

# 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

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**SENATE**


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Monday, June 23, 1969

Senate called to order by the President.

Prayer by the Rev. Allen T. Short of Augusta.

Reading of the Journal of yesterday.

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

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

In the Senate June 19, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-327) as Amended by Senate Amendment "B" (S-301) thereto and Senate Amendment "D" (S-300) in non - concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-327) as Amended by Senate Amendment "B" (S-301) thereto and Senate Amendment "D" (S-300) as Amended by House Amendment "A" (H-576) thereto, in non - concurrence.

Thereupon, the Senate voted to Recede and Concur.

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**Non-concurrent Matter**

Committee of Conference Report on Bill, "An Act Increasing Certain Fish and Game Fines." (H. P. 1204) (L. D. 1531) reporting: That they are unable to agree.

In the Senate June 19, 1969, report Read and Accepted.

Comes from the House, the report Rejected in non - concurrence and that Body having further Insisted and Asked for a Second Committee of Conference.

Mr. Hoffses of Knox then moved that the Senate Recede and Concur.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I was a member of that committee, along with two other members from the Senate, and we did discuss this matter very thoroughly. We tried to come to some compromise on this report

but it was almost impossible to because of the division of thoughts on it. Certainly I oppose a second committee of conference on this. It is a bill that calls for mandatory fines and dedicated funds to Fish and Game. I would ask for a division on this.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Knox, Senator Hoffses, that the Senate recede and concur with the House will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had.

Eight Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

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**Joint Order**

ORDERED, the Senate concurring, that the Maine Education Council established under chapter 452 of the public laws of 1967, is authorized and directed to study the desirability and practicality of establishing a Student Advisory Board to consist of High School Juniors and Seniors of sound moral character and good academic standing who will serve solely in an advisory capacity to the State Board of Education when and if the occasion for such advice arises; and be it further

ORDERED, that the council shall report its findings and recommendations to the Joint Committee on Education of the 105th Legislature.

(H. P. 1279)

Comes from the House, Read and Passed.

Which was Read.

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

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**Joint Order**

WHEREAS, need exists for prudent fiscal management in State Government if we are to substantially progress within the framework of our present tax structure; and

WHEREAS, the prudent fiscal course is not always whether a

program requiring the expenditure should be undertaken, but whether the desired level of revenues is being rendered at the least cost; and

WHEREAS, a means of measuring the extent to which departmental budgets actually accomplish their objectives during the ensuing biennium need to be devised; and

WHEREAS, the ultimate responsibility for allocating resources within the State lies with the Legislature, it is vital that administrative actions and expenditures conform, within reasonable tolerances, with legislative intent; now, therefore, be it

ORDERED, that the Legislative Research Committee be directed to authorize and duly constitute a subcommittee on Governmental Operations to make a comprehensive study of all authorized expenditures and revenues accruing thereto for personal services, all other and capital expenditures necessary to the conduct of State Government, for the purpose of formulating recommendations, where possible, for consolidation or elimination of all unnecessary activities and expense, budget reductions or duplication in office personnel and equipment, thereby increasing the efficiency of the State while realizing economies wherever possible; and be it further

ORDERED, that the appropriate divisions of State Government are requested to provide such information and assistance as the Committee deems necessary and any subject or matter adjudged by the subcommittee, with the approval of the Full Committee, to be relevant germane or helpful in the consummation of its work hereunder shall be deemed within the scope of this Order; and be it further

ORDERED, upon adoption of the subcommittee's report the Legislative Research Committee shall report the results of this study at the next special or regular session of the Legislature. (H. P. 1280)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-578) thereto.

Which was Read.

House Amendment "A" was Read and Adopted in concurrence.

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

### Orders

On motion by Mr. Mills of Franklin,

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the cost of drugs and medicines to the State, its political subdivisions and the general public, to determine what economies, if any, can be realized through co-operative purchasing. Such study to also include but not be limited to, determining the advisability of requiring prescriptions be generic name in place of brand names; and be it further

ORDERED, that the State Department of Health and Welfare be directed to collect comparative price data upon which the Committee can make such determinations and otherwise provide such information and technical assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next regular session of the Legislature. (S. P. 526)

Which was Read.

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

### Committee Reports

#### House

#### Divided Report

The Majority of the Committee on Taxation on Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use. (H. P. 878) (L. D. 1121)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-512).

Signed:

Senators:

WYMAN of Washington  
HANSON of Kennebec

Representatives:

COTTRELL of Portland  
ROSS of Bath

HARRIMAN of Hollis  
WHITE of Guilford

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

Signed:

Senator:

MARTIN of Piscataquis

Representatives:

SUSI of Pittsfield

DRIGOTAS of Auburn

FORTIER of Rumford

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-512) and House Amendment "A" (H-550).

Which reports were Read.

On motion by Mr. Wyman of Washington, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Resolve Read Once.

Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "A" was Read and Adopted in concurrence and the Resolve, 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 Bill, "An Act relating to Contracts for Support." (H. P. 863) (L. D. 1105) ask leave to report: that the House recede from passage to be engrossed and from adoption of Committee Amendment "A"; that the House adopt Conference Committee Amendment "A" to Committee Amendment "A"; adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto and pass the Bill to be engrossed as amended by Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto;

That the Senate recede and concur with the House in accepting the Minority Report reporting "Ought to Pass" as amended by Committee Amendment "A"; adopt Conference Committee Amendment "A" to Committee

Amendment "A", adopt Committee Amendment "A" as amended by Conference Committee Amendment "A" thereto and pass the Bill to be engrossed as amended in concurrence.

On the part of the House:

BERMAN of Houlton

BRENNAN of Portland

LUND of Augusta

On the part of the Senate:

QUINN of Penobscot

MILLS of Franklin

KELLAM of Cumberland

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-304) as Amended by Conference Committee Amendment "A" (H-573) thereto, in non - concurrence.

Which report was Read and Accepted in Concurrence.

Thereupon, the Senate voted to Recede and Concur.

#### 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 Reasonable Counsel Fees under Uniform Act on Paternity." (H. P. 635) (L. D. 823) ask to leave to report: that the House recede from passage to be engrossed and from adoption of Committee Amendment "A"; that the House indefinitely postpone Committee Amendment "A", adopt Conference Committee Amendment "A" subitted herewith and pass the bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

On the part of the House:

MORESHEAD of Augusta

BERMAN of Houlton

BRENNAN of Portland

On the part of the Senate:

LOGAN of York

MILLS of Franklin

STUART of Cumberland

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Conference Committee Amendment "A" (H-571) in non - concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

**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 Damage to Private Water Supplies Resulting from Alteration of Highways." (H. P. 445) (L. D. 569) ask leave to report: that the House recede from passage to be engrossed, adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Committee Amendment "A" and Conference Committee Amendment "A".

That the Senate recede and concur with the House.

On the part of the House:

MARSTALLER  
of Freeport  
COTE of Lewiston

On the part of the Senate:

GREELEY of Waldo  
PEABODY of Aroostook  
CIANCHETE

of Somerset

Comes from the House, the report Read and Accepted and the Bill passed to be Engrossed as Amended by Committee Amendment "A" (H-336) and Conference Committee Amendment "A" (H-572).

Which report was Read and Accepted in Concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Final Report**

The Committee on Highways submitted its final Report.

Which was Read and Accepted. Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act 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)

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

(See action later in today's session.)

Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certan Unclassified State Officials. (H. P. 1272) (L. D. 1601)

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

Sent down for concurrence.

**House - As Amended**

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

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

Sent down for concurrence.

**Enactors**

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

An Act Relating to Truth in Advertising. (S. P. 329) (L. D. 1128)

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

An Act Relating to Poor Debtors. (S. P. 333) (L. D. 1152)

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

An Act Relating to Governmental Immunity in Civil Actions. (H. P. 557) (L. D. 738)

An Act Establishing the Municipal Public Employees Labor Relations Law. (H. P. 636) (L. D. 824)

An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Age. (H. P. 1253) (L. D. 1589)

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.

On motion by Mr. Mills of Franklin, the Senate voted to reconsider its action whereby it Passed to be

Engrossed 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).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: L. D. 1526, which is Senate Paper 468, is Bill, "An Act Relating to the Jurisdiction and Judicial Divisions of the District Court," and you might say that this Item 7-1 is a stalking horse which has been kept alive up to this point so that if it needed to be relied upon it could. L. D. 1526 seems to be fairing very well and has a Senate amendment that is coming along. I think it is safe now to have 7-1 indefinitely postponed, and I would so move, Mr. President.

The PRESIDENT: The Senator from Franklin, Senator Mills, now moves that Bill, "An Act Permitting the Inhabitants of the Town of Jay to be Within the Jurisdiction of the District Court at Livermore Falls," be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

Mr. WYMAN of Washington: Mr. President, does the Senate have in its possession Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law," (H. P. 622) (L. D. 810)?

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

Mr. WYMAN: Mr. President and Members of the Senate: Having voted on the prevailing side, I now move reconsideration of our action.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that the Senate reconsider its action whereby Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law," failed of passage to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I oppose the motion and request 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 think maybe I have spoken too many times on the same issue and I don't want to repeat myself. After last week's vote one of the Senators that was interested in this legislation came and asked me if this bill was reconsidered if I would go along with giving the small companies the raise from eight to twelve per cent as the committee recommended. I still feel the same way, although I even told him that we would go along with fourteen per cent if they wanted it, but their intention is to get the renewals, as I said before. They want to keep the people there and not let them go anywhere else. They want to keep them tied up the rest of their lives. They borrow \$100, and they want them to owe \$500 or \$600 ten years after they have been paying on it. I feel the most equitable way and most honest way, interest rates are going up, is that we should give them the twelve per cent that the committee recommended. I even would go to thirteen or fourteen. The only thing I object to is keeping somebody chained, like I said before, and I would ask everybody to vote against the motion to reconsider.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate reconsider its action whereby Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law," failed of passage to be engrossed. A division has been requested. As many Senators as are in favor of the motion to reconsider will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

The Chair recognizes the Senator from Franklin, Senator Mills.

Thereupon, on motion by Mr. Mills of Franklin, tabled until later in today's session, pending Passage to be Engrossed.

**Emergency**

An Act Increasing the Gasoline Tax. (H. P. 1217) (L. D. 1549)

This being an emergency measure and having received the affirmative votes of 26 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.

**Constitutional Amendment**

Resolve. Proposing an Amendment to the Constitution to Reduce the Voting Age to Twenty Years. (H. P. 614) (L. D. 802)

This being a Constitutional Amendment and having received the affirmative votes of 24 members of the Senate, with 3 Senators voting in the negative, was Finally Passed 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 tabled and specially assigned matter:

HOUSE REPORT — Ought to Pass from the Committee on Natural Resources on Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment." (H. P. 1275) (L. D. 1603)

Tabled — June 20, 1969 by Senator Berry of Cumberland.

Pending — Acceptance of Report

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

Mr. BERRY of Cumberland: Mr. President, in order not to impede legislative progress, I have an amendment to offer, which is in the process of reproduction and distribution now, but I would like

to move this along for any debate and discussion to that point. Accordingly, I would move that we accept the committee report.

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

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

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

Tabled — June 20, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Logan of York to Indefinitely Postpone Committee Amendment "A" — Filing H-364.

Thereupon, Committee Amendment "A" was Indefinitely Postponed and the Bill tomorrow assigned for Second Reading.

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

HOUSE REPORTS — from 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) Majority Report, Ought to Pass as Amended by Committee Amendment "A" — Filing H-554; Minority Report, Ought Not to Pass.

Tabled — June 20, 1969, by Senator Quinn of Penobscot.

Pending — Motion by Senator Mills of Franklin to Accept the Minority Ought Not to Pass Report.

On motion by Mr. Violette of Aroostook, retabled until later in today's session, pending the motion by Mr. Mills of Franklin to Accept the Minority Ought Not to Pass Report of the Committee.

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

HOUSE REPORT — from the Committee of Conference on Bill, "An Act Concerning the Adoption of State Wards." (H. P. 760) (L. D. 980)



Tabled — June 20, 1969 by Senator Conley of Cumberland.

Pending — Acceptance of Report.

Mr. Conley of C u m b e r l a n d moved that the Senate Reject the Committee of Conference Report and appoint a new Committee of Conference.

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

Mr. HOFFSES of Knox: Mr. President, could we have a little clarification of this particular item of business? I noticed that we have rejected second committee of conference already this morning. Is there, hopefully in these waning hours, the necessity for a second committee of conference to be appointed?

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: One of the interested members of the other branch spoke with me last Friday on this item and asked me if I would table it until the next legislative day. He talked with me this morning and said he has spoken with the other members of the opposing body at the other end of the corridor and they feel they can reach an agreement relative to this matter and, therefore, would like to have an opportunity of meeting again.

The PRESIDENT: Is it now the pleasure of the Senate to reject the Report of the Committee of Conference and appoint a Second Committee of Conference?

The Chair recognizes the Senator from Knox, Senator Hoffses.

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

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Conley, that the Senate reject the Report of the Committee of Conference and appoint a Second Committee of Conference will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative, and nine Senators having

voted in the negative, the motion prevailed.

The President appointed the following Conferees on the part of the Senate to the Second Committee of Conference.

Senators:

CONLEY of Cumberland  
VIOLETTE of Aroostook  
MILLS of Franklin

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

HOUSE REPORT — from the Committee of Conference on Bill, "An Act Relating to Bids for Contractual Services Under the Auburn City Charter." (H. P. 963) (L. D. 1243)

Tabled — June 20, 1969 by Senator Bernard of Androscoggin.

Pending — Motion by Senator Tanous of Penobscot to Reject the Committee of Conference Report.

On motion by Mr. Bernard of Androscoggin, retabled until later in today's session, pending the motion by Mr. Tanous of Penobscot to Reject the Committee of Conference Report.

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

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

Tabled — June 20, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Passage to be Engrossed.

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

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

Tabled — June 20, 1969 by Senator Mills of Franklin.

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

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

Mr. KATZ of Kennebec: Mr. President, I move that when the vote is taken it be taken by the "Yeas" and "Nays," and I would like to speak to the pending motion.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This bill has been substantially amended. In its original form it was a rather sweeping bill, that many of us felt was too sweeping, but we urge that you go along with it to keep it alive. I would like to very briefly discuss the amendments that have been offered and the impact of the amendments.

For one thing, the term "airport" has been defined very narrowly so it is very, very clear that "airport," as it is now in the bill, includes only those facilities that are traditionally part of a modern airport and necessary to serve the air traffic. This is a meaningful restriction.

Second, I shared some concern with others about the quorum requirements for action by the authority, and the quorum for action by the authority has been increased from four to five members.

Third, you will recall in its original form the authority was authorized to issue \$20,000,000 in bonds, that has been decreased to \$5,000,000, a very meaningful reduction.

Next, section 7056 of the bill disturbed an awful lot of people because it gave by implication the fact that the credit of the State of Maine was involved, and I think the amendment has made it very clear that the credit of the State is in no way involved, directly or indirectly, with respect to the revenue bonds.

Next, there is concern expressed about the eminent - d o m a i n feature, and I am perfectly satisfied that the amending process has given procedural safeguards with respect to the eminent domain features.

House Amendment "A" on the Bill does three things and these are also restrictive. First, the authority's activity has been restricted instead of being statewide in its implications, to a very

clear thirty-mile radius of the mountain as part of the State in question.

Next, you will recall perhaps that the Manager of the Maine Recreational Authority has been eliminated as a member of the authority because there is a suggested perhaps conflict of interest, and also his presence indicated, by inference perhaps, that the credit of the State might be involved and he has been eliminated. Finally, the appointment of the four members at large to the authority is provided by appointment by the Governor with the approval of the Executive Council.

I think that the bill presently is in a much milder and much more acceptable form, and I would hope that the Senate today would forthwith go against the pending motion, which is a motion by Senator Anderson to indefinitely postpone the bill.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate I had made up my mind to stay mute during this proceeding, but when Senator Katz got up to deliver what he just delivered, of course, it is necessary to be answered because this, in my opinion, was an attempt to justify the vote against the motion.

A few things that Senator Katz has mentioned have changed the character of the bill, but most of what he has said does not change the character of the bill. They have been put in a palliative mood by the lobbyists. Attempts to work out what remains in the bill that is bad have failed, and I, for one, have been around long enough to recognize power when I see it, which was the origin of my decision to remain quiet. However, Senator Katz, having spoken for the record, I too shall speak for the record.

The purpose of the bill, if it were to only enhance air travel in the State of Maine, would be a very laudable one. As I said in my original Senate speech on this particular measure, I am very much for the laudable objectives of the bill. It is the actual technique

that is being imposed that I find repulsive, reprehensible and not worthy of the State of Maine.

Senator Mills earlier in the debate very frankly said that the issue was: should a piece of real estate of Maine be put up for bid for out - of - State interests with no holds barred, no checks on their methods.

The Bill which was enacted last Friday contains several interesting provisions. This is the one to incorporate the town of Flagstaff which, of course, is a companion bill to this one, and in that bill there was this language: "As of the effective date of incorporation the State shall turn over and deliver to the town of Flagstaff all funds, including funds of the ministerial and school funds belonging in the former plantations of Dead River and Bigelow." So, we have, by our act of last Friday, turned over to the group of entrepreneurs State funds for their own use. That act also provided that twenty squatters would be moved into the area, obviously by the promoters, for the purpose of qualifying as a municipality. The objections to a municipality of this nature being formed, in addition to it not being a genuine municipality formed by and for Maine people and for the welfare of the State, is the basis of the objections to this. The municipal rights which are conferred by the present act, which we shall be voting on, has this to say. "The authority shall have all the rights, powers and duties vested by law in a municipality, particularly as it pertains to police powers," and so forth. The underlining and underscoring need for mentioning that police powers are necessary raises serious question as to the objectives of the people who are pushing this.

Senator Katz said that the language of the definition of an airport which, of course, originally was extremely broad has been corrected. I would say that Senator Katz is incorrect in his statement, and I will read you the new definition of the word "airport": "Airport shall mean runways, clearances, rights, hangars, administration buildings and other related facilities for air traffic. It

is intended that this shall include, but not be limited to, roads, sewage collection," and so forth. Any lawyer will tell you that when you throw the words "but not limited" into a definition that you are doing just that, you are not limiting to this.

This bill is a private and special act. It is not a general act for the welfare of the people of the State. It bears no resemblance whatsoever to the Maine Port Authority or the Maine Turnpike Authority. Attempts have been made to say that these three have matters in similarity; they have not I am very happy to have a roll call. I do feel that the record should indicate the full story.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: When I directed my attention to the redefinition of "airport," I said that the amendment redefines "airport" to include only those facilities which are part of a modern airport necessary to service air traffic. And the words that the Senator from Cumberland, Senator Berry, just read reaffirms my statement.

I am a little confused because apparently we are debating a bill that has already been enacted by the Senate, but there is some talk that we have already turned over some funds to the non-existent town of Flagstaff which are school ministerial funds. Well, I had a feeling that perhaps I was the only one, or perhaps two or three of us in here, who ever heard of State ministerial funds, because it goes back to like 1820 and it is a very, very interesting fund. I don't know what the fund amounts to for Flagstaff, but I would suspect that probably it is something like \$127 or perhaps even \$942, the integrity of which is protected by State law, and the interest of which is used to offset any education expenses, if any, of the district in question. I just want to clear up the implication that we haven't turned over huge funds to some unscrupulous people.

Mr. President, so that I am not required to get up on my feet again

just prior to the vote, and I would presume that we are going to have a roll call because I think the Senate has an unblemished record this session of yielding to a roll call every time that one is requested, I would like to express to the Senate a conversation I had with Senator Anderson within the hour. Senator Anderson is opposed to this motion, opposed to the bill and in favor of this motion to indefinitely postpone and Senator Anderson has expressed his interest in pairing. Mr. President, on that basis, I would request that upon the roll call I be permitted to pair with Senator Anderson. If he were here he would vote in favor of the motion to indefinitely postpone; were I to vote would vote against the motion to indefinitely postpone.

The PRESIDENT: The Senator from Kennebec, Senator Katz, requests that when the vote is taken if by roll call, that the Senator from Hancock, Senator Anderson, if he were here, would vote for the motion to indefinitely postpone, and Senator Katz would vote against the motion to indefinitely postpone. Is the Senate ready for the question?

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President and Members of the Senate: I would submit to the body here that there has been no act or any deeds whereby it has ever been denied that the group sponsoring this, the group that will go along with this are out-of-state people. I do submit, however, that if these people have both the finances and the courage to start a development, an economic development that I believe over the years will mean very, very much to the economy of this State, that we cannot afford to turn it down. I think that we have in the State of Maine people with the financial resources, I think that we have people with the courage to promote something like this, however, we have very, very, few people within this State that have both. We do not deny that there will be returns to those people promoting this if it does succeed, however, I do feel that the ultimate in this project,

when completed, will develop to the best interest of the economy of the State of Maine. I certainly hope that you vote against the motion to indefinitely postpone.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act to Create the Mountain Resorts Airport Authority", be indefinitely postponed. 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 before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act to Create the Mountain Resorts Airport Authority," 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 Berry, Dunn, Moore and Wyman.

NAYS: Senators Barnes, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Hanson, Hoffses, Letourneau, Levine, Logan, Martin, Mills, Minkowsky, Peabody, Quinn, Reed, Sewall, Stuart, Tanous, Violette and President MacLeod.

ABSENT: Senators Beliveau and Kellam.

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

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

The President laid before the Senate the eighth tabled and specially assigned matter: SENATE REPORTS—from the Committee on Taxation on Bill, "An Act Re-

lating 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 20, 1969 by Senator Wyman of Washington.

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

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I rise to oppose the motion of the good Senator from Piscataquis, Senator Martin, to accept Report "A". This isn't a good bill. This country works on the principle of the majority ruling.

This bill provides that ten per cent of the owners of taxable real estate—now that leaves a minority, ten per cent—can force a re-evaluation. The assessors have nothing to say about it and the people of the town or municipality have nothing more to say about it; a mere ten per cent. Then it goes on to say, "force a re-evaluation on specified real property." In other words, if you have a disgruntled group in a town or city, and they feel vindictive they can force this re-evaluation on the citizens of the town, a mere ten per cent of them can bring this about.

For instance, in the Towns of Brewer and Lincoln, recently they had problems with their mills there. I don't know what they did with the valuation, it doesn't make any difference, but in a case like that should the people of Lincoln and should the people of Brewer feel, and the assessors feel, that they want to be a bit more kind to those mills in order to keep them in operation and keep the mills there, under this all you have to do is to have a disgruntled, vindictive ten per cent who want to force a re-evaluation and they can force a re-evaluation of that property. I just don't think it is a good bill, it is ruled by the minority, so I oppose the motion.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I beg to differ with my good friend, Senator Wyman of Washington County, relative to this being a good bill. This is a good bill. It is intended to give recourse to—this is my bill, by the way—it is intended to give recourse to the taxpayer rather than have to request an abatement to the assessors and, if denied, follow it along to the county commissioners or to the Superior Court.

I feel that when a petition to the county commissioners for an abatement on a specified item of property is made, the county commissioners in a lot of cases are no more qualified to present an opinion than the assessors themselves. I feel that the taxpayer has definitely just no recourse and no rights. In most cases, rather than go to Superior Court, he will just fold up and accept his cause and not say anything about it. I maintain that this is wrong; that the method of assessment should be uniform throughout and as fair and equitable as possible.

This is what Report "A" will do: A petition signed by ten per cent of the property owners will make it mandatory for the state tax assessor to come and re-evaluate certain items of property as specified in the petition.

I would like to stress upon you that this is definitely no cost to the town. It gives the petitioners their right for recourse and they, in turn, will bear the cost. There is nothing wrong with this at all. They are just expressing their desires in their feeling that they are over-assessed, or property within the town is over-assessed or, in some cases, under-assessed and they are willing to bear the cost. They will present their petition, and the petition will be acted upon, and the value so arrived at by the Bureau of Taxation would be mandatory upon the assessors to use. This would help to correct inequities that are prevailing and existing and will continue to exist and remain within the municipalities for time immemorial.

I would like to give some information as to the meaning of Report "B" as sponsored by the

minority of the Committee on Taxation. Report "B" would definitely kill Report "A", the intent of Report "A", in that it would require ten per cent of the voters to circulate this petition that has the same effect on the Bureau of Taxation, but the signers of this petition would have to reflect ten per cent of the value of the municipality, which kills the intent. It would have to tie in with some major item of property to sign this petition if there were major owners of property, large owners. Actually and truthfully, this is what I am trying to reach. I am trying to reach equitable assessment. I am trying to reach equitable assessment in that in a great many of our municipalities we have concessions being given to industrial plants and large owners of properties. I am trying to reach equitable assessment in that everyone, the small guy and the big fellow, would be used fairly throughout the municipality. I would like this body to support Report "A".

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I don't want to belabor this long, but the Good Senator from Piscataquis has been very honest in his statement that what he wants to do is get at certain pieces of property. I would say that if you are going to revalue one piece of property you should revalue all the pieces of property in the town. It is still rule by a minority, and I certainly hope that you will oppose his motion.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would like to bring out a point here that hasn't been discussed. This concession on particular items of property, and specifically industrial property, given by local assessors actually reflects on school costs being paid by the remaining owners of property within the town. As I mentioned a while ago, this is what I am trying to reach, give the people of the towns

a right to express their dissatisfaction if they are so inclined to.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise with a great deal of fear and trepidation of becoming involved in a debate between two learned gentlemen, tax experts, but I was a little confused. I would like to pose a question, if I may, through the Chair to the good Senator from Piscataquis if he could tell me how many instances where a property owner, who he feels is not paying enough taxes, has requested a tax revision of the municipalities? Is this a frequent occasion?

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I will answer the question of the good Senator from Knox, Senator Hoffses, that in my experience it is not frequent because it is a lost cause before they start. People just fold up and accept the fact that if they appeal to the local assessors their complaint is not acted upon, and they know they are lost before they start, so they just fold up. They have no recourse other than the county commissioners, and again the commissioners are not qualified to pass judgment on this, and then they are left with Superior Court. In my experience, I have attended two hearings with the county commissioners, and maybe at this time it might be well if I would relate the experiences I have gone through in those two hearings.

I have attended one on two items of property that were on the rolls, and should be assessed, owned by a charitable and profitable organization. In this particular case they were owned by the good sisters, an order of nuns. Well, it probably took a lot of guts to face opposition to an order of nuns. I felt that they were wrong, the assessors felt that they were wrong, so the assessors placed a value on the property that they were renting, two items of property they were renting and receiving revenue

from. The good sisters carried it further, they appealed to the county commissioners and hired an attorney. We met, the three assessors and myself, in the rooms of the good sisters with their attorney. The good Mother Superior started crying, and you can imagine just how small we felt. The good county commissioners decided in favor of the good sisters, of course, because it was a very difficult thing to do otherwise. They just couldn't do otherwise, psychologically. The Frenchman from up country was crazy to come up with such an idea of equalizing taxation for the good of the other people of the town, so the good sisters won their cause. The town, to save expense, did not go to Superior Court. It would have been in the headlines of all the papers in the State of Maine, so we just folded up, and the people of the town are still paying the taxes on those two exempt items of property.

Another case was the case of a right-of-way owned by Central Maine Power, assessed on a per acre basis, same value as the adjoining property, f a r m l a n d, woodland, cut over woodland land, or what have you, at two or three dollars per acre. So, the Central Maine Power boys with their attorneys petitioned the county commissioners for a decision. Three assessors from the municipality, including myself, went to a meeting with the county commissioners and, of course, we were floored again; high priced lawyers, county commissioners that didn't know the difference. So what happened? We lost the case.

This bill is just to give recourse to the ordinary taxpayer, something that he can fall on, something for recourse, where he can have a right to petition and be heard. Thank you.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I opposed this the other day. I believe in the philosophy and I think if you check the records, it was four years ago that I very strongly supported the action of

having a study made for district assessment.

I am approaching this in a different way because I feel that you Senators have not had presented to you the actual facts of the cost of this and how possibly it could work. Personally, I don't feel that passing any legislation such as this at any time is according to the ethics and sound thinking of this body. This bill, if passed without an appropriation, will be absolutely useless because it could not be administrated.

For instance, the Bureau of Taxation, as I understand it is under the supplemental budget, has an appropriation, I believe, of approximately \$200,000. Now, I did not check that this morning, but if this bill should pass it means, in general, that you would have to have one Bureau Chief for two years, approximately — now these are approximate figures but these have been picked up from the Taxation Department. It would mean the Bureau Chief for two years, at approximately \$17,000 a year. One secretary for two years is approximately \$6,000.

The PRESIDENT: For what purpose does the Senator rise?

Mr. MARTIN: I am afraid that my good friend, Senator Hanson, is on the wrong bill.

Mr. HANSON: It is possible that I am. Is this not for the district assessing?

The PRESIDENT: The Chair would inform the Senator from Kennebec, Senator Hanson, that the Senate is debating Bill, "An Act Relating to Assistance to Municipal Assessors", t a b l e d matter number 8, on the bottom of Page 6 of our calendar.

Mr. HANSON: I am sorry, and I apologize.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I am pleased that Senator Hanson made some comments because it put something else into my mind which should be brought out, regarding 1605. There is an appropriation on this bill of \$87,800 for the first year, and \$114,300 the second year. However, this is just

to give the Bureau of Taxation some funds to work with. If you read the bill, you will find that these petitioners have to file a bond with the State Tax Assessor, and they are responsible for the cost involved in this revaluation. So these funds are only to give the Bureau of Taxation something to go with, and the money received would go to the general fund.

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

Mr. WYMAN of Washington: Mr. President, may we have a division on this, please.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that the Senate accept the Majority Ought to Pass in New Draft Report "A" on Bill, "An Act Relating to Assistance to Municipal Assessors". As many Senators as are in favor of the motion of the Senator from Piscataquis to accept Report "A" in New Draft will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

The President laid before the Senate the ninth tabled and specially assigned matter: Bill, "An Act Relating to Property Tax Administration. (S. P. 515) (L. D. 1604)

Tabled—June 20, 1969 by Senator Martin of Piscataquis.

Pending—Motion by Senator Tanous of Penobscot to Indefinitely Postpone the Bill.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Last Friday, after we debated this bill, I discussed this matter with several of the Senators and quite a bit of interest was

shown to me that they would like to see what the other body would do with this bill. They are not necessarily in favor of it, but they would like to see it get to the other body and see what the other body will do with the bill. Well, maybe they have a good point in that, and at this time I feel I ought to withdraw my motion for indefinite postponement, but I don't in any way intend to mean that my arguments which I proposed last Friday are in any way taken back, because I intend to reinstitute my opposition to this legislation when it returns here just as strongly as I did last Friday. In any event, I do want to withdraw my motion for indefinite postponement.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, withdraws his motion to indefinitely postpone the bill. Is it now the pleasure of the Senate that this bill be passed to be engrossed and sent down for concurrence?

The motion prevailed.

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

Mr. LEVINE: Mr. President and Members of the Senate: What I want to speak about is a tax measure that is going to come up this afternoon before us. The way it looks now, we can't get a two-thirds majority on any of the proposals. If the personal income tax is brought back, I don't see how we can vote for it. The Labor movement sent out a questionnaire and 96½ per cent of the people turned down a personal income tax.

I will present, maybe within a day or two, and it is too bad we have to wait for it, another amendment, and have somebody in the other body bring it up, that will be four-four, or it might be three and a half—three and a half, and three and a half and a wildlands tax. Four per cent will be corporations, if we are going to four, but I think we will only need three and a half. The same probably will apply to unincorporated businesses, and allow them a \$15,000 exemption before they start paying taxes, and



it would also include the professional people and allow them a \$15,000 exemption. I think that would be a fair tax that wouldn't hurt anybody that shouldn't be hurt. I think we should look into it, all of us, and think it over. I think that might be a tax that we might be able to get a two-thirds majority to pass.

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

On motion by Mr. Hoffses of Knox, recessed until 2:30 o'clock this afternoon.

#### After Recess

Called to order by the President.

#### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Martin of Piscataquis,

ORDERED, the House concurring, that Bill, "An Act Providing for the Taxation of Forests" (H. P. 876) (L. D. 1119) be recalled from the Legislative Files to the Senate. (S. P. 527)

Which was Read and Passed.

Sent down forthwith for Concurrence.

The PRESIDENT: The Chair would like to bring to the attention of the Senate a parliamentary question that arose last Friday as to whether debate in the other branch could be used in debate in this branch. Rule 37 of the Senate says, "The rules of parliamentary practice comprised in Reed's Rules, or any other standard authority, shall govern the Senate in all cases to which they are applicable, and in which they are not inconsistent with the standing rules of the Senate, or of the joint rules of the two Houses."

Mason's Rules of Parliamentary Procedure, Section 127, Subsection 4, states: "It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular vote or majorities on it there because the opinion of each House should be independent and not influ-

enced by the proceedings of the other, and because referring to or quoting the proceedings in one House might cause reflections leading to a misunderstanding between the two Houses."

The Chair could not find any rule in the Senate Rules or the Joint Rules pertaining to this so, in reliance upon a standard authority of parliamentary procedure, the Chair ruled that reading debate from the other branch was out of order.

#### Papers from the House

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

#### Non-concurrent Matter

Bill, "An Act 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" (Emergency) (S. P. 449) (L. D. 1483)

In the Senate June 20, 1969, Passed to be Engrossed as Amended by Senate Amendment "C" as Amended by House Amendment "A" thereto and House Amendments "E", "F", "K", and "L" in non-concurrence.

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

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Item 1-1 is not the appropriations measure that we shall be dealing with. It is my understanding that this is presently Item No. 1 of Reports of Committees in the House, and there is a chance that we will be getting it before us for Senate action perhaps this evening. Whether or not we will have an evening session is not known to us at this time, but we will keep the Senate informed.

For the purposes of acting on 1-1, I move that the Senate indefinitely postpone this bill in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Item 1-1, Legislative

Document 1483, be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

Thereupon, the Bill was Indefinitely Postponed in concurrence.

**Non-concurrent Matter**

Bill, "An Act to Provide Certain State Level Land Use Controls." (S. P. 501) (L. D. 1596)

In the Senate June 18, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-295).

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

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

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

Senators:

HANSON of Kennebec  
BARNES of Aroostook  
GORDON of Cumberland

**Non-concurrent Matter**

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

In the House June 11, 1969, Passed to be Engrossed as Amended by House Amendments "A" (H-461) "B" (H-499) "C" (H-513)

In the Senate June 20, 1969, Passed to be Engrossed as Amended by Senate Amendment "B" (S-311); in non-concurrence.

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

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

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

Senators:

KATZ of Kennebec  
VIOLETTE of Aroostook  
TANOUS of Penobscot

**Non-concurrent Matter**

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

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.

In the House June 19, 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) as Amended by House Amendment "A" (H-568), thereto, in non-concurrence.

In the Senate June 20, 1969, the Senate voted to Insist.

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

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

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

Senators:

BERRY of Cumberland  
CONLEY of Cumberland  
BOISVERT  
of Androscooggin

**Non-concurrent Matter**

Bill, "An Act Realing 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)

In the House June 17, 1969, Passed to be Engrossed as Amended by House Amendment "E" (H-522).

In the Senate June 20, 1969, Passed to be Engrossed as Amended by House Amendment "E" (H-522) and Senate Amendment "C" (S-308) and Senate Amendment "B" (S-304) in non-concurrence.

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

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would like to progressively move this measure along, if we can at this time.

I haven't examined them right at this moment, but the authors of these amendments know what they are. Senate Amendment "C", S-308, and Senate Amendment "B", S-304, I have a feeling are amendments that may or may not have the endorsement of the full legislative delegation from the counties involved. If that is true, and if we can recede and concur at this point, without stepping on too many toes of Senators, it would be the progressive thing to do. I would make that motion, but would retreat under fire if the good Senator Wyman from Washington feels that it would be trespassing upon his bailiwick too much. So, I make that motion, Mr. President, that we recede and concur, and see what happens.

The PRESIDENT: The Chair would inform the Senator that the proper motion at this point in this non-concurrent matter would be a motion to recede.

Mr. MILLS: Yes, Mr. President. I then make such a motion to recede.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate recede.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: At the time I proposed one of these two amendments we are talking about I did not make any talk on it and it went through under the hammer. It would increase our judge of probate from \$4600 to \$5200, or give him \$100 a week.

Now, we have had problems in Washington County getting a judge of probate. I can't remember when we have had a candidate for judge of probate who was opposed, either in the primary or in a general election. At one time we had a judge of probate who lived in Bangor, Frances Day. He had his place of residence in Calais, so he ran, but didn't like coming down there in Washington County and holding probate court, so he quit.

I commented the other day to some member of the legislature on the fact that the judge of probate cannot handle probate matters. The person to whom I was talking, and it was an attorney, said, "Well,

it is true. On one good estate he could make the equivalent of his salary." Now what we proposed to do is to pay this man \$100 a week, and I think it is very little more than his Register of Probate is getting. Admittedly, it is not a full-time job, because you wouldn't find an attorney that would take a full-time job for \$100 a week with the training that is necessary. In view of that, and in view of the problems we have to get a judge of probate, and due to the fact that this man wanted \$6,000 and he finally agreed to go along on \$100 a week, I presented an amendment. I think it is worthwhile, and I would like to oppose the motion of Senator Mills. I would like to see this go to a committee of conference and see if we can't help this situation somewhat.

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

Mr. Mills of Franklin was then granted leave to withdraw his motion to recede.

On further motion by the same Senator, the Senate voted to Insist and Join in a Committee of Conference.

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

Senators :

WYMAN of Washington  
DUQUETTE of York  
LETOURNEAU of York

#### Non-concurrent Matter

Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties." (S. P. 503) (L. D. 1599)

In the Senate June 16, 1969, Passed to be Engrossed.

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

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

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

Senators:

MILLS of Franklin  
KELLAM of Cumberland  
CIANCHETTE

of Somerset

**Committee Reports**

**House**

**Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Providing for the Uniform Deceptive Trade Practices Act." (H. P. 950) (L. D. 1229)

Reported that the same be referred to the 105th Legislature.

Signed:

Senators:

VIOLETTE of Aroostook  
MILLS of Franklin

Representatives:

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

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

QUINN of Penobscot

Representatives:

DANTON of  
Old Orchard Beach  
MORIESHEAD

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

Which reports were Read.

Thereupon, the Majority Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Revising the General Laws Governing the Town Manager Form of Government," (H. P. 900) (L. D. 1161)

Ask leave to report: that the House recede from passage to be engrossed and from adoption of Committee Amendment "A" as amended by House Amendment "A" thereto; that the House indefinitely postpone Committee Amendment "A" as amended by House Amendment "A" thereto; that the House recede from adop-

tion of House Amendment "A" to Committee Amendment "A" and indefinitely postpone same; that the House adopt Senate Amendment "A" and pass the Bill to be engrossed as amended by House Amendment "A" and Senate Amendment "A"; that the Senate recede and concur with the House.

On the part of the House:

BAKER of Orrington  
CUSHING of Bucksport  
WHEELER of Portland

On the part of the Senate:

TANOUS of Penobscot  
CONLEY of Cumberland  
KELLAM of Cumberland

Comes from the House, the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-458) and Senate Amendment "A" (S-244).

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

**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 Mediation Authority of State Employees Appeal Board." (H. P. 1035) (L. D. 1345)

ask leave to report: that they are unable to agree

On the part of the House:

HUBER of Rockland  
DURGIN of Raymond  
BEDARD of Saco

On the part of the Senate:

LOGAN of York  
TANOUS of Penobscot  
DUNN of Oxford

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 Exempting Sales to Certain Children from the Sales Tax." (H. P. 182) (L. D. 221)

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

On the part of the House:  
 SUSI of Pittsfield  
 ROSS of Bath  
 WHITE of Guilford

On the part of the Senate:  
 LOGAN of York  
 MARTIN of Piscataquis  
 DUNN of Oxford

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Enactors

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

An Act Relating to the Uniform Disposition of Unclaimed Property Act. (S. P. 267) (L. D. 905)

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

#### Emergency

An Act Relating to State Employees' Suggestion Awards Board. (H. P. 208) (L. D. 258)

This being an emergency measure and having received the affirmative vote of 29 members of the Senate, with one Senator voting in the negative, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his Approval.

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

Comes from the House, Indefinitely Postponed.

Mr. Boisvert of Androscoggin then moved that the Bill be Indefinitely Postponed.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I rise in opposition to the motion of the good Senator from Androscoggin, Senator Boisvert.

This bill has been before us and we have debated it, I feel, and we have been lobbied to death on it, by people from both Auburn and Portland. It relates to putting the fire department personnel back into the civil service commission, back in the charter of the city. The charter for fifty years had this

provision in it, and three years ago there was quite a bit of controversy about removing it. It was removed, and I think it is about time we corrected an injustice. I just simply would like to put this out to referendum before my constituents in my city. Therefore, I would oppose the motion to indefinitely postpone this document and request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: It is with reluctance that I rise in opposition to my good friend the Senator from Androscoggin, Senator Bernard, but it seems that during this session we have been in that situation quite a few times. But, leaving this aside, for the many years that I have been here I have always been a firm believer in home rule. Just a few days ago a home rule bill was finally enacted and has been signed by the Governor.

In the 103rd Legislature we approved a new charter for the City of Auburn, and there is a provision in that charter for a civil service commission. As it is now enforced, this commission covers all the employees of the City of Auburn. Certainly, with the home rule bill, the citizens of Auburn will have the opportunity, if they so decide, to make changes in their charter from now on like every other municipality in our State, and that is the only reason why I do believe that we should concur with the other body.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Boisvert, that Bill, "An Act Relating to Civil Service Commission in City of Auburn", be indefinitely postponed in concurrence. As many Senators as are in favor of the motion to indefinitely postpone will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty Senators having voted in the affirmative and ten Senators having voted

in the negative, the motion prevailed in concurrence.

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

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

Pending — Passage to be Engrossed.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would like to make a final observation before we vote on this measure again. We are concerned with the bill which permits an indefinite extension of loans through frequent renewals or rewrites, in a practice known as "flipping," at rates of interest as high as thirty per cent annually.

It is somewhat of a paradox that this measure is now before this body at a time when the American public is more concerned about high interest rates than ever before in our history. Now, for the first time, even those who are prosperous are complaining about the recent increases in the prime rate of interest to eight and one half per cent annually. As justified as those complaints are, and may very well be, the burden on the affluent is insignificant when compared to the interest rates borne over the years by truly poor persons. In stark contrast, they are compelled to pay more than three to four times as much, often as high as thirty per cent annually.

Very strangely the plight of these poor persons has been of little concern to our legislators and governmental agencies until recently. Fortunately at the last session of this legislature we provided some relief to those borrowers by requiring the reduction in the rate of interest to eight per cent if the loan remained unpaid at the end of thirty-six months. This is a reasonable measure, protecting the borrowers without unduly restricting the operation of the small loan companies.

Now, through the means of L. D. 810, this protection is effectively nullified by making a mockery of our past legislative efforts. In the light of current events, it strikes me that we would be susceptible of shameful duplicity, yes two-faced, if you will, if we are to permit this to happen, since we would be ignoring the concern of those who need protection the most. It is basically for this reason that I strongly urge that the present law be left undisturbed by voting against L. D. 810.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: The Senator from Hancock, Senator Anderson, isn't here. I understand if he was here he would vote in favor. I am opposed, and I offer to pair my vote with his.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, wishes to pair his vote with the Senator from Hancock, Senator Anderson, who, if he were here, would vote for the Bill; the Senator from Penobscot, Senator Quinn, would vote against the bill.

As many Senators as are in favor of passage to be engrossed on Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law", will say "Yes" -

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: 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 pending question before the Senate is passage to be engrossed. A "Yes" vote will be in favor of passage to be engrossed; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

**YEAS:** Senators Barnes, Berry, Boisvert, Dunn, Greeley, Hanson, Hoffses, Katz, Letourneau, Logan, Minkowsky, Moore, Peabody, Wyman and President MacLeod.

**NAYS:** Senators Beliveau, Bernard, Cianchette, Conley, Duquette, Gordon, Kellam, Levine, Martin, Mills, Reed, Stuart, Tanous, and Violette.

**ABSENT:** Senators Sewall.

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

The President laid before the Senate the second matter tabled earlier in today's session, by Mr. Violette of Aroostook: **HOUSE REPORTS** from the Committee on Judiciary of Bill, "An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto." (H. P. 860) (L. D. 1102) Majority Report, Ought to Pass as Amended by Committee Amendment "A" — Filing H-554; Minority Report, Ought Not to Pass.

Tabled—June 20, 1969, by Senator Quinn of Penobscot.

Pending—Motion by Senator Mills of Franklin to Accept the Minority Ought Not to Pass Report.

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

Mr. **QUINN** of Penobscot: Mr. President and Members of the Senate: I reluctantly stand in opposition to the position taken by my good friend and associate on the Judiciary Committee, Senator Mills. This matter was before our committee and the vote was six to four for the Majority Report, Ought to Pass as Amended by Committee Amendment "A".

I would like to say, as a matter of explanation, that in actions at law, civil actions and criminal actions, this particular bill is the outcome of a civil action for damages for alienation of affections. It seems a man, a

wrong-doer, took the wife of another man and went off and lived in a motel and broke up this man's family with children, and then he was sued for damages.

Now, taking a man's wife, going away and living under circumstances like that, is a civil wrong and could be a criminal act. So, there are two sides of the law. Now, in this particular case we brought suit for alienation of affections, it was a civil matter. Under our Maine rules and regulations in civil procedure, there is a provision whereby a litigant, having started a suit and before the suit is heard, can serve on the opposite party or any of his witnesses a list of interrogatories that must be answered under oath and returned, and can be used as advance information to the suer as to what the evidence is going to be on the other side. Now, in this alienation of affection case a great wrong was done. The man that was wrong used, and he filed an application for interrogatories to get information in his civil case. And the man sued raised the question of his rights under the fifth Amendment to the Constitution of the State and of the United States, that if he answered the question he might incriminate himself. He might be guilty of adultery, he might be guilty of false registration in a motor court, or some other criminal offense, thereby he bought off the applicant's desire to get answers to these questions he wanted to use in a civil case for damages. The matter was taken before a Superior Court Judge and he heard the situation and ruled that this man was in his rights to invoke the Fifth Amendment.

This particular bill is discovery proceedings and providing for immunity from criminal prosecution with respect thereto. The Majority Report was to allow a procedure whereby this person bringing suit could get his desired answers to his questions and thereby, if the man answered them, he would be immune from criminal prosecution for any of those answers in those interrogatories. Now, we in the committee felt that that wrong-doer should have been forced to answer in a civil pro-

cedure, allowing him immunity from prosecution in the criminal procedure. In short, that is what our Majority Report was.

Committee Amendment "A", now that provides for compelling evidence in discovery proceedings and immunity. In any civil discovery proceeding, either upon deposition or interrogatories, propounded to a party, pursuant to the Maine Rules of Civil Procedure, if the party to the litigation refuses to answer the questions at said deposition hearing, or upon said interrogatories, or produce evidence of any kind demanded of him, on the ground that he may be incriminated thereby, the party to the litigation who sought the information at either the deposition hearing or upon interrogatory, or both, upon written approval of the Attorney General of the State of Maine and the United States Attorney for the District of Maine, may move the court having jurisdiction of the cause for an order compelling that party to answer the question or questions or produce the evidence, and the court, after notice to the party so requested and hearing thereon, shall so order, unless the court finds that to do so would be clearly contrary to the public interest or produce no evidence relative to the issues raised by the plaintiffs, and shall so state in writing. Failure to comply with such order shall constitute a contempt thereof and be punished accordingly. After complying with such order and if, but for this section, he would have had the right to withhold the answers given, or the evidence produced by him, that person shall not be prosecuted or subject to the criminal penalty or forfeiture for or on account of any transaction or matter of things concerning which, in accordance to the order, he gave answer or produced evidence. This would compel him, under those circumstances, to make answers. And if he did, he would be immune from criminal prosecution. He may, nevertheless, be prosecuted for any perjury or false swearing committed in answering, or for failure to answer, or failure to produce evidence in accordance with said order.

This would give a man who was wronged opportunity of obtaining the information which he wanted in a civil action. At the same time, the person from whom he wants that testimony would be immune from prosecution criminally. I feel that a man that has been wronged like that should have the opportunity of getting the information he needs. Consequently, I hope you will vote against the motion of my good friend, Senator Mills, in order that this may be passed as amended to help a present bad situation.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I know I talked about this the other day, fired my bolt, so to speak, then the good Senator put it on the table and makes his speech today, but I am not going to bore you with repetition of what I said the other day.

If this legislation is passed, I would expect the Judiciary Committee, and any lawyer that had anything to do with it, would be the laughing stock of the State judiciary. I don't think it is constitutional, and it grows out of a personal experience of the House Chairman who has become obsessed with this idea of forcing a certain person to testify in a civil deposition hearing. He has lobbied this thing personally, terrifically with the Committee, and on a personal basis a number of the committee members went along with him. I told them that I was his best friend because he shouldn't be tagged with a law like this to have passed in this legislature.

I know you don't remember what I said the other day, and I don't know if legal reasoning has a great deal of effect anyway, but I will have to ask you to believe that this is a very personal bill and the support for it that was gained was gained on a personal basis. It has been lobbied very heavily by a very popular and very persuasive House Chairman, but I think he has just gone off on a tangent on this one.

I don't want the Governor to be confronted with a piece of legisla-



tion like this and asked to endorse, because I think he would hesitate very much about approving it. It isn't good legislation.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate accept the Minority Ought Not to Pass Report on Bill, "An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect There-to." As many Senators as are in favor of the motion of the Senator from Franklin, Senator Mills, to accept the Minority Ought Not to Pass Report of the Committee will say "Yes"; Those opposed will say "No."

A viva voce vote being in doubt, on motion by Mr. Mills of Franklin, a division was had. Eleven Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in concurrence.

The President laid before the Senate the third matter tabled earlier in today's session, by Mr. Bernard of Androscoggin: HOUSE REPORT—from the Committee of Conference of Bill, "An Act Relating to Bids for Contractual Services Under the Auburn City Charter." (H. P. 963) (L. D. 1243)

Tabled—June 20, 1969 by Senator Bernard of Androscoggin.

Pending—Motion by Senator Tanous of Penobscot to Reject the Committee of Conference Report.

Mr. Bernard of Androscoggin moved that the Bill be retabled and tomorrow assigned, pending the motion by Mr. Tanous of Penobscot to Reject the Committee of Conference Report.

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

Mr. KATZ of Kennebec: Mr. President, through the Chair might I ask the Senator to withhold his motion for a moment.

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

Mr. BERNARD of Androscoggin: Mr. President, I would withdraw my motion temporarily.

The PRESIDENT: The Senator withdraws his motion.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President and Members of the Senate: I thank Senator Bernard for withdrawing his motion. In line with ground rules I hoped that we might establish when we come to a matter of tabling to the next legislative day, might I ask through the Chair to the Senator to explain the advantage to the Senate of tabling at this time?

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

Mr. BERNARD: Mr. President, having conferred with the sponsor of the bill, and the fact that the bill had a Committee of Conference Report where an amendment was attempted, I felt that perhaps the amendment was leaning too far to one side. I came up with a suggestion, and we were hoping that perhaps tonight the two of us could get together and work out something that was more acceptable. This is my only reason for tabling it. I am not trying to use this as a pressure tactic against anyone, as has been stressed in the halls here, but I am just trying to come up with something that is livable. Perhaps my original motion would stand, or I would have to ask somebody to table this item for me for one day.

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

Thereupon, on motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending the motion by Mr. Tanous of Penobscot to Reject the Committee of Conference Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Having voted on the prevailing side with reference to the action of the Senate whereby L. D. 810, Bill, "An Act Relating to Contracts of Loans Under the Small Loan Agency Law", was passed to be engrossed by the Senate, I move we reconsider this action, and I hope you would all vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby Bill, "An Act Relating to Contracts of Loans Under Small Loan Agency Law", was passed to be engrossed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. Mills of Franklin then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Reconsider.

Thereupon, on motion by Mr. Berry of Cumberland, a division was had. Thirteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this bill was passed to be engrossed. The Chair will order a division. As many Senators as are in favor of reconsideration will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

The President laid before the Senate the fourth matter tabled earlier in today's session, by Mr. Berry of Cumberland: Bill, "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection With Mining." (H. P. 1270) (L. D. 1598)

Tabled—June 20, 1969 by Senator Berry of Cumberland.

Pending—Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, an amendment is under preparation and I had hoped that it would be ready by the end of this session. Apparently it is not, and I would appreciate it if somebody would table this until tomorrow, at which time it will be ready.

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

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

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of Item 7-2 on our calendar, Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials", (H. 1272) (L. D. 1601)?

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

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

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

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the eighth tabled and unassigned matter: Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 162) (L. D. 536)

Tabled—June 13, 1969 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Senate Amendment "D", Filing No. S-312, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Mills of Franklin, the Senate voted to take from the table the thirteenth tabled and unassigned matter: Bill, "An Act Relating to Jurisdiction and Judicial Divisions of the District Court." (S. P. 468) (L. D. 1526)

Tabled—June 17, 1969 by Senator Mills of Franklin.

Pending—Enactment.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: We have an amendment which the Attorney General's office has drafted in conjunction with Attorney Frank Chapman and others who have considered that there was a very real need for this amendment in regard to civil appeals. Therefore, Mr. President, in order to do such, I would move that we reconsider our former action whereby this measure was passed to be engrossed.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that under suspension of the rules the Senate reconsider its action whereby Bill, "An Act Relating to Jurisdiction and Judicial Divisions of the District Court", was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "A", Filing No. S-306, was Read and Adopted and the Bill as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (H. P. 1244) (L. D. 1579)

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

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HOFFSES of Knox: Mr. President, I yield to the Senator from Waldo, Senator Greeley.

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

Mr. Greeley of Waldo then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-313, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: Just to explain the reason for this amendment, when this allocation bill was set up, it was set up with the thinking that we might get a two cent gas tax because that is the way the bill read originally. Whereas we only got one cent on the gas tax, we have got to change this construction figure from \$8,700,000 down to \$4,500,000 for the first year, and \$8,200,000 down to \$2,999,000 the second year. The difference between these two, you add them up and you will find that you have \$9,500,000, is a cent on the gas tax for the biennium.

The construction program will stay the same. The total for the biennium is \$32,998,000, so for each year of the biennium we have set up \$16,499,000. To equal that out, we have set up \$8,000,000 in new bonds the first year, and \$4,518,931 to go along with it, plus the balance of the bonds that we had two years ago that hasn't been authorize, which is \$3,980,069 which comes to a total of \$16,499,000.

In the second year of the biennium, for construction, we have set up the balance of the new bond, which is \$13,500,000, and to go along with that we have set up the \$2,990,000, which comes to a total of \$16,499,000.

The reason that we have to change the debt retirement in the second year is on account of an increase in the bond issue going from \$12,000,000 to \$21,500,000. The reason that we have to increase

the bonded debt, the interest on bonded debt, \$200,000, is on account of the increase in the bond issue. That is both for the first and second year of the biennium. Thank you.

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

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

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,

Senate in recess pending the sound of the bell.

(After Recess)

Called to order by the President.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.