

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 20, 1969

Senate called to order by the President.

Prayer by the Rev. Shane D. Estes of Winthrop.

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 23, at 10:30 o'clock in the morning. (S. P. 525)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of L. D. 1483, the so-called Supplemental Budget?

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

Mr. KATZ: Mr. President and Gentlemen of the Senate: I want to thank the Senate for its outstanding performance yesterday in helping us engross an \$84,000,000 budget which contains an eight per cent corporate tax, a six per cent sales tax, an intangible tax, with some other yummies, so under the circumstances, Mr. President, I move that the Senate reconsider our action whereby L. D. 1483 was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate reconsider its action whereby L. D. 1483 was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, House Amendment "D" contained a six per cent corporate and six per cent intangible tax. I move that the Senate recede from its action

whereby it adopted House Amendment "D".

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede from its action whereby it adopted House Amendment "D". Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, House Amendment "D" was Indefinitely Postponed in concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down forthwith for concurrence.

(Senate at Ease)

Called to order by the President.

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

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

In the House June 4, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-436) and House Amendment "B" (H-440).

In the Senate June 18, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-436) and House Amendment "B" (H-440) and Senate Amendment "A" (S-249) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A" (H-436) and "B" (H-440) and Senate Amendment "A" (S-249), as Amended by House Amendment "A" (H-568) thereto, in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bill, as passed by the Senate and sent to the other body, provided for a change in the age of check-out clerks at supermarkets from eighteen to seventeen. The other body added House Amendment "A", H-568, and the only change that this makes is raise the age back to where it is now at age eighteen. I am going to move that the Senate insist, which would have the effect of put-

ting the age at seventeen. This seems to be a reasonable requirement. The testimony before the Liquor Control Committee was that many high school students get employed during off school hours, that there is no real problem in just pushing keys on a cash register because you are selling perhaps beer. So, I would move, Mr. President, that the Senate insist.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate insist. Is this the pleasure of the Senate?

The motion prevailed.

Non-concurrent Matter

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

In the Senate June 17, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-257) and Senate Amendment "A" (S-281).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-257) and Senate Amendment "A" (S-281) as Amended by House Amendment "A" (H-558) thereto, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to the Employment of the Handicapped." (S. P. 487) (L. D. 1571)

In the House June 16, 1969, Indefinitely Postponed.

In the Senate June 17, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-286) in non-concurrence.

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

On motion by Mr. Minkowsky of Androscoggin the Senate voted to Insist and Join in a Committee of Conference.

The President named as Conferees on the part of the Senate:
Senators:

KATZ of Kennebec
WYMAN of Washington
MINKOWSKY of Androscoggin

Non-concurrent Matter

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

In the House June 9, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-491) in non-concurrence.

In the Senate June 10, 1969, the Senate voted to Recede and Concur.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-491) as amended by House Amendment "A" (H-561) thereto, in non-concurrence.

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

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, that the Legislative Research Committee is directed to study the desirability of providing for the orderly succession to the office of Governor should the Governor be unable to discharge the powers and duties of his office due to illness or other incapacitating cause; and be it further

ORDERED, that the Committee report the results of such at the next regular or special session of the Legislature. (S. P. 523)

Which was Read,

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

On motion by Mr. Berry of Cumberland,

WHEREAS, Portland Harbor is presently the second largest importer of crude oil by ocean vessel on the East Coast; and

WHEREAS, additional facilities for the importation of crude oil are planned for the City of Portland which will make Portland Harbor the largest oil importing port in the world; and

WHEREAS, a large oil handling facility is planned for the port of Machiasport, for the importing of foreign crude oil; and

WHEREAS, there are increasing numbers of commercial and industrial facilities along the rivers and

coast of the State which are serviced by vessels carrying oil, gas and petroleum products; and

WHEREAS, there are presently in effect no laws on the Federal, State or municipal level that effectively control the handling, movement, trans-shipment loading or unloading of oil, gas and petroleum products by ocean vessels to and from land-based facilities; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee study the handling of oil, gas and petroleum products by ocean vessels within territorial waters of the State of Maine, the nature of the land-based facilities attracting such cargoes, and means of controlling and safely containing the handling and movement of oil, gas and petroleum products and further, that it report to the next special session of this Legislature, or the next regular session, its recommendations in the form of proposed legislation for fixing duties, responsibilities and liabilities of vessels and land-based facilities handling oil, gas and petroleum products, together with means of financing the enforcement of such legislation through the imposition of an oil handling tax upon such vessels or land-based facilities, and further that it employ such professional assistance in the performance of its duties as may be required, and further that there is appropriated from the Legislative Appropriation the sum of \$25,000 for this purpose. (S. P. 524)

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Early in this session I introduced Item 4 on the Legislative Research Table, which was a very short joint order directing the Research Committee to study the problems of the discharge of petroleum products in tidal waters. This was a direct result of testimony before the Natural Resources Committee and complaints by people that we had nothing on our books which would regulate spillages of this type. The

order was drawn, we felt, in sufficient detail. However, with the passage of time, as in many things, there are additional aspects of this matter, and I would hope that everybody has or is reading the printed order as it appears on the calendar. While there are no significant differences, it does give a more detailed directive to the Legislative Research Committee, and there is some money on it which, quite frankly, is not of vital necessity to the order because the Legislative Research Committee has adequate funds for the study anyway, but this is to emphasize the importance placed upon this. I would hope that, upon subsequent adoption of this, that we would remove, or perhaps Senator Katz might remove Item 4 from the table now, and dispose of it.

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

Mr. KATZ of Kennebec: Mr. President, I move that this order be placed on the Special Legislative Research Table.

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

Mr. MILLS of Franklin: Mr. President, if it takes unanimous consent, I would like to file a little dissenting opinion as to part of this order. Is the order at all debatable or discussionable at this point?

The PRESIDENT: The order is before the Senate.

Mr. MILLS: Mr. President and Members of the Senate: I am not looking for an opportunity to have a difference with my good friend, I will make it very clear, but I do want to file a little dissenting opinion about some of the things that are recited in the order. I don't want to sit here and be a party to a misstatement which, I think, is contained in the order. I am not opposing the order, but I just want to make the record clear that the penultimate paragraph is not quite factual, in my opinion, in which it says that: "Whereas there are presently in effect no laws on the Federal, State, or municipal level that effectively control the handling, movement, trans-shipment, loading, or unloading of oil, gas and

petroleum products by ocean vessels to and from land-based facilities; now, therefore, be it ordered" and so forth.

We do have pretty stringent anti-pollution laws on the federal level, and I am sure that the Fire Chief of South Portland is active all the time in enforcing the municipal ordinances of South Portland in regard to spillage there in the harbor. Whenever there is a spillage he is very much involved. With that, I would desist, but I did want to say that I do know that there are stringent federal laws and I know there are some State laws also. There is probably a gap somewhere, and it probably is a subject which can well be studied, and I think it would be well to have the Research Committee look into it.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the order was Placed on the Special Legislative Research Table.

Committee Reports
House
Ought Not to Pass -
Covered by Other
Legislation

The Committee on Judiciary on Bill, "An Act to Increase the Penalties for the Sale and Possession of Marijuana and Narcotic and Hallucinatory Drugs." (H. P. 562) (L. D. 743)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Natural Resources on Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment."

Reported Pursuant to Joint Order, House Paper 536, that the same Ought to Pass.

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

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President, I would inquire if House Paper 536, has been reproduced?

The PRESIDENT: The Chair would inform the Senator that House Paper 536 was read and passed in concurrence. It is in the files.

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

Ought to Pass -
As Amended

The Committee on Judiciary on Bill, "An Act to Provide Protection for the Consumer Against Unfair Trade Practices." (H. P. 770) (L. D. 1003)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-364).

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

Which was Read.

On motion by Mr. Mills of Franklin, the Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

Mr. Logan of York then moved Indefinite Postponement of Committee Amendment "A".

Thereupon, on motion by Mr. Mills of Franklin tabled and tomorrow assigned, pending the motion by Mr. Logan of York to Indefinitely Postpone Committee Amendment "A".

Ought to Pass in
New Draft

Bill, "An Act Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 97) (L. D. 105)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 1272) (L. D. 1601)

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

Which was Read.

On motion by Mr. Wyman of Washington, tabled until later in today's session, pending A acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto." (H. P. 860) (L. D. 1102)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-554).

Signed:

Senators:

QUINN of Penobscot
VIOLETTE of Aroostook

Representatives:

BERMAN of Houlton
HESELTON of Gardiner
FOSTER of
Mechanic Falls
HEWES of
Cape Elizabeth

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

Signed:

Senator:

MILLS of Franklin

Representatives:

BRENNAN of Portland
MORESHEAD of Augusta
DANTON of
Old Orchard Beach

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-554).

Which reports were Read.

Mr. Mills of Franklin then moved that the Minority Ought Not to Pass Report of the Committee be Accepted.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is the first that I have seen of this bill. I wonder if we might have a brief explanation of it.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This bill and the subject matter of it is intimately entwined with the fifth amendment, with which all people are familiar, I believe. The fifth amendment, perhaps, stands in the public view not too high perhaps, because of it having been resorted to on so many, many occasions that during congressional investigations of crime by notorious gangsters having refused to testify because their answers might incriminate them for a prosecution of crime. We think of it in connection with criminal prosecution.

This bill is fathered by a member of the Committee and he has a deep, deep attachment to it. If there was anyway rationally that I could support it I would, because of my friendship with the House Chairman of the Committee, but I can't, and I think I am doing him a favor in trying to oppose passage of this bill because, in my opinion, it is bad legislation.

One has to go into the background to understand what it proposes. In the prosecution of a civil case for damages—and now we are talking, of course, of matters in court unconnected with criminal matters prior to the trial of such cases we have discovery proceedings to get at the facts and to make the trial shorter so that the taxpayers won't have to pay as much for juries, the courts won't have to stay as long in court sessions, that the facts can be agreed upon as far as possible, and one side can take deposition, so-called, hearings of the other side, and know in advance what the testimony is going to be, thereby narrowing the issues which shorten up the court proceedings. This was one of the great developments of just a few years ago in Maine law. In these proceedings you are entitled to take the sworn testimony of the party on the other side or any of his witnesses.

I believe that the facts surrounding this bill arose when a witness on the other side took the fifth amendment decided, on advice of counsel,—I think the facts are something like these: A man was being sued for alienation of affec-

tions, or some type of charge, some type of civil offense for which damages could be paid to the wronged party. The question arose as to whether or not he lived with this woman on the other side in a Portland motel. He refrained from answering on advice of his attorney, because obviously an answer to that question could lead to prosecution possibly for adultery, it could lead to prosecution for false registration in a motel, or maybe other crimes. So the man, under the State and Federal Constitution, had the right to refuse to answer on grounds that his questions might be answered so as to incriminate him for crime, so he did. Under such circumstances, when you run into a stone wall and you can't get an answer from the other side, you resort to a Superior Court Judge and ask him to either require the answer or find the person in contempt for not answering. The Judge, apparently, in this particular case, found that the man indeed had the right to take the fifth amendment. The basis of the fifth amendment is that you can't convict anyone out of their own mouth. You can't compel you or me to testify and thereby convict ourselves. So the Superior Court Judge ruled here that this testimony couldn't be compelled. Hence, we have this bill, which would compel testimony in discovery proceedings and when it would be compelled it would be given an immunity bath, so-called, to the person being required, so that suppose he were guilty of adultery or false registration in the motel, and this bill, being the law of the land—it would take quite a lot of doing in order to get this immunity, you would have to go to the Attorney General of the State, the United States Attorney for the District, go through quite a lot of red tape and get them to say that it was all right with them to grant this immunity. After the immunity had been granted, why the man could be required then to testify, but he would be taking what we call the "immunity bath" and he couldn't be prosecuted for the crime.

Someone on the committee suggested that this would be a very

convenient way for a person who was in fact guilty of a crime to get himself an immunity bath, get himself sued and get into a civil controversy over it and arrange to have this immunity given which would exonerate him from any responsibility for whatever criminal acts he might have performed.

I never heard of a proposition like this before. That is, I have heard of it and we have discussed it in the criminal area, and we have had legislation pertaining to it. It is quite a different thing when you are talking about prosecuting a trafficker in drugs or a person who can give you very real information about gangster activities about, giving him immunity, that is one thing and there is a lot of argument in favor there, a lot of argument in that direction. When you reach over into the civil field and say the same thing, you might just as well tear up the fifth amendment, in my view.

I suggest that this would be an extension in the direction of a personal situation that has been run into by our valuable House Chairman and I explained to him several times that I felt that my opposition was trying to save him from himself because, I think upon mature reflection sometime he will realize that he is asking the legislature to do altogether too much in this area. I hope that the Minority Report will be accepted.

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

Thereupon, on motion by Mr. Quinn of Penobscot, tabled and tomorrow assigned, pending the motion by Mr. Mills of Franklin to Accept the Minority Ought Not to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Permitting the Inhabitants of the Town of Jay to be Within the Jurisdiction of the District Court at Livermore Falls" (H. P. 895) (L. D. 1156)

Reported that the same Ought to Pass.

Signed:

Senators:

VIOLETTE of Aroostook
MILLS of Franklin
QUINN of Penobscot

Representatives:

HESELTON of Gardiner
FOSTER of
Mechanic Falls
BERMAN of Houlton
BRENNAN of Portland
DANTON of

Old Orchard Beach
HEWES of
Cape Elizabeth

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

Signed:

Representative:

MORESHEAD of Augusta

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

While reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Controlling the Sale and Possession of Cannabis (Marijuana and Peyote)." (H. P. 561) (L. D. 742)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-565).

Signed:

Senators:

VIOLETTE of Aroostook
MILLS of Franklin
QUINN of Penobscot

Representatives:

DANTON of
Old Orchard Beach
MORESHEAD of Augusta
BERMAN of Houlton
BRENNAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-566).

Signed:

Representatives:

HEWES of
Cape Elizabeth

FOSTER of

Mechanic Falls
HESELTON of Gardiner

Comes from the House, the Minority Ought to Pass as Amended by Committee Amendment "B" report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B" (H-566).

Which reports were Read.

Thereupon, on motion by Mr. Violette of Aroostook, the Majority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, 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 Resolve, relating to Retirement Allowance for Hal G. Hoyt of Augusta. (H. P. 868) (L. D. 1110)

Ask leave to report: that they are unable to agree.

On the part of the House:

BRAGDON of Perham
KEYTE of Dexter
CUSHING of Bucksport

On the part of the Senate:

HANSON of Kennebec
MINKOWSKY of
Androscoggin
BARNES of Aroostook

Comes from the House, the Report Read and Accepted.

Which report was Read and Accepted in concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Concerning the Adoption of State Wards." (H. P. 760) (L. D. 980)

Ask leave to report: That they are unable to agree.

On the part of the House:

LINCOLN of Bethel
OUELLETTE of
South Portland

CURTIS of

Bowdoinham

On the part of the Senate:

CONLEY of Cumberland

VIOLETTE of Aroostook

MILLS of Franklin

Comes from the House, the Report Read and Accepted.

Which report was Read.

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

Committee of Conference Report

The Second Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Providing for a Presidential Preference Primary." (H. P. 516) (L. D. 687)

Ask leave to report: that the House recede from passage to be engrossed on H. P. 1151, L. D. 1473, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; (H-567)

That the Senate recede and concur with the House in accepting the Minority Report reporting "Ought to Pass" in new draft (H. P. 1151) (L. D. 1473) under title of "An Act Providing for Presidential Preferences in Primary Election," adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

On the part of the House:

BIRT of

E. Millinocket

PORTER of Lincoln

STARBIRD of Kingman

On the part of the Senate:

TANOUS of Penobscot

DUNN of Oxford

KELLAM of Cumberland

Comes from the House, the Report Read and Rejected, and that Body having Further Insisted and asked for a Third Committee of conference with the following conferees appointed on its part:

BIRT of East Millinocket

PORTER of Lincoln

STARBIRD of Kingman

Which report was Read.

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

Mr. DUNN of Oxford: Mr. President, there was an error in the draft of the amendment, and in order to get it corrected it needs to go back and have one paragraph entered in it. I would move that we reject this report, and a third committee be appointed and get this straightened out.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate reject the report of the Committee of Conference. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, the Senate voted to Insist and Join in a Third Committee of Conference.

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

Senators:

TANOUS of Penobscot

DUNN of Oxford

KELLAM of

Cumberland

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 Bids for Contractual Services under the Auburn City Charter." (H. P. 963) (L. D. 1243)

ask leave to report: that the House recede from passage to be engrossed; adopt Conference Committee "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-555);

that the Senate recede and concur with the House in substituting the Bill for the Report, adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-555) in concurrence.

On the part of the House:

FINEMORE of

Bridgewater

EMERY of Auburn

CASEY of Woodland

On the part of the Senate:

MARTIN of

Piscataquis

BERNARD of

Androscoggin
Comes from the House, the
Report Read and Rejected.

Which report was Read.

Mr. Tanous of Penobscot then
moved that the Senate Reject the
Committee Report.

On motion by Mr. Bernard of
Androscoggin, tabled and tomorrow
assigned pending the motion by
Mr. Tanous of Penobscot that the
Senate Reject the C o m m i t t e e
Report.

Second Readers

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

House - As Amended

Bill, "An Act to Grant Adult
Rights to Persons Twenty Years of
Age." (H. P. 1162) (L. D. 1484)

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

Bill, "An Act Providing for the
Conservation and Rehabilitation of
Land Affected in Connection With
Mining." (H. P. 1270) (L. D. 1598)

Which was Read a Second Time.

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

Senate

Bill, "An Act Relating to Prop-
erty Tax Administration." (S. P.
515) (L. D. 1604)

Which was Read a Second Time.

(On motion by Mr. Wyman of
Washington, tabled until later in
today's session pending Passage
to be Engrossed.)

Bill, "An Act to Authorize the
Issuance of Bonds in the Amount
of Twenty-one Million Five
Hundred Thousand Dollars on Be-
half of the State of Maine to Build
State Highways." (S. P. 521) (L.
D. 1607)

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

Sent down for concurrence.

Enactors

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

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

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

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

An Act Providing Additional
Penalty for Commission of a
Felony While Carrying a Firearm.
(H. P. 1031) (L. D. 1361)

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

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

Emergency

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

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

Mr. LOGAN of York: Mr.
President and Members of the Sen-
ate: Before enactment of the truth
in lending law, I would like to
make note that this is a landmark
piece of legislation and one of the
finest accomplishments to the 104th
Legislature.

As of July 1, the Federal Truth
in Lending Act goes into effect and
supersedes all state law every-
where in the United States. This
act necessarily, therefore, repeals
our state law so that we do not
have dual reporting requirements.
However, by the enactment of the
Maine Truth in Lending Act, this
Legislature goes on record that the
State of Maine wishes to enact its
own laws, administer and enforce
its own laws, and indicates to our
Banking Commissioner and our At-
torney General's Office they should
approach the Federal Reserve
Board to gain such an exemption.
Mr. President, I move the pending
question.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In the matter of legislative intent in regard to this piece of legislation, I think it well that there be a record, because this is going to be subject to interpretation and possibly controversy as it already is. Our State Banking Commissioner is today in Washington conferring with the Federal Reserve officials in regard to the applicability of this act that we are now enacting, or expect to enact in a few minutes.

It should be borne in mind that the Congressional Act specifically stated the Congressional intent, intent of the Congress, that any state that had a good and sufficient truth in lending act would procure, by reason of that fact, exemption from the federal law. What the good Senator has described here as a fine effort on the part of his committee this winter is certainly appropriate, because what is attempted here is to reserve to the State of Maine the enforcement of these laws. If this were not so, it had to fall under the law of the Federal Government here, there would be numerous agencies of the federal government enforcing this truth in lending and that is what we don't want. There would be the Federal Trade Commission, the F.D.I.C., the Federal Reserve System, and numerous others. And what disturbs us is the apparent reluctance on the part of the Federal Reserve Board to accept exemptions, to grant exemptions. We think that their reluctance is right in the teeth of the will of Congress. We have already appealed to some of the Congressional Delegation to pave the way for a good reception for our Bank Commissioner in Washington today to get this exemption. The federal people, it would appear, want to gobble up this whole area and take it over, so that if you have troubles in regard to truth in lending and consumer problems, your only recourse would be down in Boston or wherever the agency has its nearest office, and you wouldn't know which one of fourteen or fifteen to go to. But if you operate under this Maine law, which is identical to the federal law, except

it provides for our own enforcement, you would go to the Bank Commissioner, and the Bank Commissioner alone and he has been enforcing this truth in lending act for the last two years.

What was perhaps inadvertently omitted was that the State of Maine was one of the first states, I think, or the second state in the union to adopt truth in lending, for which both parties in the last legislature were given quite a bit of credit for their foresight. I noticed in the debate in the other branch that they said our legislation was premature and too early, but we were in the field first and that should assist us in having our own law and not having to rely upon the federal government. It is one more step towards keeping Washington out of Maine, if we are successful in getting this exemption. There is no reason why we shouldn't be because this is line for line the federal statute, except that the enforcement is left to the people of the State.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first item of Unfinished Business: Bill, "An Act to Revise the Pharmacy Laws." (H. P. 1175) (L. D. 1496)

Tabled—June 19, 1969 by Senator Stuart of Cumberland, until later in the day.

Pending—Motion by Senator Mills of Franklin to Reconsider Passage to be Engrossed.

The motion to reconsider carried.

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

MR. MILLS of Franklin: Mr. President and Members of the Senate: I now move for indefinite postponement of the bill. I feel as though I have already talked away too much this morning, and this

is my biggest assignment. I am sorry, but I will be as brief as I can. And I will try to be as objective as I can, because when you have been subjected to statements that this is the most irresponsible act that has ever come before the legislature in the history of one of the veteran legislators, it is difficult to be objective. But I will talk about the facts and I will leave the personalities out. That is my assertion and I want to be held to it.

Mr. President, this attack upon the amendment that I proposed was hitched upon several grounds, and I will discuss them one at a time, but I want to suggest to you that the record shows that the adjectives applied and the statements and opinions given are lacking in support as far as factual presentation is concerned, and I will try to provide the factual presentation which may establish to you that this was not an irresponsible thing and is not an irresponsible thing. But I want to make it clear what my objective is before I go any further. I am not trying to reinstitute the amendment, not in any way. I wouldn't think of it in the face of the overwhelming vote in the other branch. I am trying to lay the groundwork for an order which I will produce, which has been given in to the Secretary's office and which will appear on the calendar for Monday, but does concern this subject matter, and this bill should be disposed of in the interim.

In the presentation it was stated that this amendment, which was before us and which went down to the other body, calling for generic substitutes, endangered the health and welfare of the citizens of the State of Maine and that it, thereby, was an irresponsible act and that, in connection therewith, a cobbler should stick to his last.

Let me repeat, as I stated before, that this came from a pharmacist, and I will give a little more detail about him. He employs three registered pharmacists, he operates Lewiston's largest pharmacy, and I submit that this probably exceeds the experience and the knowledge in this area of

the one who castigated me as having presented something irresponsible. This gentleman said to me in a written communication, dated May 25th: "Fourthly, as far as brand names versus generic named drugs are concerned, this is really out of the pharmacist's hands. When a doctor writes a prescription, that prescription in 95 per cent of the cases is written for the brand name drug and the pharmacist, by law, must dispense the brand name. In many instances an equally effective generic could be prescribed, however, due to lack of understanding or lack of education in the availability of generic drugs, brand names are written. The major effort put out by the giant pharmaceutical companies in hiring a sales force to detail the doctor on their brand names pressures the doctor week after week with samples and literature, whereas generic drugs do not have the expenses of a sales force, permitting their prices to be often one-tenth that of the brand name drugs. This, Mr Mills, is where your potential could lie. If you are at all sincere and interested in lowering drug costs at retail, then you should strive to pass a law leaving it to the discretion of the pharmacist when a brand name drug is written for and a generic equivalent exists. With such a law the pharmacist could easily be able to dispense the same chemical drug, the same strength, with FDA specifications, at a much lower cost to the patient. As it stands now, the pharmacist must dispense the expensive drug. He has no choice, although with his training, education and proficiency with drugs, the choice should be his and not the doctor's, inasmuch as the end result is the same."

So, you see, I don't think it can be said to be entirely irresponsible when it comes from a pharmacist leading the largest pharmacy in Lewiston, which I think is about the second or third largest city in the State, hiring three registered pharmacists.

A doctor from Waterville writing: "The high cost of drugs is ruining many families." Incidentally, he mentions that dental care

is needed by many. Of course, we all know that. We are completely understaffed in regard to dentists. So much for the local scene in support of this contention which has been called irresponsible.

What does the American Medical Association say about it? The American Medical Association, I mean, is fairly competent in this area. That is the one they all belong to, of course, it is pretty obvious. On the 21st day of May, 1969, under an Associated Press line — and the Associated Press isn't given to writing gossip journalism — the Associated Press out of Washington said: "The Chairman of the American Medical Association's Council on Drugs, in a sharp departure from American Medical Association policy, called Tuesday for prompt abolition of the use of brand names on drugs, and said use of generic names would be safer for the public. Dr. John Adriani of New Orleans, testifying before the Senate Small Business Committee's Monopoly Subcommittee, said: 'Brand names are, in essence, aliases. An alias, no matter how used, tends to confuse or be deceptive. The use of brand names for drugs serves no constructive purpose. On the contrary, the practice hampers rational drug utilization, rational prescribing and dissemination of drug information,' Adriani said." He further said, and I quote: "Brand names should be abolished." He went on: "The public's best interest will not be served until this is done. Adriani said, his Council has recommended to the American Medical Association's Board of Trustees that it support the recommendation that generic rather than brand names be employed. But, he said, no action has yet been taken. The A.M.A.'s position, as stated by some of its highest officers, is that precisely manufactured brand name drugs do seem to be more reliable than generic versions, although the basic ingredients are the same."

Writing in the "Machinist" for May 15th, the well-known columnist, Sidney Margolis, points out: "Almost to a man the pharmacists reported that they filled most prescriptions with brand name products, so it is the pharmacists

themselves who tend to be the main block to the public demand for lower priced generic drugs. Whether or not they believe that brand name drugs are more dependable, as they say, the fact is they do make more money by selling the higher priced brand name drugs, because they work on the percentage profit system."

Now, Mr. President, I submit that there is reasonable backing for the proposition that I expressed in the amendment that went before this body and was accepted before this body. Were it not for these expert opinions — I could show you hundreds of names on petitions and many, many letters from people in distress in this State because of the exorbitant prices they are paying for drugs, expressing a similar viewpoint — I submit to this body that what I did was not irresponsible and not irrational, and didn't deserve the dressing down that was received.

Mr. President, in the discussion of this subject, amendments that were rejected here, and withdrawn by me, were used as arguments against the amendment. Parts of it were taken out of context and discussed, and the whole thing was a stampede and, as I say, was exactly irresponsible.

Mr. President, the great drug companies were extolled in this general condemnation and the high prices were supported. Let me say that four of the major drug companies, Lederle Laboratories, Bristol Laboratories, Upjohn Company and Phizer, after being sued by the Federal Government for overcharging on their petracycline line, have agreed out of court to pay back to hospitals, states, towns and individuals, if they have received bills on their overcharge on these antibiotics, to the extent of over \$50 million.

Governor Marvin Mendell has just signed into law mandating the use of generics and drugs in the State's medical programs. Also similar bills are pending in Congress, including those sponsored by Senator Long. The State of Maryland feels that this will be a great saving to it and generic is just the same as the brand name.

Mr. President, another thing: apparently the gentleman who was active in this movement below doesn't know his own code of ethics, because one of the parts of the amendment that I was criticized for is lifted right out of the code of ethics of the pharmacists and, as I explained to the Senate, it was enacting into law their own ethics, and I think that it can hardly be said to be an irresponsible thing to be suggesting that that would be proper.

Mr. President, I have discussed this generally, and I have asked to have explained what is sought to be accomplished by the present bill as it now stands without any amendments on it, and I failed to receive anything. We do know that the original vehicle that came into the legislature caused a pharmacist, a leading pharmacist in the southwestern part of the State, and a former member of this body, to come before the committee and to urge its rejection because it would have provided that pharmacists be employed to even wrap up the packages and to count the pills, which certainly isn't the fact in the big laboratories, and it would have effectively put him out of business in providing low cost drugs to the poor.

Now, I ask you, who is irresponsible here? Is it a member of the board who tries to cut down the activity of an upright citizen in the southern part of the State, a former member of this body, in giving low cost drugs to the poor to maintain their profit margin? We have a serious problem price-wise, and I think that most of you know it, if not from your personal experience, at least from complaints that you have received from Millinocket, from Brownville, from Old Orchard, from many of the other towns, particularly where there is only one drug store. The rule seems to be "all that the traffic can bear," because when it is the only drug store, and people are not mobile, it is that price that they have to pay in order to get the relief, whereas the complaint that comes to me is that when they can get to the city they find themselves greatly relieved in their pocketbook.

Mr. President, I find that towns and municipalities are paying the long price for drugs for the poor. I find that great people in the service of the State, such as is true of my great and good friends, Dr. Bowman of Pineland, Dr. Schumacher, devote themselves to such things as improvement of their own institutions, which is wonderful, but to the abortion bill, to providing firecrackers for relief of tension, I am going to ask them to get into a subject like this. They have got real talents and they should be objective. They are not tied to the drug companies. I am going to present an order Monday, I hope that it can get through that Research Table, and I am going to ask that the State dig in on a thing like this and put people to work like Dr. Bowman and Dr. Schumacher—they are working now, of course, but I mean to put them to work on something like this. Let them get in the show where the State of Maine can save hundreds and probably thousands of dollars—thousands of dollars, of course—in the buying of drugs for the State institutions, and municipalities, such as Portland, can buy cheap and make them available to people generally.

So, I ask you to cast aside this bill at the present time, which doesn't serve any particular purpose, and support Monday my order for the Legislative Research Committee to look into this subject, realizing full well that the leadership has it in its power to kill that order on the Research Table, but possibly we can get support enough to have it live.

THE PRESIDENT: The Senator from Franklin, Senator Mills, moves that Bill, "An Act to Revise the Pharmacy Laws," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

MR. STUART of Cumberland: Mr. President and Members of the Senate: I oppose the motion to indefinitely postpone this bill. The matter before us is not the amendment. The good Senator from Franklin, Senator Mills, has spent a great deal of time discussing the generic drug amendment which, as you all know, was defeated

resoundingly in the other body, but the bill was not defeated.

The bill is a revision of the pharmacy laws, which was heard by our committee and, as far as I know, there is no reason why it shouldn't pass this body and go to the other house. There is no need of my going over all the various aspects of the bill. It says things like if the manufacturer's label contains the expiration date of a drug, then the prescription label will contain that expiration date. It is an honest revision of the pharmacy laws, and I see no subterfuge and no objection to it.

I am not an authority on the pharmacy laws, and I haven't read their previous laws, so I haven't anything really to compare it with, but the committee did go over it and read each section of it. We had the hearing and I think, as I said, it should go on to the other body. I repeat again, the issue is not the generic drug amendment, but the bill itself. Therefore, I hope that you would oppose the indefinite postponement and send this to the other body where there is an authority, a pharmacist, and I am sure that if he has objections to this bill he will speak out again and let the members know how he feels but, as far as I know, it is a perfectly good bill and should be passed.

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

Mr. MILLS of Franklin: Mr. President, just briefly, would the Senator list the changes that are made over the present law and tell us why we need changes in the present law?

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I thought I just made it clear that I do not know all the changes. The committee never went over the previous law, but we had the hearing and, as I said, we know of no one that is hurt by this, no one is complaining, and just as a group of dentists might update their dental laws, this is an honest revision and updating of the pharmacy laws. It might make

it clearer to go over the various things that are done. "No person shall sell sample drugs." I presume that is one of the changes made. "No drug will be returned to the pharmacy stock." But I cannot answer specifically what the changes are over the previous law but, I repeat, I know of no reason why this shouldn't be passed by this body and go on to the other body.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I talked on this bill when it first came up, and took a somewhat different approach than the good Senator from Franklin, but ended up in about the same location.

At the time I did research the bill with the existing law and I believe, as I recall, there was not too much of a change. I don't know that there is a great problem in selling drugs that have been returned, but I do feel there is a statute on the books now that does deal with that matter.

My objection to this bill was that I felt it would hurt a great many people in the state in their costs of drugs, not because of the prescriptive drugs which, I think we all agree, there should be some change made in the prescriptions written by the doctors, and I know I have seen not too long ago that the American Medical Association now does recommend that generic terms be used, and in the past they have always insisted that the doctors be left alone to prescribe the drugs by brand name, but that is not the particular problem with the bill as it now stands. The difficulty here is that it would appear it is going to outlaw the sale of a great many ordinary everyday medicines by anybody except a pharmacist. We all know that we can go out and buy aspirin at the supermarkets and the discount houses, so-called discount houses, for something like nineteen cents a hundred or I guess even less than that. Aspirin is a particular compound which is bought in bulk and stamped into a tablet by various

concerns, and if you buy it in the drug store by the brand name that you hear so much about on television you would probably get a little tin with about a dozen in it for nineteen cents. So, I feel that people should be allowed to buy these common everyday medicines, cough medicines and so forth, in the discount houses. Certainly large families, who need these everyday medicines, should get that much of a break.

The bill, as I look at it, primarily is a protective device by pharmacists in order to protect them in the sale of products. I pointed out at the time, I know, what the practice of pharmacy is. Now, I know and we know that we don't want the girl in the supermarket to practice pharmacy. But if you define practice of pharmacy to offering for sale or selling at retail drugs, medicines and so forth, and then you define drugs as being any item at all that is listed in the pharmacopoeia, then you can see readily that you can't do anything except when you are introducing in the field of pharmacy. Now this, in my way of thinking, is absolutely wrong.

I did quote a couple months ago a few items in this bill, and I believe at that time substantiated, I heard no objection whatsoever, that this bill was primarily designed to outlaw any type of sale of patent medicine by anything but a pharmacist. And you will see in the bill someplace tucked away discussing that nobody but a pharmacist can have any type of a sign or anything that says medicines, drugs, sundries, any type of a counter with that type of a designation. So, I really feel, myself, that it is legislation that is not good for the State of Maine. The few items in the front, the first couple of sections, are to a great extent in the law now. I think it extends or adds in "Return of Drugs Prohibiting," I think it adds "nurse" in there or something. There are a couple of words that it sticks in, but we would all be far better off if we just indefinitely postponed the bill.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I think the Senator from Cumberland, Senator Kellam, is referring to Section 22 of the practice of pharmacy and, as I read it, they are talking about prescriptions. You won't take a prescription to the supermarket. The intent of this bill is not to prohibit the sale of any drugs in supermarkets. I do not read it that way, and this is the first I have heard of it. It is restrictive in no way. I request a division.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: If you pass this measure, you may not think that you are being restrictive now, but when the supermarkets, the grocery stores and the mom and pop stores come around to see you a year from now and show you what has happened to them, you will realize what a mistake was made. Just as Senator Kellam has pointed out, there is the material in here for the pharmacists and their board to be most restrictive over the sale of just about everything that is defined here that they want to rake into the drug stores and take as their exclusive domain.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that Legislative Document 1496, Bill, "An Act to Revise the Pharmacy Laws," be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion of the Senator from Franklin, Senator Mills, that this bill be indefinitely postponed will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed and the bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second item of Unfinished Business: Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law." (H. P. 622) (L. D. 810)

Tabled—June 19, 1969 by Senator Hanson of Kennebec, until later in the day.

Pending — Passage to be Engrossed.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I move that this L. D. 810 and all amendments be indefinitely postponed, and I would like to speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Levine, now moves that Legislative Document 810, Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law," be indefinitely postponed.

The Senator may proceed.

Mr. LEVINE: This L. D. came before our committee, the Business Legislation Committee, and I can say for a certainty that all members of that committee were for business. I don't think any of them were anti-business, and when they put out their report I don't think they were biased or that they had any reason to be for or against anybody. Then the House put in an amendment. We killed this amendment, and then the Assistant Majority Leader introduced this amendment again, and that is where the trouble comes from.

Now, you have two sides here. You have the small loan companies, and you have the ordinary people that go and borrow money from them. There is nothing wrong with having small loan companies in the State of Maine, we need all kinds of businesses, but we have to protect the public too, and that is where this amendment comes in.

What this amendment basically does is enslave the borrower to the small loan companies. It lets the small loan companies keep him as a slave the rest of his life. It doesn't give him a chance to get

out from under and that is what they want.

Now, when we talk about small loan companies we are not talking about companies worth ten, fifty or a hundred million dollars; we are talking about companies that are among the three largest corporations in the United States. Sure, they brought in the best artillery they had; they hired the best lobbyists. The public didn't call us; they didn't know that we debated this item before. If that had been in the papers, I guarantee you that you would have got calls from the people to vote against this amendment, but nobody knew about it. It is always customary that when some bill comes up here, and there is some confusion about it, I like to talk to the average man on the street. Let me tell you something, the average man in the street has got a lot of common sense; don't underestimate him. I haven't met one yet that thought that this amendment is good for the people of the State of Maine. They all thought it was a bad amendment. They all know that I am fighting against odds, I am fighting against companies that hire the best men to give all the influence they can.

They were so smart about it - you see, this bill here is no party issue, and I hope that when we vote on it we don't vote as Democrats or Republicans, but they were smart enough to have this amendment introduced by the Majority Leader to try to make you think that the Republicans are for this amendment. That is what I don't like either. They are so sharp, they are so smart, and they hire the best that they can get. Money is no object to them. Where did they get all this money? Where did it come from? How did they get to become the biggest corporations in the United States? From just the average man. I was a poor man once and I know what it is to be poor. I still remember it. And these loan companies, they tie a rope around your neck and you better do it their way or they let you hang. That is the way they do it. They use all the tricks that are in the book. And I feel bad because they have used the Republican Party, because it was a member

of the Republican Party who did it, and I don't think the leadership is inclined to their thinking.

After I tabled one of these motions I went out in the hall and one of the lobbyists started giving me - I don't want to say it, but you know what I mean - starting giving me the devil for tabling it. He said "You haven't got any right to table that; I am a friend of your brother's." He said "If your brother had been here he would have gone along with me." I said "I think if my brother was here he would vote his conscience, and definitely he isn't here, and I am going to vote my conscience." They tried everything. I mean, they tried to bring in my brother and they tried to do everything. Nothing stops them. You see, the people that are affected by it, they haven't got anybody fighting for them. They didn't hire a n y lobbyist. They didn't even know this item was before us here.

This bill was passed two years ago, and it hasn't had time yet to tell what effect it will have on the small companies.

Now, another thing they are doing that is pretty smart too is that all the money they make on the loans in the State of Maine is sent back to their headquarters to the other companies they own. When they need money they borrow from their own companies. They charge big interest to themselves. They take the money out of the State of Maine and send it somewhere else, to some other state, and then they go out and borrow the money and bring it back to the State of Maine. They can pay twenty per cent or thirty per cent; they don't care what they pay, and then they come out with their books and say "We don't make much profit." Any company can have another company and they can show a small loss or a big loss, any way they want to do it.

The interest they are getting now on the first \$300 is thirty per cent a year, and what they want is renewals. They want, when a man pays off a little bit, bring him up again in the thirty per cent bracket and keep him there, keep him tied and keep him chained. I think it

is wrong of us to go along with that kind of legislation.

We had here a while ago a bill before us and my good friend, Senator Barnes, spoke about it, when they tried to lower to three months for foreclosure. I mean, there were two sides to it too, the same as any other bill. One side wanted to bring in more money in the State of Maine, and the other side, as Senator Barnes spoke, was going to be bad for the farmers of the State of Maine. I went along with Senator Barnes because I thought it was going to be bad for the farmers to foreclose on them. Isn't it bad if you take a man, his hands are tied, he needs money bad, that you put a chain on him and don't let him loose? You don't think you should give him consideration too? He is just as good as any farmer. I fought for all the farmers' bills. I know the problems and I am for them, but I am still for the man that goes into a loan company. I don't want him to become a slave for the rest of his life. I would ask all members to vote with me for indefinite postponement.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I can assure you gentlemen here this morning in the Senate that I have a lot of respect for the ability of my good friend, Senator Levine from Kennebec County. It is very seldom that he and I have differed on points this season. We have served on the same committee together and he has been a great help to me, and I hope that I have been of some assistance to him. I have a lot of respect for his ability. As far as being lobbied and being smart, I don't think anybody can top him. As a matter of fact, I think I will buy him a saddle, and I haven't made up my mind yet whether I will get an English saddle or a western saddle. Nevertheless, I hope, regardless of the outcome of this bill, we will still be good friends.

There are two things I want to make crystal clear this morning. No. 1, I do not own any small loan agency or company, and have

no stock in any. On the contrary, I own a little stock in a savings bank, which is a competitor of the small loan companies. No. 2, I am just as concerned about the poor man and the man in the street as Senator Levine, because most of my relatives are poor and most of my friends are poor and, as I said yesterday, I am poor. Nobody has a cornerstone on concern for the little man.

Now, as far as chaining anybody or putting a rope around their neck, this, gentlemen, is one man's opinion. I can't concur with this. I think that the small loan companies play a very important part in the economy of our State. There have been a number of them that have had to close their doors because of legislation that was passed by this legislature two years ago. I think this bill is nothing more than a method of trying to correct some inconsistencies and some problems that have been created that have forced some of these small loan agencies out of business.

Now, we talk about the small man or the poor man or the man in the street. These small loan agencies cater generally to a person who is a poor risk, a man who can't go to an ordinary savings bank or a normal institution and negotiate a loan because he is a poor risk. So, his only alternative is to go to one of these small loan agencies, which he does. This bill, as amended, allows him to continue doing business with a small loan agency, and once he has paid his loan off at the rate of three-fourths he can go back and borrow more money rather than be forced to go across the street to another loan agency.

I don't think that we are forcing undue hardship on the small man. As a matter of fact, I think that if we indefinitely postpone this bill we will accomplish just the contrary, and I think that these small loan agencies have a right to survive and to live, and I think that these people who use them have a right to make up their own minds if they want to go use them. I oppose the motion to indefinitely postpone and I would ask for a division.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I am not against small loan companies. We need them, there is no question about it, but this legislation that was passed two years ago, it was passed bipartisan, both parties supported it, was good legislation. The small companies don't know what effect it is going to have on them yet, and the first thing they are jumping for right off is to get more interest and tie the man up. That is what they are fighting for.

As far as my good friend, Senator Barnes, saying that I lobby, I am not getting paid for what I am lobbying. I am lobbying for what I believe in. The people that are lobbying here for the small companies, if they were in here they would be voting with me, but they are just doing it for the pay they are getting. That is the difference. I am fighting for what I believe is right. I am not fighting to drive the small loan companies out. Let nobody worry, if they make ten million or fifty million dollars a year less, they will still be among the biggest money-makers in the nation. What it boils down to is: who can afford it better the small man or the multi-million dollar companies?

As far as why they are losing some business, they will keep on losing some business because there are more credit unions being formed in the State of Maine and they are getting some of their business. Nobody can stop that. If anybody belongs to a church that has a credit union, or works in a factory that has a credit union, they will definitely borrow the money there because it costs them less.

Nobody wants to stop these small loan companies from doing business in the State of Maine. The only thing is that we have good legislation on the books now, and we don't want to change it. We don't want to tie up the small man so he can't move anywhere else, that he has to stay with the same company. That is all that it is. Thank you.

Mr. President, I would request a roll call.

The PRESIDENT: 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 pending question is the motion of the Senator from Kennebec, Senator Levine, that Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law," be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Beliveau, Bernard, Cianchette, Conley, Duquette, Gordon, Kellam, Levine, Martin, Mills, Reed, Stuart, Tanous, Viollette and Wyman.

NAYS: Senators Barnes, Berry, Boisvert, Dunn, Greeley, Hanson, Hoffes, Katz, Letourneau, Logan, Minkowsky, Moore, Sewall and President MacLeod.

ABSENT: Senators Anderson and Quinn.

A roll call was had. Fifteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with two Senators absent, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate that this bill, as amended, be passed to be engrossed in concurrence?

The Chair recognizes the Senator from Franklin, Senator Mills.

On motion by Mr. Mills of Franklin, a division was had. Fourteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the bill failed of passage to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the third item of Unfinished Business: Bill, "An Act Revising Certain Probate Laws."

Tabled—June 19, 1969 by Senator Sewall of Penobscot, until later in the day. (H. P. 522) (L. D. 693)

Pending—Enactment.

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

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

Senate Amendment "A", Filing No. S-289, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth item of Unfinished Business: Bill, "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1231) (L. D. 1564)

Tabled—June 19, 1969 by Senator Wyman of Washington until later in the day.

Pending—Assignment for Second Reading.

On motion by Mr. Wyman of Washington, and under suspension of the rules, the Bill was given its Second Reading.

Mr. Letourneau of York then presented Senate Amendment "C" and moved its Adoption.

Senate Amending "C", Filing No. S-308 was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: In York County this is the only salary increase that we are asking. Originally there was a bill for the sheriff at a much higher salary, but in order to keep it in line with comparable counties we felt that this amount would be reasonable. I move the adoption of the amendment.

Thereupon, Senate Amendment "C" was Adopted.

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

Senate Amendment "B", Filing No. S-304, was Read and Adopted

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

Sent down for concurrence.

The President laid before the Senate the first tabled and specially assigned matter: Bill, "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 1281)

Tabled—June 19, 1969 by Senator Barnes of Aroostook.

Pending—Motion by Senator Anderson of Hancock to Indefinitely Postpone Bill.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I think you are aware that the companion bill to this bill was enacted here in this body this morning. I would like to give you the legislative history of this document. On May 28, this L. D. appeared on the Senate calendar for the first time. It was tabled until May 14. On May 14, L. D. 1281 was tabled in the middle of debate until May 15. On May 15, the bill was debated further and the Ought to Pass Report was accepted. On May 16, the Bill was a Second Reader in the Senate and the Bill was again tabled until May 20, pending passage to be engrossed. On May 20, the bill was passed to be engrossed with Senate Amendment "B". On May 21, the Ought to Pass Report was accepted in the House and the bill was tabled to May 22 in the House. House Amendment "A" to Senate Amendment "B" was added to the bill in non-concurrence, and L. D. 1281 remained on the House table until May 28, when it was passed to be engrossed as amended by Senate Amendment "B" and House Amendment "A" to Senate Amendment "B". On May 29, the bill was returned to the Senate in non-concurrence. The Senate receded and concurred. On June 5, it was tabled in the House again pending enactment. It laid on the House table until June 10, when House Amendment "A" was adopted. 1281 was again in the Senate on June 11 when it was tabled. It laid on the Senate table until June 16 when it was passed to be engrossed. L.

D. 1281 was then enacted by the House on June 18. Yesterday this bill was again tabled until today. I think if any bill has ever had the treatment, this one has had it. I certainly hope that today we can pass this bill to be enacted.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I noticed that Senator Anderson, who is interested in this bill, is absent today. It would seem to me good to table the bill until the next legislative day. I would hope that somebody would so move.

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

Mr. Dunn of Oxford then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Anderson of Hancock to Indefinitely Postpone the Bill.

Thereupon, on motion by Mr. Cianchette from Somerset a division was had. Eight Senators having voted in the affirmative, and twenty Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the Bill be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President, I ask for a roll call.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I have no definite idea as to the feeling of the Senator from Hancock, Senator Anderson, in regards to this matter so, there-

fore, I would not question that but I feel quite certain that Senator Anderson has been a sick man. Senator Anderson is not here today. I feel that the action which this Senate just took in rejecting the tabling motion is unwarranted. I believe that we should extend the gentleman the courtesy of tabling this item until the next legislative day.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I also am never critical of the action of this body for whom I have the greatest respect, but you have seen here this morning the most brazen, ungentlemanly conduct I have seen since I have been here this session. This emphasizes the background of this particular bill and the methods that have been used to push it through. I don't question that this bill will go through, but we have seen high-priced lobbyists come in here and thrust down our throats repulsive legislation, not drawn by these people, but their services have been purchased at a good price to push through something that I can assure you in its present form should be an anathema to everybody.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I just rise this morning to express my position. I feel also rather guilty, and I guess probably every Senator here does in voting against the tabling motion. I haven't talked with the Senator from Hancock, Senator Anderson, in regard to this but I can assure anyone here in the Senate that if my vote is the difference, and I am going to vote for the bill, I will be glad to reconsider and hold the matter if this side prevails by only one vote. I think that everyone feels pretty much that way. I am sure that some of us here could be in contact with Senator Anderson, and if he feels very strongly about this, and has some words of wisdom that he can present to us, on that basis I would be glad

to vote to reconsider the bill. I guess probably I feel guilty like a lot of others do here.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President, it certainly was not my feeling to pass by the Senator from Hancock, Senator Anderson. It was my expressed feeling that Senator Anderson tabled this matter as a matter of courtesy to another member.

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

Mr. MILLS of Franklin: Mr. President, it might be assumed that he did it for me, but he didn't. I believe it is through an adverse attitude toward the bill, because he is my seatmate and it is his own attitude; and not my own. I would like to reconsider, as I think Senator Reed has, his attitude on the tabling. It has a history of tabling, it is true, and it has a history of a lot of support also. I think the bill can afford to be tabled another time until the good Senator Anderson is present. I wish somebody would make that motion.

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

Mr. KATZ of Kennebec: Mr. President, a tabling motion in order to refine, to modify, to amend, on June 20 is certainly in order, but a tabling motion which seeks to delay, to defeat legislation which very clearly the majority want is questionable. I would completely sustain the position of Senator Reed, that if this bill is enacted by a single vote that the point is very, very clear that Senator Anderson must be included, but if it is defeated by a substantial margin I think it is almost academic how Senator Anderson would have voted here today. I hope we do take a vote, Mr. President, and take it now.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to make my position crystal clear in this matter.

I am voting — the motion is to —

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the bill be indefinitely postponed.

Mr. HOFFSES: Mr. President, I shall vote with the Senator from Hancock, Senator Anderson, purely on the matter of this situation as it has been presented, and not in the manner of my feeling one way or the other towards the bill.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am in the same position as Senator Mills, I have not spoken, as Senator Cianchette might have intimidated, to Senator Anderson to hold the bill. I suspect strongly that he is opposed to the bill. I think he is entitled, in view of the fact that he is the author of the pending motion, to express his views to this body.

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. Anderson of Hancock to Indefinitely Postpone the Bill.

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

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

Tabled — June 19, 1969 by Senator Bernard of Androscoggin.

Pending — Final Passage.

On motion by Mr. Berry of Cumberland, the Senate voted to suspend the rules and reconsider their action whereby this Resolve was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-302, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: At the present time there are no effective ceilings on the total amount of insuring state guaranteed mortgage loans by M.I.B.A. Several members of the legislature expressed concern on this and numerous proposals have been made to put some kind of a ceiling on it by the legislature. This, however, would appear to be perhaps a little bit too cumbersome for a workable solution to what is considered a problem by many of the legislators. The adoption of this amendment would say that any loan under \$5,000,000 may be made by the directors and that any loan over this figure would have to receive the concurrent consent of the Governor and the Council. This seems to be a reasonable restriction on this. The concern of many is that future loans could be concentrated perhaps too much in one particular area and from a risk standpoint, either by types of loans or loans to particular organizations, the credit of the State would be put in a position where it might have to be used.

I would point out to the members of the Senate that the State has never, so far, had to underwrite by direct financial payment any of these loans be they made by M.I.B.A. or M.R.A. I would feel that this is an excellent amendment, and I would hope that the Senate would support its adoption.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "B" be adopted?

Senate Amendment "B" was Adopted and the Resolve, as amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Assistance to Municipal Assessors." (S. P. 306) (L. D. 999) Majority Report, Ought to Pass in New Draft "A" under same title (S. P. 518) (L. D. 1605) Minority Report, Ought to Pass in New Draft "B", (S. P. 519) (L. D. 1606).

Tabled — June 19, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Martin of Piscataquis to accept the Majority Ought to Pass Report in New Draft "A".

On motion by Mr. Wyman of Washington, retabled and tomorrow assigned, pending the motion by Mr. Martin of Piscataquis to Accept the Majority Ought to Pass Report in New Draft "A".

The President laid before the Senate the fourth 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 19, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

Mr. Logan of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-297, was Read.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: In reviewing this amendment I note that it still retains in the bill that portion which would give law enforcement officers in the the Attorney General's office the right to wiretap with court order. In discussing this bill with the Majority Leader, and you will recall that during the week there was some debate over the possibility of amending this bill to protect or to prevent wiretapping in the State by anyone, I have an amendment that I have prepared, Senate Amendment "B" under Filing Number S-311, which would accomplish this, which would strike out all that portion of the document relating to the use of wiretapping by law enforcement officers and would, in effect, create a crime for any person who wiretaps.

We were also considering extending this amendment to include any form of oral communications, such as bugging, but due to the complex nature of this area, and we encountered some real difficulty in finding some appropriate language,

we felt, at least, it would be a beginning and this would provide protection to the citizens of Maine from any form of wiretapping.

The objections that were raised earlier in the week and weeks past as to the need for this legislation to permit the Attorney General's office and police officers to wiretap with a court order have not been met. I am still as strongly opposed to the remainder of the document, and, without further delay, I would urge the members of the Senate to oppose the pending motion so that I can present my amendment which would, in effect, as I say, protect the citizens of Maine from any wiretapping, but also prevent law enforcement officers, or anyone for that matter, from resorting to wiretapping, regardless of the situation.

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

Mr. KATZ of Kennebec: Mr. President, is there a pending motion that the bill be passed to be engrossed or is that the next order of business?

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Logan, that Senate Amendment "A" be adopted.

Mr. KATZ: Mr. President, I can't recall Senate Amendment "A", but I hope that the Senate does accept Senate Amendment "B" which is before us.

The PRESIDENT: The Chair would inform the Senator that Senate Amendment "B" is not before us; that Senate Amendment "A" is before the body.

Mr. KATZ: Senate Amendment "B" is not before us in a parliamentary sense, but holding it in my hand it is in front of the Senate physically. I think the Senate is well aware of the fact that I have been favoring passage of this bill, including the law enforcement parts of the bill, and the Senate will recall that we have had innumerable votes on this and never, never have been able to get a majority. I am willing to accept the fact that we are not going to get a majority and I would compliment Senator Beliveau in putting together what has been a

very difficult amendment to put together, which at least goes some part of the way, if not to aid law enforcement, to at least protect our citizens from anybody bugging their telephones. I think this is a contribution. I hope that the Senate, when the time comes and the amendment is presented, will support it right down the line.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Senate Amendment "A", for your information, is really not central in this particular debate, I guess, but it is an amendment put in at the request of the telephone companies to protect their switchboard operators. It is a technical amendment and it does not change the intent of the act.

We have at least apparently made some progress on this bill, and apparently the comments that I have made again and again that this is an act to protect the citizens of the State have finally penetrated to the extent where we now have a recognition of this, this was the intent of the act, with the single exception of our police, under constitutional guidelines set down by the Supreme Court, a Supreme Court that has demonstrated that it is well aware of the rights of the citizens and I would inquire of my distinguished colleague from Oxford, Senator Beliveau, why he rejects the guidelines of the Supreme Court in regard to wiretapping.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: In answer to the good Senator's query, I have not rejected the guidelines of the Supreme Court, the Supreme Court's guideline or interpretation of the existing federal law in this area. As you know, Senator Logan, that federal law eliminates wiretapping by the F.B.I. except in a situation involving national security. This bill extends it to other areas involving any type of a felony of serious criminal

activity in this State. As I said earlier, if the F.B.I. cannot be trusted with it as to criminal activity in areas other than national security, are we to entrust our law enforcement officers here in Maine?

Also, I want to clarify my amendment a little further. The first portion of my amendment deals with that section which the good Senator Katz commented on, but it goes further to protect switchboard operators and telephone people and other individuals involved in related business, federal officers, for instance, who act pursuant to the statute of the United States. It protects telephone and telegraph companies. My amendment is complete, I believe, in that it provides the protection to the citizens from wiretapping and it also protects the telephone companies and their agents who in the course of their business must necessarily engage in this type of practice. I believe that my amendment is comprehensive enough to include the attractive features of the bill and also exclude that portion of the bill which many of us feel is very objectionable. It also protects the telephone companies, and I trust that we can defeat the pending motion so that I in turn can present my motion.

Also, I would like to make a parliamentary inquiry, Mr. President. There are several amendments to this document that were passed in the other body. Could I have the Secretary advise me of the status of the bill?

The SECRETARY: This bill came from the House on June 11, 1969 passed to be engrossed, as amended by House Amendment "A", "B", and "C". The Senate on June 18, 1969 indefinitely postponed House Amendment "A"; adopted House Amendment "B" and House Amendment "C".

Mr. BELIVEAU: Mr. President, in order to clean up the document I feel it would be necessary to indefinitely postpone House Amendment "B" and "C" before I can present my amendment. My amendment would strike out everything in the title before the enacting clause and, in effect,

create a new document. I believe that would be the case.

The PRESIDENT: The Chair would inform the Senator that it requires suspension of the rules in order to reconsider its concurrent action whereby these amendments were adopted.

Mr. BELIVEAU: A further inquiry, Mr. President: My amendment strikes out all the language following the enactment clause. If this amendment were adopted would this in effect be accomplishing the same thing.

The PRESIDENT: No.

Mr. BELIVEAU: In any event, we will take care of that too, of course. I am sorry, I didn't mean to be so presumptuous. In any event, I again urge the Senator to oppose the pending motion so that we can clean this document up so that we will have an instrument that will be acceptable to all of us.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: This is a very serious matter that we are discussing here. We have now heard a statement by my distinguished colleague from Oxford, Senator Beliveau, that indeed he does not reject the decisions of the United States Supreme Court.

I would tell you very specifically that the guidelines laid down in this bill are the guidelines laid down by the United States Supreme Court for an acceptable monitoring bill. These guidelines have been followed by legislation enacted in ten states. I think that it would be a serious error to completely block the ability to monitor all communications by our police as the Beliveau amendment would do. Our people, this legislature, has failed to enact, to my knowledge, a single significant law enforcement bill for reasons that vary. I think this is an important act. I think our people sent us here to strengthen the hands of our police, and I think the Beliveau amendment, which would completely block the use of our police in penetrating criminal conspiracies, is a very, very dangerous act and one that we will

regret in the future. I trust that you will accept Senate Amendment "A" and reject Senate Amendment "B". Thank you, Mr. President.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I listened last night to the President's news conference and wiretapping was one of the questions. The President's answer was that he is for wiretapping only if it pertains to the security of the United States and not any further. I think that is good enough for me.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "A" to Bill, "An Act to Provide for the Interception of Wire and Oral Communications". The Senator from Oxford, Senator Beliveau, requests a division. As many Senators as are in favor of the adoption of Senate Amendment "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Mr. Logan of York then moved that the Bill and all accompanying papers be Indefinitely Postponed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I call to the Senate's attention the fact that I switched my vote that time and I voted on the prevailing side which was sixteen to fourteen. Otherwise it would have been fifteen to fifteen. Now, this is the fact of life that we have here, that we do not have enough votes to enact what has been called a very significant law enforcement weapon. I am suggesting to you that you accept the fact that those of us who want this bill don't have enough votes to pass it.

Now let's direct our attention to the other facet. I don't want anybody snooping in my telephone. I

think it is unconscionable that here we have a vehicle to prevent anybody, whether they are over-zealous law enforcement people, the next door neighbor, or somebody who wants to tune in on your wife's boyfriend and snoops on the telephone. It is that simple. It gives proper protection to the telephone companies, and I think I had an understanding with Senator Beliveau that if he could develop an amendment that would at least give the public some protection, in the failure of the law enforcement bill to pass, let's direct our attention to the protection of the rights of privacy of the public. If it is a fact that presently police in this State are snooping without any court order, without any legal justifications, I don't want them to snoop any more. I urge you to support Senator Beliveau's amendment if and when it ever gets presented.

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 absolutely right. I withdraw my motion.

The PRESIDENT: The Senator withdraws his motion to indefinitely postpone the bill.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU: Mr. President, I offer Senate Amendment "B", and in doing so I would recall we should have House Amendment "B" and "C" before us which will have to be removed in order to clean up the document. I don't know whether to just offer the amendment or move for reconsideration first.

The PRESIDENT: The Chair would inform the Senator that if he is offering an amendment in conflict with the amendments that have already been adopted within this body, the proper procedure would be reconsideration of the adoption of those amendments.

Mr. BELIVEAU: Mr. President, I so move that we reconsider our action whereby we adopted House Amendment "B".

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that under suspension of the

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

The motion prevailed and, on subsequent motion by the same Senator, House Amendment "B" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, the Senate voted to reconsider their action whereby House Amendment "C" was Adopted and, on subsequent motion by the same Senator, House Amendment "C" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "B", Filing No. S-311, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

RESOLVE, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. (H. P. 21) (L. D. 24)

Tabled — June 19, 1969 by Senator Katz of Kennebec.

Pending — Adoption of Senate Amendment "A" — Filing S-299.

Thereupon, Senate Amendment "A" was Adopted.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted.

The same Senator then moved that Senate Amendment "A" be Indefinitely Postponed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senator has very clearly said that in its present form this proposed constitutional amendment is not acceptable, and I would ask the Senator from Cumberland his motivation in attempting to strike down Senate Amendment "A".

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think my position on this bill applies very well to the amendment. I find the whole proposal extremely incompatible with my views of the separation of the executive and legislative branches.

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

Mr. KATZ of Kennebec: Mr. President, I would oppose the motion and request a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: Yesterday, I spoke and requested this bill to be tabled. I guess yesterday wasn't the longest day of the year, I guess it is tomorrow, but it seems like it anyway, and I didn't have a chance to really bring this up, as I said, with the Minority Party or with the Chief Executive, although I did give him this amendment. If this amendment goes on I am not sure my position will be voting for enactment.

In reading this, all members of the legislature having been polled—on this particular phase of it, it seems to me if they are going to be polled it possibly should be done by the Secretary of State or the Senate and Speaker, and it should be somehow public knowledge. Maybe this is all included in the indications here.

In one sense, I may be not in the majority, but I certainly sympathize with the basic objective and I feel that there is a problem here, even though it has never occurred. This isn't to say that it might not happen when something along these lines should not be in the statutes and in our constitution. If I recall, I think the Senator from Cumberland, Senator Berry, presented an order today, and I personally would like to favor that particular approach. Not that it hasn't already been studied, because I was on the study committee that studied it, but we didn't

study it so much from the standpoint of succession as we did from the legislature itself convening itself to take care of other matters really, other than succession of the Chief Executive in case of incapacity or inability to serve. I guess I am just biding my time here, but I probably would vote for this amendment at this time, but I don't know whether I am completely satisfied with it, and I may vote against it on enactment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: May I then suggest that we keep this alive by adopting this amendment. It is going to require a two-thirds vote later on anyway, and I am sure the opponents will have full control over it at that time.

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 Senate Amendment "A" be indefinitely postponed. A division has been requested. As many Senators as are in favor of the indefinite postponement of Senate Amendment "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Two Senators having voted in the affirmative and twenty-seven Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

Bill, "An Act Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 97) (L. D. 105) reports that the same Ought to Pass in New Draft under New Title: "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassi-

fied State Officials." (H. P. 1272) (L. D. 1601)

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

Mr. Wyman of Washington moved that the Senate Accept the Ought to Pass in New Draft Report of the Committee.

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

Mr. BERRY of Cumberland: Mr. President, I wonder if Senator Wyman would explain some of the effects of the new draft, I noticed that there are some changes in the salaries or procedures in which ceilings are placed on salaries in here, with some of which I am somewhat concerned.

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

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, what is the number of the bill?

The PRESIDENT: Legislative Document 1601.

Mr. WYMAN: Mr. President and Members of the Senate: This bill creates an Unclassified State Employees Salary Board. The thinking of the sponsor of the bill and the thinking of the Committee on State Government was that we should have a board, other than the Governor and Council, to pass on the increases within the limits set by the legislature of salaries for certain unclassified employees. These salaries are all listed in the law and there is no change in the salaries. But in Section 2, Subsection 4, they are listed because the Executive Secretary of the Retirement System is classified and should not be in this bill, so, the whole section is repeated in order to take out that one officer. Then the salaries of the following state officials and employees would be no more than \$16,000, and that is the Executive Director of Arts and Humanities and the Director of the Museum Commission.

These salaries have not been fixed by the Legislature. At present I think they are \$18,000. It does

recommend a reduction which, I am sure, is not very palatable but these salaries are higher than we are paying a good many of our other State officials. I think a good many others in the Department of Finance and Administration are only getting \$17,500, and the feeling of the committee was that this should be in the hands of the legislature, and \$16,000 is enough for these salaries.

The last section, under 4-A, Subsection 712, describes the board which shall consist of the Governor or his authorized representative, the President of the Senate, Speaker of the House, and two members appointed by the Governor and approved by the Speaker and President of the Senate, one representing the business community and one representing the labor community. I hope that answers the Senator's question. This was the thinking of the Committee on State Government, and it was drafted in accordance with that thinking.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The reduction of existing salaries of State officials doesn't seem to be an item in order, quite frankly. I realize that we are in dire financial straits, but I don't recall anybody else's salary we are cutting, so I would hope that we could delete that little feature.

I am not overly sent by the ceilings that I see in here, either in Section 4 or Section 4a. We can always get somebody to do these jobs we have around the State, you know. Somebody is always willing to take them for less money, but whether they have the ability, and particularly when we get into the professional field is a good question.

The matter of the salary board interests me a little bit. The board is coterminous with the term of the Governor and, while the board may have on it the President of the Senate and the Speaker of the House, it has three other members, the Governor or his representative, a member of the labor community and a member of the business

community. It seems to me that this is doing exactly what Senator Wyman is concerned with, and that is taking matters out of the hands of the legislature, because you have a board of five members and the legislative leaders are outnumbered three to two.

I think the matter of salaries, quite frankly, is one that the legislature should have perhaps veto powers over, but should not actually select the salaries. I am in firm sympathy with the idea of setting up some kind of review of these unclassified State employees. It has been one of the many pleasures of this session that we haven't been besieged on the third floor by department heads lobbying for increased salaries. This has been a blessing to all of us legislators, and I think thanks are due Governor Curtis for his edict that these people stay off the third floor. This gives us a chance to review salaries in a little more dispassionate manner.

I don't like the set-up of the salary board and I don't like to cut salaries of people who have been employed with the understanding that this was their salaries. I think this is the height of unfairness. I don't know if Senator Wyman feels that this bill could be straightened out with these objections in mind or not.

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

Mr. MOORE of Cumberland: Mr. President, would a motion to recede and concur with the House be in order?

The PRESIDENT: The Chair would inform the Senator that the motion would not be in order at this point.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't think I explained myself very well on this. Actually the salaries are in the hands of the legislature within certain limits. We passed that bill in the special session. By referring to the statutes of the special session, I think maybe it was in February of a year ago, we set the limits and at present the Governor and

Council move within those limits. Now this board would still move within those limits.

As far as cutting the salaries, these people we mentioned, they are completely out from under the legislature and, if I understand it correctly, their salaries are fixed by the Commission on Arts and Humanities and, I suppose, the Museum Commission, but certainly the salaries aren't in the legislature. I can't see why we should be paying these people \$18,000, when we are paying the Chairman of the Employment Security Commission, the Forestry Commissioner, the Commissioner of Inland Fisheries and Game, the Commissioner of Sea and Shore Fisheries, the Director of Legislative Research, the Chief of the State Police, the Director of Parks and Recreation, and the Legislative Finance Officer \$16,500, yet these outside commissions, which are completely outside of the legislature, have raised the salaries of these two individuals recently to \$18,000. Senator Berry expressed his concern due to the fact that some of these things are outside of the legislature, and these certainly are outside of the Legislature. As I understand it, they can raise them to \$25,000 tomorrow if they want to, and there is nothing in the statutes to stop it. I think they should be in there.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think the salaries of the two members to which Senator Wyman refers are approved by the Governor and Council, and I am sure there has been no increase in these salaries since these people have been employed. I am sure also that Senator Wyman does not mean to say that no one should receive more than \$16,000 on the State payroll because, of course, we do have quite a few people who do receive more than 16,000, and for very obvious reasons, because this is the price necessary to attract professionally qualified people for the jobs. Many of the positions to which Senator Wyman

has referred, in our opinion, would not fall within the purview of professionalism.

I think the matter of salaries has got to be kept open; we have got to be competitive with other states and with private industry. We can't expect our departments to function properly and effectively if we are going to find the man who will take the job and take it at the lowest possible salary. I would hope that either this bill could be amended or killed, and I would move that we accept the report.

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

Mr. BELIVEAU of Oxford: Mr. President, I have prepared an amendment to strike out Section 4, which is the salary board, and Section 1, which creates the Unclassified State Employees Salary Board. I would like to support Senator Wyman's position on this so that we can accept the Majority Ought to Pass Report. Then I, in turn, will present my amendment and possibly this will remove some of the objections from the bill.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

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

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

Bill, "An Act Relating to Property Tax Administration." (S. P. 515) (L. D. 1604)

Pending — Passage to be Engrossed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Regarding Item 7-3, I have reviewed this bill and apparently what it intends to do is to create a whole new department within the State Government. Perhaps this is good and maybe it is done with

the intention of removing some inequities in our property law, tax law.

I further understand this department is not funded in this legislative document, so that we are going to enact legislation apparently, if we permit it to be enacted, and not fund it. I suppose this will be a problem for the 105th. This concerns me somewhat, a little bit in that area, but I think perhaps I am more opposed to the concept of the bill itself. I realize that the proponents of this bill are trying to correct inequities in the law. Apparently this is the attempt that is being made by this document. But in doing so we are also taking away an inherent right, in my opinion, of your local municipalities. Here is another area where we are taking away from the people and their communities the right to tax the people as they are supposed to under the statute. We are removing another area of local government to a district form of tax assessment. I don't like to remove these rights away from the local people. We are constantly passing legislation which takes away from the municipalities certain rights, certain duties, and obligations, and everytime we do we are creating new agencies, we are adding dollars to the tax budgets and whether it is good or not, as I said, is a question for each one of us to determine our own philosophy on these things.

In a democracy you do have inequities on every level. I favor a democracy for a form of government. We do have inequities, but it is the best form of government that we have been able to come up with, and it sustained the attacks of many other forms of government. It is perhaps the longest established democracy in the world. Again, I come back to this removing from the local level what ought to remain there. We are trying, as I say, the proponents, are trying to establish a form of equitable property taxation on the local level, but we are taking away from the local people a right which, in my opinion, is inherent in them. We are going to create regional offices.

May I ask you how someone up in Fort Kent or East Millinocket will get to the regional office if he wants to look over the tax picture of his property. Now, this is something that concerns me very deeply because right now, if an individual wants to look over his tax picture on his property, he merely goes to the local assessor's office and looks at the books and checks his own taxes or anybody else's taxes. But by moving this to a regional office, then we are going to force our people to protect their rights, to travel to the regional office to obtain the information they desire. Again, we are going to take away from them a right that they have.

Coming to the inequities which some of us feel exist on the local level, I grant you they do exist. They do exist in many areas, but I ask you is it an inequity for local tax assessors to take into consideration the age and income of an individual? Now, this goes on in every community, I am sure, and it isn't perhaps legal under the statute, but it is done. Personally, I think that it is wonderful that this is being done. It is done on the local level, the people understand it and they accept it. If we remove this into a regional office we are going to do away with these inequities, so-called. I think we are going to harm a lot of people by doing it as well. I would move, Mr. President, indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Bill, "An Act Relating to Property Tax Administration," be indefinitely postponed.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am concerned very deeply with the action of my good friend, Senator Tanous from Penobscot, this morning in that he has admitted that there are inequities in the local assessment. He has admitted everything that is incorporated in the bill is good for the assessing process in our

State, but he also says that he doesn't want to attempt to make any corrections. I can't understand this situation.

These boards, these groups, these assessors, if this bill is acceptable, will be trained in this specialized field, and they will come from local levels if they are qualified to do so, and the people will still be dealing with their own people providing their own people are qualified to do the assessing. As he mentioned, if there is a need for concessions for certain persons for hardship cases, infirmities or what have you, the local board of selectmen still have that power, the power of granting abatement.

I would like to go further into explaining what this bill will do if it is accepted. It will train men in this field that will be qualified to do assessing. We all agree, I believe, and Mr. Tanous agrees by his statement just a moment ago, that the assessing is not done properly. This bill will train men to do the assessing, and I think possibly that it might be well at this time for me to elaborate a little bit on just what this type of training will do and what the method of assessing and appraising real property involves.

Maybe at this time it would be best for me to go into the theory of real estate appraising against windshield appraising, or windshield assessing, as it is done in most towns in the State other than those that have had their own re-evaluation. These towns that have had the re-evaluations can accept the need of this because they are willing to pay \$25,000, \$30,000, or \$50,000, to have this done. They get trained men to do the assessing for them and get their local assessors on a going basis again. Now, if this were possible for all the towns within the State, if they could afford this, there would be no need for this bill, if they would afford it and afford to keep it current. But apparently it isn't so and inequities exists and inequities continue.

In the theory of real estate appraising compared to the windshield appraising or windshield assessing that is done by the local assessors, not through their own

fault because they don't know the difference, they are doing the best they can, first you actually place the value of the land. You do this through property maps that are acquired through aerial photography and are true within a very, very small percentage. By scaling on the map, once the map is drawn from the aerial photos, you can come within a very few feet of the exact size of the property owned by the particular owner. In assessing and placing a value on the land the appraising function is to arrive at a value that is equitable for size, for frontage, for acreage, for depth factor, for width factor, you take these into consideration and arrive at a value that is fair throughout the property and within the town. Then you move on to the building. The building is measured, is graded, is depreciated physically, functionally, or economically, as the case may be, obsolescent reasons and what have you. In my method of appraising, I will circle the building, and in circling the building I will tape the building, measure the building, get the actual size to determine a square foot basis, and in so doing I will view the exterior construction, the exterior grade of construction, the exterior element of depreciation, physical or functional. Then I will move inside the building, start from the cellar, come into a cellar with a four-foot crawl space. There is a functional depreciation. I go into furnaces, wood against coal, against oil burning, against any type of heat in depreciation or appreciation, comparing them one against the other. Then into the different rooms in the house, the first floor, second floor, all over. Then into the shed, depreciate every element functionally, physically and grade as I go. So, you can well see that once this method is done throughout the property of the particular taxpayer, in comparison with other property of other taxpayers, that you are bound to come to an equitable assessment. I will not say that it is going to be 100 per cent perfect, but it would be within a degree of perfection. I will not stand, in some cases that I have had experience in, from ten per cent to

six hundred per cent of comparability.

I think myself that on this bill, I think the 102nd Legislature has found a need of this in their requirements of the study, and the matter is before us now and I would feel strongly for it and feel strongly that this is not bias, it is not to take authority from the local assessors; it is just to assist the assessors and the officials of the town in arriving at a fair and equitable value of the property within the town for tax purposes. So, I would certainly oppose the motion of my good friend, Senator Tanous, for indefinite postponement. I would ask for a division, please.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I wonder if Senator Martin would know what the cost of enactment of this legislation would ultimately be for the carrying out of its purposes.

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

The Chair recognizes that same Senator.

Mr. MARTIN: Mr. President and Members of the Senate: The cost factor has been discussed quite a bit. If you will notice, the bill will become enforced only in 1970. Primarily it would be better to get the bill into the statutes at this time than think about cost. In the Part III Budget of the Governor for the biennium there was a matter of over \$500,000 of the biennium as cost. There already is cost involved on the local basis in their method of assessment so this \$500,000 does not reflect the actual overcost above the present method of assessing.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I will try to be very brief because the hour is late, but I don't think that any system of

taxation is more antiquated or inequitable than our present current real estate property tax system as it stands today. I don't see how we can possibly condone the current practices any longer. I think this proposal has been studied, and we know it has been studied at great length, not by the 104th, certainly it has here, but it has also been in other minds and it has been studied long before it reached this hall.

I point out to you that the State of Maine is losing a truly tremendous amount of money by the inequitable system that we are using. I think we all know that, and I don't think we can afford to continue to let off some person, some agency, or some corporation as light as we seem to be doing in some cases. I don't think it is a good practice to continue to sock it to the out-of-state property owners, if this is the term to use. I think we realize that we are doing just this. I just don't think it is practical to continue as we are doing, with money as tight as it is.

I will add just one more thing before I conclude. Persons have stated to me that well, if a town doesn't wish to appraise or assess heavy, so be it, that is their business, perhaps they can live. Another town perhaps could be adjacent and they are suffering terribly from a lack of revenue and can't possibly sustain themselves and so, of course, they are here asking us for help and assistance. So, Gentlemen, I strongly urge you to vote against this motion to indefinitely postpone this bill, and I hope that we can proceed.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I agree heartily with what the good Senator from Penobscot, Senator Tanous, has said. Now, the proponents of this bill admit that the first year of the biennium they plan to have it cost \$500,000. What we are doing, if we adopt this bill, we are taking one more power away from the people at the local level and building a bureaucracy which, if it had the appropriation

requested first on it, would be \$500,000 to start, and heaven knows what it would cost before it was in full operation. I certainly hope that the motion of the Senator from Penobscot will prevail.

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

On motion by Mr. Katz of Kennebec,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Bill, "An Act Relating to Property Tax Administration", be indefinitely postponed.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I think in view of the absence of several members here it would be well to — is this the last measure that we have on the calendar today?

The PRESIDENT: The Chair would answer in the affirmative.

Thereupon, on motion by Mr. Martin of Piscataquis, retabbed and tomorrow assigned, pending the motion by Mr. Tanous of Penobscot to Indefinitely Postpone the Bill.

On motion by Mr. Beliveau of Oxford, the Senate voted to reconsider its action whereby Bill, "An Act Relating to the Purposes and Powers of the Maine Port Authority," (H. P. 1264) (L. D. 1595) was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-310, was Read and Adopted and the Bill as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. SEWALL: Mr. President and Members of the Senate: I believe

that this body should know that last evening one of our members received the highest award in scouting, the Silver Beaver. Senator Tanous from Penobscot was given this award at the annual meeting of his Tribe and Council and I believe that for his service to his town, the citation reads "Service to his town and to the youth in the northern part of the State of Maine." We all know that Senator Tanous carries on a very busy law practice, has seven children of his own at home and in addition to being a very productive and energetic member of this Senate has found time to devote what must have been a considerable effort in scouting. I hope that the members would join with me in giving him the proper acclaim for this very distinguished award.

(Applause — Members rising)

(Senate at Ease)

Called to order by the President.

Joint Order

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

On motion by Mr. Richardson of Cumberland,

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out, to the House, a Bill making supplemental appropriations for the expenditures of State Government and for other purposes for the fiscal years ending June 30, 1970 and June 30, 1971 and raising revenue for funding thereof which Bill shall reflect the provisions of Senate Paper 449, Legislative Document 1483 with the amendments thereto adopted as of this date. (H. P. 1278)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps a word of explanation might be in order. It has not been unusual in regard to a supplemental budget to have the Senate Chairman of Appropriations report a bill out to the floor of the Senate conducting the programs of the supplemental budget. It then goes down to the other end of the corridor where the tax measure is amended onto the bill. The question has been raised by the Attorney General whether or not this procedure is or is not constitutional. In order not to take any chances, we urge you to support this order which will put it back into Appropriations, which then will get it out as a House Paper.

On the bright side of the picture it will mean that we will no longer have House and Senate Amendment "A", "B", "C", "D", "E", "F", "G" and so on, and for those of us who are having a little confusion with it, it will be a little easier to deal with next week. I hope that the motion receives everyone's support.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage in concurrence?

The motion prevailed.

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 23, 1969, at 10:30 o'clock in the morning.