "A" to Joint Order, Senate Paper 499, and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby it passed Joint Order 499. Is this the pleasure of the Senate?

The motion prevailed.

Senate Amendment "A", Filing No. S-262, was Read and Adopted and the Joint Order, as Amended, received Passage.

Sent down for concurrence.

Orders of the Day

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

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

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

Pending — Enactment.

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

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

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

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

Pending — Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for June 17, 1969, pending Enactment.

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

Bill, "An Act Prohibiting the Expenditure of Public Funds to Promote or Oppose Measures to be Voted on at Elections." — Governor's Veto Message. (S. P. 412) (L. D. 1368)

Tabled — June 12, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: His Excellency, the Governor, in his message of yesterday has vetoed a mandate of the legislature, a mandate that states that a public official shall not expend public funds to influence matters that are to be decided by a vote of the people. This concept is so inherent in our law and in our heritage that any legislation to this effect would seem to be superfluous, and yet sadly this legislature has witnessed a breach of this basic concept and correspondingly agreed that an expressed law is needed.

Perhaps it is or has been the policy of the State to approve such expenditures for such purposes, a ruling by the Attorney General notwithstanding. Perhaps His Excellency is actually unable to prevent such activities on the part of our public officials, as his message to the legislature would seem to imply. In any event, the people of our State now find themselves in the condition where the awesome resources of their government may intervene in our elections and our referendum. Mr. President, I move this communication be placed on file.

The PRESIDENT: The question now before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays."

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Speaking in support of the motion, I would like to point out two instances, in my opinion flagrant violations of established and customary procedures, that not only violate the law of the State of Maine but they certainly do violate the spirit, as Senator Logan has said of using public funds to lobby for departments. The two instances I cite are the Commissioner of the Department of Health and Welfare spending thousands of dollars to promote fluoridation, using the television and news media to do this. The second instance that I cite is an

instance in which I was personally involved where the Department of Economic Development took issue with the legislature in changing its budgetary appropriation and, subsequent to my comment on the impropriety of such act, devoted the front page of the next issue of their little bulletin to me personally. I can't think of a better example where a legislator stands up in one of our two chambers and says that it is inappropriate for State funds to be used to lobby against the legislature, and then the sequel to be an attack personally on the legislator who has the effrontery to mention, in my opinion, what is common sense.

As Senator Logan says, if we are going to unleash unlimited public funds for lobbying purposes for department heads, there is no end to it. We have seen votes in these bodies swayed by lobbying, and when these votes can be swayed by the use of the very funds that we appropriate from the people's pockets we have reached a sorry state.

I have a great deal of respect for the Chief Executive of this State, and I always have. I have commended him when I think he has done well, and on this occasion I fail to understand his thinking. I hope he is not backing the wrong man. I hope he is not taking poor advice.

In the last issue I had to take my shoes off to count the number of times the Commissioner's name appeared on two pages of this publication. I do hope that the Appropriations Committee will find it possible to delete the funds of this propaganda sheet.

I think the best way to run for election and re-election in this State is on your record, and the record that you manufacture by your votes and your acts, the measures that you push, and what you have accomplished. I don't think the people of this State of Maine are taken in in any way, shape or manner by these whitewash sheets that we see put out by propaganda.

I do feel that this veto was a case of mistaken advice. I think I know the Governor well enough to say this. I would hope that with

this spirit we would be able to override this, not feeling that we are personally overriding his position, but doing something that certainly needs to be done to prevent what can be a tremendous abuse in the future.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have been trying to find — I appreciated very much the remarks of the good Senator from Cumberland Senator Berry — somewhere on my desk the Governor's veto message. I saw it, I read it the other day, shortly. I was in very much agreement with the reasoning in it. If I can paraphrase it, or if I can recall it correctly, I want to state what I think he said. I think he pointed out that we have created a felony in the criminal law in regard to the use of State funds or the use of publications of the State directly for the purpose of influencing legislation.

I was reminded one time, when I was doing some prosecuting, I was using a felony statute that called for a five-year penalty and \$10,000 fine, that I was using a piledriver to crack a walnut. I heard someone the other day speaking about using a freight car to carry a needle, or something of this sort, in the legislature here. I think we ought to be awfully careful how we unwind the criminal law to take healthy swipes at things that we want corrected. We should remember Gilbert and Sullivan and make the punishment fit the crime, if indeed there is a crime, because we have to remember on the other side there is an awful lot to be said for freedom of speech, and we just don't want a bunch of mice in the State Office Building. We don't want a bunch of people in the State Office Building that are too timid to speak out, and too timid to point out from the experience that they have what they think about pending legislation, and I want it. I want to hear it, and I hate it lots of times. I have been irked awfully when some of them have said things about bills that I have had

in here and wanted passed. But I think if our legislation can't stand up to that criticism it ought to go down. I think generally it is pretty high-minded criticism. It is an awful lot better than some of that small loan lobbying that is going on out there, and it is on an entirely different plane and it is in the public interest, and the public welfare, I think.

If they think over there in the Department of Health that fluoridation is good for the people of the State of Maine, and they have scientific evidence to back them up, I want them to say so. I don't mind if they use some of the tax funds that may be available to make known the sum total of their knowledge. I don't regard it as an atrocious practice to have them do it.

I didn't like that booklet either that the good Senator referred to with so many pictures of the Commissioner. It did seem to me it was rubbing it in, and it was using taxpayers' money to an advantage. They are promotional minded down there and that is the way they think, so when they get hold of a piece of legislation they turn Madison Avenue loose on you, and I think it is bound to create irritation.

I think, if I can remember the Governor's message right, I think he pointed out that there were areas of making corrections here without this drastic method of hitting them over the head with a felony. If you do that, if you should have legislation like that on the books, I am afraid that you would develop a herd instinct among the State employees and a fear among them of violating the law so that you make them rather spineless people. For that reason, and my limited knowledge, I would vote to support the Governor's veto.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think we all believe in equal time, and I would not object to this so much if we could make an equal appropriation for

the Republican Party to have their propaganda machine.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I would say to the good Senator from Washington, Senator Wyman, that possibly it is not too late to get such a bill through the legislature at this time.

I rise in support of the Governor's veto, and my thinking is much the same way as the Senator from Franklin, Senator Mills. I have always felt that the Governor of the State was boss man. The department heads should be directly responsible to him, and if the department heads go afool, then the Governor is responsible. I have often said that I may be here, but if someone gets hurt in my job I am responsible and I feel badly about it. That is the way it should be.

Presently, of course, the Governor does not have in many instances the power to hire and fire. I am opposed to that concept; I believe that he should. I feel also that the department heads should be able to speak out. I feel very strongly about this, knowing that the Governor is responsible for what they are saying and what they are doing, if he has the power to hire and fire them, because he does go before the people and he is elected, and if you do not like what a department head says, what he advocates, then you go to the polls and you vote against the Governor. I think every Governor, when he runs for that office, he should accept that responsibility, and I think our present Chief Executive does.

Now, the Governor has really no objection to some type of legislation that would curtail the expenditure of public funds for a mass campaign, say, in the news media or in the television media or radio. I think that he would agree that that would be wrong. I would just read you some of the questions that he mentioned in his veto message which I agree with, and I am not able to answer, and I think would muzzle the depart-

ment heads. He says, 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 that hasn't been endorsed by the legislature and the Governor? Could he prepare and distribute materials in which he explains to the public the effect 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 action?"

You say this may be an extreme and they may not be able to get the courts to go along with them but, nevertheless, the opponents, I would assume if they were organized, would take these actions just to throw a monkey wrench in the whole procedure. These are questions which I think were raised in the mind of the Chief Executive and, although he does not, I think, disagree with the spirit of this bill, he does feel that it is not clear in these particular issues and questions and, therefore, I believe that he was correct in sending this legislation back to us without his signature and a veto. Therefore, I hope this Senate would support the Governor's veto.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: After listening to Senator Mills and Senator Reed, I am going to support the vote to support the Governor's veto with the thought that there is still time enough left in this session to introduce simple legislation which will do what both these gentlemen say. I have the further thought from Senator Mills' remark that if he has no objection, and thinks it is a good idea for the Commissioner of Health and Welfare to spend \$60,000 in outside advertising to promote his particular thoughts. I would like to see a sum something like this appropriated to the Attorney General's Depart-

ment to watch out for what the Trial Lawyers' Association is doing.

The PRESIDENT: Is the Senate ready for the question? The question now before the Senate is: Shall this bill become a law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the "Yeas" and "Nays." A vote of "Yes" will be in favor of the bill; a vote of "No" will be in favor of sustaining the veto of the Governor. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Barnes, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Moore, Peabody, Quinn, Sewall, Tanous, Wyman, and President MacLeod.

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

ABSENT: Senators Anderson and Levine.

A roll call was had. Fourteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, with two Senators absent, the veto was sustained.

Thereupon, the Communication was Placed on File.

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

JOINT ORDER — Relative to Members and Clerks of Judiciary and Legal Affairs Committees Given Copies of Annotated Revised Statutes of 1964. (S. P. 497)

Tabled — June 12, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon, Mr. Tanous of Penobscot was granted Leave to Withdraw the Joint Order.

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

HOUSE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act Establishing a State - Municipal Government Revenue Sharing Program." (H. P. 1174) (L. D. 1498)

Tab'ed — June 12, 1969 by Senator Katz of Kennebec.

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

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-431 from the Committee on Labor on Bill, "An Act Establishing the Municipal Public Employees Labor Relations Law." (H. P. 636) (L. D. 824)

Tabled — June 12, 1969 by Senator Boisvert of Androscoggin.

Pending — Acceptance of Report.

On motion by Mr. Tanous of Penobscot, retabled until later in today's session, pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" — Filing H-487 from 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 Bldg. at Kittery; a State Office Bldg.; the Repair and Improvement of Certain State - owned Bldgs.; and Provide for Other Essential Improvements to Facilities for the Dept. of Adjutant General, Finance & Adm., 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)

Tabled — June 12, 1969 by Senator Peabody of Aroostook.

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. 487, was Read and Adopted in Concurrence. and the bill, as amended, tomorrow assigned for Second Reading.

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

HOUSE REPORT — from 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) Ought to Pass in New Draft with New Title on Bill, "An Act to Extend Registration Coverage and to Provide Increases Fees in Lieu of Personal Property Tax on Certain Watercraft." (H. P. 1236) (L. D. 1569)

Tabled — June 12, 1969 by Senator Hanson of Kennebec.

Pending — Acceptance of Report.

Mr. Hanson of Kennebec then moved that the Bill be Indefinitely Postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel somewhat compelled to make a very few brief remarks in regards to this document. Almost since the beginning of my being in these legislative halls there has been a matter of boat registration or tax, whichever you might choose to call it.

We have in the State of Maine a very haphazard method of taxing boats. Some towns do not tax boats at all, others have what you might consider a reasonable tax evaluation placed on the boats, other municipalities have a very unreasonable and exorbitant tax rate for boats of all different types. I sincerely believe that we in the State should endeavor to set up some uniform tax method that all of the municipalities could use in regard to taxation or registration, whichever you wish to call it, it is a tax of our watercraft in the State. It would seem to me that somewhere, somehow, we could possibly devise a tax program whereby we could take into consideration the cost of the new boat, the length of the boat, how it is powered, the age of the boat, the purpose that it is used and any other method which might be devised to provide an adequate evaluation of those boats. We have, as I say, with automobiles, when you go to pay your excise tax it is

based upon the original cost of the vehicle, the horsepower, and other things of that nature, and I would like to see sometime some method whereby we could have equalized evaluation procedure that all of the municipalities could use to tax our watercraft. I, therefore, agree with the Senator from Kennebec, Senator Hanson, that this bill now be indefinitely postponed.

The PRESIDENT: Is it the pleasure of the Senate that Bill, "An Act to Provide Board Registration Fees in Place of Personal Property", be indefinitely postponed?

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

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

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

Tabled — June 12, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, an amendment is being prepared, which won't be ready today, and I would appreciate it if somebody would table this until the next legislative day.

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

Thereupon, on motion by Mr. Kellam of Cumberland, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

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

Tabled — June 12, 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 eleventh tabled and specially assigned matter:

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

Tabled — June 12, 1969 by Senator Mills of Franklin.

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

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: It would seem wise to me to look at all these several bills that we have relative to automobile taxation together. It would be my hope that the good Senator from Kennebec, Senator Katz, would table this bill.

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

Thereupon, on motion by Mr. Hanson of Kennebec, retabled and tomorrow assigned, pending the motion by Mr. Martin of Piscataquis to Indefinitely Postpone the Bill.

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

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

Tabled — June 12, 1969 by Senator Mills of Franklin.

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 am still waiting for my amendment from the Attorney General's office, and would appreciate it if somebody would table it for another day.

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

Thereupon, on motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending the motion by Mr. Moore of Cumberland to 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 12, 1969 by Senator Katz of Kennebec.

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

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: My hostility on this measure has moderated somewhat. I was waited upon last evening by what seemed like half the town of Stratton when I got home to Farmington.

I think it would be more appropriate perhaps if Senator Berry had this motion to indefinitely postpone. I told them that I would look at this more dispassionately in the second look as, of course, I did get my first look at it yesterday morning. Although I take a dim view of incorporating the rocks and the hills and the lakes, without any inhabitants except the porcupines and the bear. They seem to figure it would be of great promotional value if the legislature was on record to incorporate this wilderness area, that is to say that it would be incorporated when enough of them got there to fill the chairs. I think it is getting through to me that the reason for it is that if they could go down to the New York bankers and say, "Well, here is a town that the Maine Legislature is willing to incorporate, therefore, it will be able to float some bonds and it will be tax-exempt," it would be helpful. I advanced every argument that I could think of, the same ones that I gave yesterday here, and I continually encountered the statement, "what harm is it going to do?" Well, I said, we don't legislate in the legislature just for the exercise of it, and I said I don't know of any time when the Maine Legislature has ever incorporated somebody in the future. You usually wait until—I know in the town of Farmington it was 1781 when the first settlers got up there, refu-

gees from Massachusetts, and they lived there from 1791 to 1794, and then a delegation of them got hold of a man from Bath, Dummer Sewall, and my great-great-great-grandfather and Dummer Sewall went down to Boston and stayed around and lobbied the Massachusetts General Court and got an act through to incorporate the town, but they had several hundred people there. I suggested to these gentlemen that this was kind of unprecedented to do it, but they kept coming back with "What harm is there in it? It will help promote the affair."

If it would do some good and there is no harm in it, and it doesn't create a bad precedent, I suppose that there wouldn't be any particular objection to going through with it. Anyway, I have moderated my views somewhat, but I would like to give the good Senator Berry, who studied it a great deal more than I have, the good Senator from Cumberland, Senator Berry, who studied it a great deal more than I have, the opportunity to be identified here with this motion to indefinitely postpone, because I think at this juncture it more nearly reflects his views than mine. So, at least for the moment, I will withdraw my motion to indefinitely postpone this to afford him that opportunity.

The PRESIDENT: The Senator from Franklin, Senator Mills, withdraws his motion to indefinitely postpone the bill.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Thereupon, on motion by Mr. Cianchette of Somerset, retabled and tomorrow assigned, pending Passage to be Engrossed.

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. 1536)

Tabled—June 12, 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:

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

Tabled—June 12, 1969 by Senator Logan of York.

Pending—Enactment.

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

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

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

Tabled—June 12, 1969 by Senator Quinn of Penobscot.

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

On motion by Mr. Quinn of Penobscot, the Senate voted to indefinitely Postpone Senate Amendment "A."

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

Senate Amendment "B", Filing No. S-261, was Read and Adopted, and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — June 12, 1969 by Senator Conley of Cumberland.

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

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

Mr. MILLS of Franklin: Mr. President, through the Chair, I should like to ask the following question: On the vote to engross this measure the day before yesterday — I believe it was the day before yesterday, separated by one legislative day — I would like to address this question to the good

Senator, who has now made a motion yesterday to reconsider passage to be engrossed, if the good Senator from Cumberland Senator Stuart, did not in fact vote against the engrossment of this measure on the day before yesterday?

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

The Chair recognizes the Senator from Cumberland Senator Stuart.

Mr. STUART of Cumberland: Mr. President, I move the pending question.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Stuart, that the Senate reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I think you know how I feel about this bill and the doctor writing a prescription and the pharmacist changing it. I would like to take just a minute to read an editorial in this morning's Portland Press Herald, because it expresses much better than I can my thoughts on this subject. I am not an authority on prescriptions and drugs, but I have some strong feelings and instincts saying that we are doing a very dangerous thing if we pass this bill. So my motion is going to be, if it is reconsidered, to indefinitely postpone the bill and all accompanying papers. But the editorial in the paper this morning says. "Altering doctors prescription a matter of great responsibility.

"Legislating authority for anyone to alter a prescription written by a doctor is an extremely serious business and we're far from convinced that it is in the public's best interest.

"Already given preliminary approval at Augusta is a measure which would permit a pharmacist to dispense a "generic" drug when the doctor's prescription specifies

an identical compound by brand name.

"The intent is good. It is to save the consumer money. There has been sharp controversy over the issue of generic drugs vs. brand names. Strong appeals have been made in behalf of consumers who, it is said, may be forced to pay unnecessarily high prices for brand names when a generic compound would serve the same purpose. Allegations have been made in some quarters about questionable liaison between doctors and drug manufacturers or distributors.

"No doctor of integrity is going to 'sock it to' his patients by ordering exorbitantly priced medication when an equally effective product is available at less cost. But the pharmacist should not be empowered to revise the prescription or to pass judgment on the physician's integrity. It is somewhat surprising that pharmacists would be willing to assume such responsibility.

"The protection of the consumer is a matter of urgency and there is a special concern for those who might be exploited while ill and for those who in retirement years may have daily need for medication. But tampering with a prescription is a questionable course regardless of the qualifications of the persons authorized to alter it.

"While the legislative bill would permit substitution of an 'identical' generic compound, who must stand proof that the substitute meets that qualification? The slightest deviation in ingredients or processing could destroy that standard.

"When a doctor prescribes a specific drug it must be assumed that he does so with reason—reason based on his knowledge of the drug and of his patient. The pharmacist may share the drug knowledge, not that of a patient's specific condition.

"What this proposal seeks to accomplish is laudable. But the objective must be accessible by a safer route."

There is an awful lot that I can say about this subject. As I told you yesterday, I have volumes written on it and we could debate

it for days, I think, because — to mention one thing in particular, the good Senator from Franklin, Senator Mills, talks about the Federal Government prescribing drugs by generic names, but this is an entirely different thing. The Federal Government has the facilities to make up a list of formulary of drugs that they think are equivalent. But that is an entirely different thing than saying that the pharmacists here in Maine are going to alter or going to substitute what the physician writes. I don't think the members of this body think that this is a safe thing to do. Certainly every drug is potentially dangerous. Every drug that I can think of can have untoward reactions and, if I am going to take a drug I want to make sure it is exactly what the physician prescribes.

This amendment, as the editorial says, the objective is laudable. The good Senator has asked me to work out something with him, but he is busy with his law practice, and I am busy returning to my dental practice, we do not have time to draw up what is really needed, a formulary, a list of drugs that were equivalent, and the Federal Government, as I have said before, is working on this book. It is going to be published in 1971, so we are heading in this direction and, hopefully, people with low incomes are going to be able to buy these drugs by generic names, and at a lower cost. But this is not the way to go at it, and I would be ashamed if this body permitted this legislation to go through as is. There is nothing that I would rather do than work out this problem, because I feel as strongly as the good Senator from Franklin does about drugs.

I am not taken in by big drug companies. I know that they want to produce these brand names, and the cost of them is excessive, but I also know that most physicians, when they know of a generic name that is lower in cost, they prescribe it. I do it. I don't prescribe the brand name of penicillin when I know of a particular generic name that is put out by a good reputable company, so I prescribe the lower - price penicillin. But the phys-

ican has to do that; you can't leave that up to the pharmacist, because drugs are made by little small companies. A drug can be made in somebody's basement and put out under a generic name. Are you going to let the pharmacist decide that XYZ company down in Texas is putting out a drug that is pure and what you want to take? I wouldn't take anything like that. So, I hope you will support my motion to reconsider, and then I hope you will support my motion to indefinitely postpone this bill and all its accompanying papers. The revision of the pharmacy laws is, as far as I can tell, although many people have worked their heart out to revise these laws, there is nobody asking me to support this. There have been so many little objections and amendments that it would be better to kill the whole thing. I don't think that anybody is going to be unhappy. That is why I think that to save time and do the right thing, we should kill the whole bill.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In other words, to paraphrase the good Senator, to save time we should do nothing and sweep the whole thing under the table. That was the first reaction that there was when there was any questioning with the sacredness of the pharmacy bill as it was coming along. The first move that was made was by the good Senator to indefinitely postpone the whole thing. Get it out of the legislative halls, keep still about it, stop talking about the drugs, stop talking about the mark-ups and all that. They don't want any more said about it. The less said about the thing the better for them.

I don't suppose the tactics the parliamentary tactics that have employed here are particularly germane but they are interesting. If the Senators didn't notice, that yesterday, when I was not in the chamber, this bill which I had asked to have held was brought to the floor by the good Senator, and upon my parliamentary request this morning as to his posi-

tion, which is quite well known, he refuses to answer. If he gave an honest answer to that question it would disqualify his motion and put the bill beyond reconsideration at this point. But if he doesn't choose to speak, that is up to him.

Gentlemen, this reference that the Senator made to someone concocting drugs in someone's basement is just about as absurd as ever came from a man of science, a man trained in this area, who has any conception whatsoever of the Federal Food and Drug Act. Anyone knows that knows anything about the dispensing of drugs and dispensing of medicine that the Federal Food and Drug Act controls the quality of these things that come out under labels and go into the interstate commerce. To suggest to a group of intelligent men that the passage of this legislation might allow some alchemist to concoct something under some phony name in someone's basement in Texas, and put it off on the public in Maine, is just plain irresponsible distortion of facts.

It might interest you to know that Governor Marvin Mandell of Maryland has just signed into law a bill mandating the use of generic drugs in the state's medical program. We are well aware from common knowledge that the State of Maine has a very great stake in the cost of drugs through its welfare program. If there is anything that suggests action, it is in this area rather than sweeping it under the table and hoping that someone in some other jurisdiction will do something about it and look after our problem.

If this isn't precisely what should be done in this area at this time, the answer isn't to throw everything out the window. The answer is to progress with this legislation and I submit to you, gentlemen, that there are experts at the other end of the building on this subject where it will be scrutinized fully as carefully as it has been scrutinized here, and maybe through the expertise there some fine suggestions can be made where there can be an area of development.

I don't believe that a registered pharmacist in this State of known standing in the City of Lewiston would have made as strong a suggestion to me that this program such as I have suggested be adopted if it were as irresponsible as the good Senator from Cumberland suggests, because—I have read this letter before and I will not read it now, but it is a two-page letter and copies went to the legislative leaders of the other branch and to a doctor, in which this very suggestion was made that this is the area, this is the area of generic drugs where great help can be given to the aged.

I suggest to you, gentlemen, that you do not adopt the program of the good Senator from Cumberland of sweeping this under the table at this time, or perhaps at any time. At least let's see if we can't develop something before we get out of here in a progressive way in this area.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I was one of the individuals who was quite taken by Senator Mills' arguments. As a matter of fact, I voted for his amendment and I discussed it with him. I have had some second thoughts since that time. I have begun thinking as a chemist, which is my profession, and more as a chemist and less as a social worker.

Aspirin may be aspirin, but drugs are not drugs. Some of these modern organic drugs, particularly our antibiotics are extremely complex chemicals, are extremely difficult to analyze for, and frequently extremely difficult to produce. Quality control on some of them is a complex procedure requiring a good deal of expensive equipment and a good deal of talent to do it. There is going to be a variation in quality depending upon the ability and expertise of the manufacturer. Tetracycline produced by one company is not necessarily the same in quality or potency as Tetracycline produced by another company simply because of the prob-

lems in analyzing and producing these materials. I, for one, would not put a drug in my mouth if it wasn't made by a reputable established firm. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: May I inquire what the motion is before us.

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, that the Senate reconsider its action whereby Bill, "An Act to Revise the Pharmacy Laws", was Passed to be Engrossed.

Mr. STUART: Is it in order to make a motion to indefinitely postpone?

The PRESIDENT: The Chair would inform the Senator that the motion to indefinitely postpone the bill cannot be made until the bill is before the body, and the bill is not before the body unless the motion to reconsider does prevail.

A division has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Stuart, that the Senate reconsider its action whereby Bill, "An Act to Revise the Pharmacy Laws", was passed to be engrossed. As many Senators as are in favor of reconsideration will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

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

Tabled — June 12, 1969 by Senator Katz of Kennebec
Pending — Consideration.

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

Mr. KATZ of Kennebec: Mr. President, may I request the status of this bill?

The SECRETARY: In the House June 6, 1969, the bill passed to be engrossed as amended by Committee Amendment "A". In the Senate June 11, 1969, the bill and report indefinitely postponed in non-concurrence. Comes from the House that body having insisted. June 12, 1969, tabled in the Senate pending consideration.

Mr. KATZ of Kennebec: Mr. President, I spoke in a very hostile manner about this bill the other day, and I think I would like to keep it alive for the time being. I hope the Senate will go along, and I move that the Senate recede and concur with the House.

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

The motion prevailed.

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

An Act to Regulate the Removal and Disposition of Certain State-owned Objects and Specimens. (S. P. 489) (L. D. 1573)

Tabled — June 12, 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 twentieth tabled and specially assigned matter:

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

Tabled—June 12, 1969 by Senator Reed of Sagadahoc.

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 twenty-first 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 12, 1969 by Senator Wyman of Washington.

Pending — Adoption of Senate Amendment "B"—Filing S-259.

Mr. Wyman of Washington moved that Senate Amendment "B" be Indefinitely Postponed.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I can recognize the problems that they have in the Fish and Game Department and possibly in these same areas, but I brought up the question yesterday of the constitutionality of this particular section, and I would like to read to the members of the Senate the correspondence I just received from the Attorney General's office.

In regards to L. D. 1543: "Dear Senator Hanson: You have inquired whether Section 49 of L. D. 1543 is constitutional. Section 49, which amends Title 12, Maine Revised Statutes annotated, by adding a new Section 2458B, proposes to make it unlawful for any non-resident who is employed in a lumbering operation in any unorganized or unincorporated place within the jurisdiction of the State to have any firearm in his possession within the area of such lumbering operations. A pertinent question is whether the equal protection clause of the Constitution is violated by legislation which applies only to a particular class of non-residents and not to a non-resident. Although, for example, the sovereign may enact legislation which discriminates as to the right to hunt or fish in favor of residents and against non-residents, such a statute is invalid as a violation of equal protection if it sets up an unreasonable classification of a portion of those non-residents. Such a statute must be drawn so that it does not set up

an arbitrary classification having no reasonable relation to the subject and purpose of the legislation.

"It is our opinion that the reference provision falls into the classification of being arbitrary, since it applies only to non-residents employed in lumbering operations and in no other type of occupation. It is our opinion, therefore, that Section 49 of L. D. 1543 is constitutionally improper. Sincerely, James S. Erwin, Attorney General."

I have no personal feelings in this, and I do recognize the fact that we do have a problem. The purpose of this amendment is the fact that I do not want to be legislating something which possibly is unconstitutional. I think this letter from the Attorney General proves that it is. Thank you.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: According to the opinion of the Attorney General, it appears that this Section 49 could be unconstitutional. I dare present to this body that this is an opinion; it hasn't been tested in the courts. I would hope the bill would pass as written and, if this problem prevails later on, let it be tested as to whether it is constitutional or not.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am getting confused from reading the newspapers and getting these epistles now and then as we do. I would like to inquire of my seatmate, my good friend from Kennebec, Senator Hanson, whether this is an opinion of the private citizen James Erwin, in the corridors of the State House dissenting as he has the right, under the laws of free speech and all that, to do or is this part of his official duty? Was this an official letter, or was it one of those other kind that he characterized as being part of his rights under free speech?

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I would be very happy to answer the fine Senator and seatmate. This is an official interpretation from the Attorney General's office, and I must say that I also talked with two other members within the Attorney General's Department before this letter was drafted. If anybody would like to see it, I have it in my possession.

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

Thereupon, on motion by Mr. Wyman of Washington, retabled and tomorrow assigned, pending the motion by that Senator to Indefinitely Postpone Senate Amendment "B".

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 12, 1969 by Senator Wyman of Washington.

Pending — Consideration.

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

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

Bill, "An Act Providing for Annual Revision of State Valuation." (H. P. 100) (L. D. 108)

Tabled — June 12, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Mr. Wyman of Washington moved the pending question.

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

Sent down for concurrence.

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

Resolve, Proposing an Amendment to the Constitution to Permit Insurance of Payments of Mortgage Loans Made for Service Enterprises in the Preservation of

Certain Business Enterprises. (L. D. 1316)

Pending — Adoption of Senate Amendment "C".

Thereupon, Senate Amendment "C" was Adopted, and the Bill, as Amended, Passed to be Engrossed. Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" — Filing H-431 from the Committee on Labor on Bill, "An Act Establishing the Municipal Public Employees Labor Relations Law." (S. P. 636) (L. D. 824)

Tabled — June 12, 1969 by Senator Boisvert of Androscoggin.

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-431, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

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

Tabled—June 12, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Senate Amendment "C", Filing No. S-270, was Read and Adopted.

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

Order

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

WHEREAS, approximately 85% of the State of Maine still lies in a natural undeveloped state; and

WHEREAS, orderly development, including detail plans with provisions for sewerage disposal, water and a means of access to lots, is paramount to its subdivision; and

WHEREAS, the need is urgent for a land sales practice act requiring the registration of real estate subdivisions; and

WHEREAS, such an Act would prevent the use of fraudulent or misleading promotional practices and other abuses; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "AN ACT Requiring the Registration of Real Estate Subdivisions," Senate Paper 313, Legislative Document 1140, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature.

(SP 505)

Which was Read.

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

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Monday, June 16, 1969 at 10 o'clock in the morning.