

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, June 25, 1969

Senate called to order by the President.

Prayer by Honorable Bennett D. Katz of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Resolve, Proposing an Amendment to the Constitution Providing a Full-time Attorney General to Hold Office for Four Years. (S. P. 491) (L. D. 1585)

In the Senate June 19, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-534) and House Amendment "C" (H-541) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-534) and House Amendment "C" (H-541) as Amended by House Amendment "A" (H-585) thereto, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Providing for Regional Referendum on Location of Industry Substantially Affecting Regional Environment." (Emergency) (H. P. 1275) (L. D. 1603)

In the House June 19, 1969, Report and Bill Indefinitely Postponed.

In the Senate June 23, 1969, the Ought to Pass Report Read and Accepted and the Bill on June 24, 1969, Passed to be Engrossed as Amended by Senate Amendment "B" (S-314) in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference with the following conferees appointed on its part:

Representatives:

BRAGDON of Perham
FARNHAM of Hampden
HARDY of Hope

Thereupon, 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
SEWALL of Penobscot
REED of Sagadahoc

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study current practices and operations of the Casco Bay Lines in respect to scheduling of trips, safety of operation and qualifications of operating personnel, and the inability of the Public Utilities Commission to take any action on the complaints of the island residents in reference thereto; and be it further

ORDERED, that the Public Utilities Commission is directed to provide such information and other needed 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. (H. P. 1285)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the adequacy of existing law in regulating expansion of facilities through the acquisition of taxable property in the name of agricultural societies and associations which are tax exempt; and be it further

ORDERED, that the State Bureau of Taxation is directed to provide such information and other assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

ORDERED, that the Committee report the results of its study at the next regular or special session of the Legislature. (H. P. 1283)

Comes from the House, Read and Passed.

Which was Read.

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

Joint Order

June 24, 1969

WHEREAS, the cities and towns in Maine are presently dependent upon the property tax as the principal source of municipal revenue; and

WHEREAS, this source of revenue is overburdened; and

WHEREAS, the municipal financial crisis is an intergovernmental problem; and

WHEREAS, the cities and towns must look to the State for increased financial assistance; and

WHEREAS, the municipal bloc grant proposal contained in Legislative Document 1498, "AN ACT Establishing a State-Municipal Revenue Sharing Program" may provide a vehicle for strengthening the state-municipal fiscal relationship; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to conduct a study of the equity and funding of all state-municipal revenue sharing programs; and be it further

ORDERED, that the Committee study the impact, equity and funding of Bill, "AN ACT Establishing a State-Municipal Revenue Sharing Program," House Paper 1174, Legislative Document 1498, introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the State Bureau of Taxation be directed to furnish such information and assistance as the Committee deems necessary to carry out the purpose of this Order; and be it further

ORDERED, that the Committee report its findings, together with any necessary recommendations and implementing legislation at the next regular or special session of the Legislature. (H. P. 1284)

Comes from the House, Read and Passed.

Which was Read.

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

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

The House today voted to Adhere to its action whereby Bill "An Act to Provide Certain State Level Land Use Controls" (S. P. 501) (L. D. 1596) was indefinitely postponed.

Respectfully,

(Signed)

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

State of Maine
Bureau of Public Improvements
Augusta, Maine

June 5, 1969

To the Senate and House of Representatives of the One Hundred and Fourth Legislature

The 104th Legislature (H. P. 792) as amended by Senate Amendment "A") directed the Bureau of Public Improvements to study the status of state-owned land at the Augusta State Hospital lying east of Hospital Street, Augusta, Maine, and report to the Legislature.

Subject property, containing approximately 400 acres, is divided into two parcels separated by the Cony Road. The parcel located on the east side of Hospital Street and west of Cony Road is irregular in shape and contains approximately 326 acres. As a part of this property there is a residence at 99 Hospital Street and another on Cony Road. Also, there is a 30' x 36' barn in about the center of the area and a water main and a Socony Mobil gasoline pipe line traverse this parcel. This parcel contains an abandoned quarry, a former reservoir and there are ledge outcroppings in the quarry area.

The parcel east of Cony Road contains approximately 74 acres. From this area should be deducted the lot upon which the Department of Agriculture Building is located. This lot is square, measures 340' on each side and contains about 2.5 acres.

Communications

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

Northerly of the Agriculture lot and extending along Cony Road to privately owned land is a parcel of land containing about 3.5 acres that by Council Order has been transferred for purposes of supervision and control to the Department of Education.

Considering the frontage of both the above mentioned parcels, only about 360 feet of frontage remains on the easterly side of Cony Road.

Along Hospital Street all utilities are available. On Cony Road all utilities except sewers are available.

The soils of both parcels are in general most acceptable for agricultural purposes. However, the character of these soils in many areas are not acceptable for building purposes. The fore-going statement, of course, excludes reference to ledge which may also be undesirable for many purposes.

An appraisal made by Wesley O. Taylor and Associates indicates the value of the farm land, including the two residences owned by the Department of Mental Health and Corrections, is \$236,000.

To implement the request of the 104th Legislature, the Bureau sent a memorandum to all department heads and agencies to determine any State requirements for land. Seventeen replies were received. Twelve departments expressed no requirements. Five departments expressed a point of view that indicated all or part of the so-called farm land should be retained by the State.

The State Highway Commission is in the process of making a comprehensive transportation study of the entire Augusta-Gardiner area. While it has not been completed, it appears very possible there may be a requirement for a substantial portion of this property. Preliminary studies by the Commission indicate the strong possibility for the construction of a third bridge over the Kennebec River linking the west side to the east side. At the present time a tentative location has been established which would require the use of a sizeable portion of Augusta State Hospital property. Although the Commission cannot at this time predict the time of con-

struction of this bridge, it is most likely that it could be within the next twenty years.

Civil Defense has requirements for a warehouse and maintenance building in the Augusta area.

Kennebec County Soil and Water Conservation District might wish to acquire portions of the property for a demonstration area and the use of the existing barn.

Other departments are interested in state-wide storage facilities together with the expressed desire that the State retain sufficient land that might, at some future time, be utilized as a park.

It should be pointed out that for several years the Department of Mental Health and Corrections has been interested in a so-called "Third Institution" to which all persons committed to an institution (mental or correctional) could be placed therein for evaluation, treatment and final assignment. The 100th Legislature established a committee and provided funds for a professional study to "Plan an Institution Serving as a Reception and Treatment Center".

This study indicated that this "Third Institution" would be located on the Augusta State Hospital property and would occupy approximately 1,500 feet of frontage on "Piggery Road", so-called, and would contain approximately 75 acres.

The Bureau arranged a meeting with City officials of Augusta. Present were the City Manager and four councilmen along with Commissioner Kearns, representing the Department of Mental Health and Corrections. As a result of this meeting it was apparent that the City of Augusta, at the time, had no interest in or definite plans for the development of the area. The City would prefer, in case any land is released, that private interests acquire and develop it. The City also suggested that the State might wish to impose some reasonable restrictions at the time of transfer of title as to its future use and that space be reserved for recreational and educational facilities.

At present a portion of the land between Hospital Street and Cony

Road is being used for the local little league baseball and an application has been made to the Department of Mental Health and Corrections requesting an area for the City soft ball league.

A large portion of the land at Augusta State Hospital under consideration is being used for farm purposes. For some time the Department of Mental Health and Corrections has been phasing out farm operations at many of its institutions. The Department has reported to the Bureau that it intends also to phase out the farm operation at Augusta State Hospital. They do, however, indicate that this phasing out operation may take a year or two to accomplish.

If farming operations are suspended at the Augusta State Hospital, it would appear that a large portion of land might be available for disposal to private interest. However, the Bureau would recommend that, until definite planning is accomplished, the State retain ownership to the land in question at the Augusta State Hospital. This recommendation is based upon the knowledge that State activities are continually expanding and along with such expansion there is an accompanying need for additional facilities and land. Secondly, there are two definite possibilities for the use of this land:

1. The proposed location of the "Third Insitution".
2. The proposed location of the third bridge across the Kennebec River.

Once more definitive plans are completed on the above possibilities, the Bureau would recommend that disposition of the land again be reviewed and recommendations presented to a future Legislature.

Respectfully,
 NIRAN C. BATES, DIRECTOR
 (S. P. 520)

Which was Read.

On motion by Mr. Quinn of Penobscot, tabled until later in today's session.

**State of Maine
 House of Representatives
 Office of the Clerk
 Augusta, Maine
 June 24, 1969**

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

Sir:

The Speaker today appointed the following Committee of Conference two branches of the Legislature on:

Bill "An Act Providing for the Uniform Deceptive Trade Practices Act" (H. P. 950) (L. D. 1229)

Mrs. BAKER of Orrington
 Messrs. MORESHEAD of Augusta
 LUND of Augusta

Respectfully,

BERTHA W. JOHNSON
 Clerk of the House

Which was Read and Ordered
 Placed on File.

Joint Order

On motion by Mr. Hoffses of Knox

ORDERED, the House concurring, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium, for each member of the Senate and House of Representatives, to the number of fifty calls of reasonable duration from the member's home to any state department, commission or agency within the limits of the State of Maine, and that each member of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates. (S. P. 531)

Which was Read.

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

Joint Order

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Secretary of the Sen-

ate shall, when the Senate is not in session, be the Executive Office of the Senate and have custody of all Senate property and materials, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary service and make all arrangements for incoming sessions of the Senate, have general oversight of chambers and rooms occupied by the Senate, permit State Departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of the Bureau of Public Improvements, with the approval of the President of the Senate, and approve accounts for payment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50 and making an accounting to the Senate upon request. (S. P. 532)

Which was read.

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

Joint Order

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the State Librarian be directed to forward bound copies of the Legislative Record to members of the Senate and House and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses. (S. P. 533)

Which was Read and Passed.

Sent down for concurrence.

Joint Order

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Secretary of the Senate, in his capacity as Executive Officer of the Senate when the Senate is not in session, be and hereby is authorized to retain whatever members of his staff may be necessary to complete the records of the Senate and approve payment for same. (S. P. 534)

Which was Read.

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

Joint Order

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that there be prepared after adjournment of the present session, under the direction of the Clerk of the House, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve, and that there be printed six hundred copies of the same. The Clerk of the House is hereby authorized to employ the necessary clerical assistance to prepare such register. The Clerk shall mail a copy of the Register to each member and officer of the Legislature and the State Library shall receive such number of copies as may be required. (S. P. 535)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, that the subordinate officers of the Senate, which were appointed January 1, 1969, to serve for the present biennium, be as follows: By the President, a Secretary to the President; by the Secretary, a Secretary to the Secretary, a Secretary to the Assistant Secretary, an Index Secretary, a Recording Secretary and two Senate Stenographers; and be it further

ORDERED, that the intent of the Legislature is that the retirement benefit provisions for such subordinate officers of the Senate shall be granted for the biennium or to the date of a resignation or separation for any reason; and be it further

ORDERED, that the President and Secretary respectively are authorized to accept resignations and fill any vacancies of said subordinate officers during the biennium.

Which was Read and Passed.

Joint Order

On motion by Mr. Logan of York, ORDERED, the House concurring, that the Legislative Research Committee is directed to study the desirability and feasibility of establishing a Consumer

Credit Code for the State of Maine; and be it further

ORDERED, that the State Department of Banks and Banking is directed to provide the Committee with such technical and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Committee present the proposed Code at the next regular session of the Legislature. (S. P. 536)

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 State Government on Bill, "An Act Conferring Upon Others the Powers Now Vested in the Executive Council." (H. P. 1052) (L. D. 1418)

Reported that the same Ought to Pass.

Signed:

Senators:

BELIVEAU of Oxford
LETOURNEAU of York

Representatives:

RIDEOUT of Manchester
WATSON of Bath
D'ALFONSO of Portland
STARBIRD of Kingman
MARSTALLER of
Freeport

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

Signed:

Senator:

WYMAN of Washington

Representatives:

DONAGHY of Lubec
DENNETT of Kittery

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

Which reports were Read.

Thereupon, on motion by Mr. Barnes of Aroostook, Indefinitely Postponed in concurrence.

Divided Report

Three members of the Committee on State Government on

Bill, "An Act Establishing a Human Rights Commission." (H. P. 1050) (L. D. 1384)

Reported in Report "A" that the same Ought to Pass in New Draft "A" under Same Title. (H. P. 1262) (L. D. 1592)

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representative:

DENNETT of Kittery

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft "B" Under New Title "An Act Creating a Human Rights Act for Maine." (H. P. 1263) (L. D. 1593)

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

WATSON of Bath
STARBIRD of Kingman
D'ALFONSO of

Portland

Three members of the same Committee on the same subject matter reported in Report "C" that the Same Ought to Pass in New Draft "C" Under Same Title. (H. P. 1264) (L. D. 1594)

Signed:

Representatives:

MARSTALLER

of Freeport

RIDEOUT of Manchester
DONAGHY of Lubec

Comes from the House, Report "B" Ought to Pass in New Draft "B" Read and Accepted and the Bill, in New Draft, (L. D. 1593) Passed to be Engrossed as Amended by House Amendment "B" (H-582) as Amended by House Amendment "A" (H-590) thereto.

Which reports were Read.

Mr. Wyman of Washington then moved that the Senate accept Report "A", Ought to Pass in New Draft "A" Under Same Title, of the Committee.

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

Mr. MILLS of Franklin: Mr. President, from a parliamentary standpoint I am not sure, but I pray the judgment of the Chair on the following motion. I believe

it to be a progressive motion in regard to the passage of the bill in concurrence and, therefore, may have precedence over the preceding motion, but I am not sure. I would move, Mr. President, if the motion is in order, that Report "B", Ought to Pass in New Draft, be accepted, and amended by House Amendment "B", as amended by House Amendment "A" thereto, in concurrence with the House.

The PRESIDENT: The Chair would inform the Senator that the motion is not in order, and that the motion of the Senator from Washington, Senator Wyman, would have to be defeated before this motion could be considered.

Mr. MILLS: Mr. President, I would urge upon the body that the acceptance by the other body of Report "B" in new draft, with its accompanying amendments, is a more progressive motion in regard to favorable action on the bill. There is one area, as I understand it from the House managers on this matter, in which there is still serious objection to the bill, and I noted as I came onto the floor this morning that the State Police were represented in the body in person this time, and not by one of their agents among the membership, as we have had them so ably

The PRESIDENT: For what purpose does the Senator rise?

Mr. BERRY of Cumberland: Mr. President, a parliamentary inquiry: To whom does the gentleman refer when he says there is an agent of the State Police in this body?

Mr. MILLS: Mr. President, I would be glad to reply. I meant, somewhat facetiously, of course, the good Senator who sits in front of me, Senator Logan, and yourself, the good Senator from Cumberland, Senator Berry, who have so ably carried the standard of the Chief of the State Police and the law enforcement bodies of this State. Both of you gentlemen deserve the commendation, I think, of this body and the entire legislature for upholding law and order in this session, and I meant nothing derogatory in making such a refer-

ence. I hope you will appreciate it as an intended compliment.

Anyway, when I came in I saw one of my good friends of the State Police, and I figured that this matter must be of direct concern, and I have a message from the floor managers of the House in regard to this action of the House, which I would like to communicate, in my poor way. That is that the concern of law enforcement people, and I submit it is probably a very proper concern, is that this amendment which has been adopted by the House, this report that has been adopted by the other branch, does do away with executive privilege. There is no reason why, as I understand it, that our body cannot present an amendment, which hasn't been presented at this point, striking out the part which eliminates executive privilege and which is on the side of law and order, of course. The amendment would strike out the words in Section 4566 (a) of L. D. 1593, in lines 5 and 6, striking out the following words: "There shall be no executive privilege in such investigations and hearings." That would be eliminated. I can understand the concern of law enforcement, and I have been in law enforcement longer than the good Senator from Cumberland, Senator Berry has, and I would want executive privilege in this area. I will submit such an amendment if this motion pending here in the Senate is defeated and the bill, as adopted in the House, goes into effect here.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Now that Senator Mills has engaged in his personality discourse, I would appreciate it very much if he or somebody else would tell us about the bills.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that the Senate accept Report "A", Ought to Pass in New Draft.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled until

later in today's session, pending the motion by Mr. Wyman of Washington to Accept Report "A", Ought to Pass in New Draft.

Third Committee of Conference Report

The Third Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Providing for a Presidential Preference Primary." (H. P. 516) (L. D. 687) Ask leave to report: that the House recede from passage to be engrossed on H. P. 1151, L. D. 1473, adopt Conference Committee Amendment "B" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "B"; That the Senate recede and concur with the House in accepting the Minority Report reporting "Ought to pass" in new draft (H. P. 1151) (L. D. 1473) under title of "An Act Providing for Presidential Preferences in Primary Election", adopt Conference Committee Amendment "B" and pass the Bill to be engrossed as amended by Conference Committee Amendment "B" in concurrence.

On the part of the House:

BIRT of E. Millinocket
PORTER of Lincoln
STARBIRD of Kingman

On the part of the Senate:

DUNN of Oxford
TANOUS of Penobscot
KELLAM of Cumberland

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by Conference Committee Amendment "B" (H-591) in non - concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

Second Readers

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

House

Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 1271) (L. D. 1600)

Which was Read a Second Time.

Mr. Mills of Franklin then moved that the Resolve be Indefinitely Postponed, and requested a Roll Call.

The PRESIDENT: Is the Senate ready for the question? 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 at least 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 Franklin, Senator Mills, that Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I would like to pose a question through the Chair. I was thinking about this on the way up here this morning. I think that this is a good compromise, and I didn't say anything when the other one sort of went under the hammer this morning, but I was wondering - for instance, myself, I represent Senate District 18, and I live in Sagadahoc County. Sagadahoc County is with Androscooggin County and Franklin County. Now, would I take and vote for the councilor in this district? I assume that I would be able to do this. But I also represent half of Lincoln County and Lincoln County is in another district. Would I be able to vote for the councilor in this district and, if not, would these people be short-changed? I was wondering whether the committee discussed this. Probably it is in the bill, and I haven't had a chance to really look at it.

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

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: To tell you the truth, I don't believe we considered that issue. It is well taken, my leader, and I don't know what we can do about it. I don't want to give Senator Mills any more ammunition for his motion, but this was brought up in the last waning days of our committee meetings and executive sessions. It was brought up as an alternative to the several documents that we had before us, and it appeared to be probably the most harmless and quickest and simplest compromise of all the documents that were before us, and I don't recall that that was ever discussed. I don't know what would happen. The one man - one vote would be out the window; I think you would have one man - two votes possibly.

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 Resolve, Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council, 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 Anderson, Barnes, Bernard, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Mills, Minkowsky, Moore, Peabody, Quinn, Sewall, Stuart, and Tanous.

NAYS: Senators Beliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Logan, Martin, Reed, Violette, Wyman and President MacLeod.

A roll call was had. Seventeen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion prevailed and the Resolve was Indefinitely Postponed in concurrence.

Senate - As Amended

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 366) (L. D. 1248)

Which was Read a Second Time.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have got an amendment I want to offer later, the one I was talking about yesterday, and I would like to have this bill stay, with the good graces of the joint leadership, if it could, without getting down to engrossment, because once you get it engrossed and then you have got to amend it you are spending money and a lot of time going back and forth with it. I would like to have it stay unengrossed for a while and then get it engrossed along about the end of the session. And it can be used as a vehicle for anything necessary in the way of legislation. Therefore, Mr. President, staying within the admonitions that we have had, I would now move that it be placed on the table until later in today's session, and perhaps be able to confer with leadership about having it stay on the table a little longer.

The PRESIDENT: The Chair would inform the Senator that his motion is out of order.

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

Orders of the Day

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

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

Tabled — June 24, 1969 by Senator Barnes of Aroostook.

Pending — Passage to be Engrossed.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I have Senate Amendment "A" here to present, and I think this will overcome most of the objections to this particular resolve, but it is in conflict with the present House Amendment "A" that we

have now on the resolve. In order to pave the way for the presentation of this amendment I would move the indefinite postponement of House Amendment "A".

The PRESIDENT: The Senator from Aroostook, Senator Barnes, now moves that under suspension of the rules the Senate reconsider its action whereby it adopted House Amendment "A". Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, on further motion by the same Senator, House Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "A", Filing No. S-323, was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This amendment does something that perhaps is not absolutely essential in a constitutional amendment but it certainly will make a lot of people feel better. What it says, in effect, is that if any land is just held for appreciation purposes, and is then sold at a price that reflects the fact that it really wasn't properly farmland or coastal property, but was development property, at that time that it is sold there will be a kind of lien against the property for the difference in taxes for the previous five years. I think this should reassure many members of the Senate.

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

Mr. BARNES of Aroostook: Mr. President, I apologize, I should have explained that amendment, and I thank the good Senator from Kennebec for doing so.

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

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Yesterday we discussed this at some length with certain individuals who were concerned with this document, and it appeared that

those of us who were objecting to it were opposed to that portion of Section 1 which would permit timberlands, woodlands, in effect our wildlands, to occupy the present position which they do in our tax structure. That is, we know, for instance, that there are thousands of acres of timberlands and wildlands in the State that are being taxed as wildlands but, as a practical matter, are being used for recreational purposes, and the companies involved and the individuals involved, who own these tracts of land, realize substantial income from them through leases and other devices.

I was hoping that we would adopt the amendment which we were considering yesterday, which would amend the first section by limiting it to operating farms, in other words, farms that were presently being used, and farms in areas that were not being purchased for the sole purpose of resale at a higher price at a later date.

This amendment before us can create some very real administrative problems. I fail to see how this can be properly enforced. The minimum penalty equal to the tax which would have been imposed over the five years; does this mean that the local tax assessors are going to make a determination of whether a parcel of land which was purchased for \$1,000 today and ten years from now or five years from now was sold for \$1,500, whether in fact that property was held for the sole purpose of resale at a higher price? Again, we are going to be placing language in our Constitution which is not necessary.

Now, I can envision Section 1 and Section 2, farms and agricultural lands, timberlands and woodlands, open space lands which are used for recreation of the enjoyment of scenic or natural beauty, can be abused and exploited by companies, particularly the wildlands, the millions of acres that we have in this State which are being taxed at a very minimum rate today. I don't believe we should amend our Constitution to give this limited group, or limited number, at least, who possess millions of our acres, this prerogative.

We all have a genuine concern for the farmers and their plight. Of course, one solution could be that if the towns and areas where the farmers are concerned, if they could resort to some form of zoning and they could in fact designate a certain area as an agricultural area, they would not be exposed to taxing for other purposes.

I don't believe the amendment clarifies the problem. If we are concerned with the farmers, we should strike out all of Section 2, all of Section 3, and all the language, including timberland and woodland, in Section 1. It is quite apparent to me at least, that this bill is not designed to protect the farmers, but its purpose is to protect owners of our woodlands, timberlands and wildlands prevent them from paying a tax on the value of the land today. They have succeeded to date in avoiding paying taxes in many areas and this, of course, would just compound the problem and give them immunity which they do not have. I would oppose the amendment and the adoption of this L.D.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Let me paint a slightly different picture. Yesterday the Senator from Sagadahoc, Senator Reed, got up and expressed his deep confusion of mind, and I think this is pretty much true of all of us. We have a couple of problems facing us today, one of which is: Are we going to force the chopping up into subdivisions of vast sections of our State into—I think the expression was—a Coney Island? Are we going to make it absolutely impossible for lands to be kept in reserve for future development? Are we going to, by our taxing policies, force the coast and force the woodlands up north to be developed into holiday homes on small lots? Are we going to destroy the wilderness? On the other hand, very properly, Senator Beliveau raises the question as to whether we are falling into the trap of building substantial equities for these woodland owners in the north who need some understanding but who certainly don't

need this kind of financial help from us? I think this paints the picture pretty much.

I have avoided mentioning the farmers because they certainly have been mentioned adequately in previous debate.

But I think this constitutional amendment, upon ratification by the people, will make future legislators more capable of responding properly. I don't have any notion of what the answer is for the future development of our undeveloped lands, but I do have the feeling that future legislatures really need the tool to react to changing conditions. I think this amendment this morning allays many of the misgivings that were expressed by the Maine Municipal Association and, on that basis, I would say that this legislature would be acting responsibly if it passed this amendment and, subsequently the constitutional amendment.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I guess I was confused and maybe I still am today, but I think that one of the points that the Senator from Oxford, Senator Beliveau, mentioned was the wildlands in our State which is owned by relatively few people, and it comprises some ten million acres.

Now, in this session—I hope it has gone through, but I don't know whether the Governor has signed it or not—what we have done is to say that any great pond within one mile of a public road will be zoned and taxed accordingly as far as development is concerned. Secondly, we said that any great pond in the State that had more than five cottages on it, within 500 feet of the shoreline, would be then zoned and taxed accordingly. It seems to me that this isn't as far as I possibly would like to have gone but, at the same time, it is a step in the right direction that this land that is being developed will be taxed, not as wildland, but as developed land. Therefore, I think this somewhat takes care of this ten million acres which he is concerned with and I am also concerned with.

I do agree and I feel it is one of my objectives to try to keep Maine as Maine and, at the same time, have good sound economic development. I think that this is a tool that may be needed and I would like to see it go on further. Again, I think there is one thing we can be sure of, as far as every other place in this country is concerned, that when there has been a clash between sane development, what I call sane development, and the dollar, the dollar has always won out. At least in the long run I don't think that it is an economic gain, but immediately it is. And I just feel as if our Constitution right now pretty well limits it and gives the big advantage to the developer and to the fast buck seeker, and I would like to see something like this passed along. Maybe it will have to be further amended but, at least at this time, I will vote for this amendment and the bill as amended.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I don't really know what impact this constitutional amendment will have on this L. D. that Senator Reed was referring to, but I do know, or I can envision, at least, that there could be some conflict between this amendment and this other bill. If we pass this document, there is nothing that would prevent subsequent legislatures from enacting legislation to amend that document to permit that property to be used and valued and taxed at its present value.

This document is very broad in scope, it is very comprehensive, and we haven't been given, in my opinion, a satisfactory answer as to why there is a very real need for it. The argument is that farms and agricultural lands must be protected, we must protect their interest, fine, I don't deny that either, but I don't believe we need that additional language in there. I am very reluctant to tamper with our Constitution because we all know that once a section of our Constitution has been amended

it is practically impossible to amend it further or to repeal that section at a later date. We still haven't recovered, as I mentioned yesterday, I believe, from the constitutional amendment which provides for dedicated revenue for our gas tax. I think, if we were confronted with that legislation again, the legislature would pursue a different course. I think we better consider it very seriously and think very seriously before we enact this type of legislation. I therefore, move, Mr. President, that this L. D. and its amendment be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, now moves that Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I am in agreement with the good Senator from Sagadahoc, Senator Reed. I know of a considerable amount of shore property in our area that is being taxed very heavily and, as a result, is being sold to the speculators and then it is immediately subdivided and closed off to the public, whereas before the public has had the use of it. This seems to me as though this is forcing land into the hands of the speculators and depriving the public of a good many privileges they have at the shore. I am most heartily in agreement with Senator Reed's thinking.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: If I understand this resolve and amendment that I proposed correctly, it is nothing more than enabling legislation to provide in our Constitution whereby in the future we can legislate something to implement this so that land could be taxed on its

current use. Now, this amendment, if I interpret it correctly, and understand it correctly, does two things. It does this and it also protects the community interests so that if land is sold for a higher value the community can collect the proper revenue for a five-year period, plus the interest. I can't see any harm with changing the Constitution to make provision for future legislation in case they want to change it one way or the other, as they see fit.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I had a little experience this spring with land on the coast. I bought a place in Castine — I don't want to give any figures, but it was in the very high figures. The person that had it bought it fourteen years ago for eight or nine hundred dollars, or a thousand dollars — I might as well tell you the figures — I bought it from her for \$60,000, but she backed out on me. Somebody else offered her \$65,000 for it. Now, are we going to pass legislation that will allow people to speculate so much on land? We allow them now five years, but they can keep it ten years and they will get a quarter of a million dollars for it. Why shouldn't somebody be able to buy it and be able to use it? What we are doing now is that we are not going to tax them for the land. They are not going to sell it. They have got money enough, most of the people.

I looked around that section there and most of the land has been bought by people from out-of-state. Farms that they paid \$1,000 or \$1,200 for, it is worth \$100,000 now. They will keep it ten years instead of five, and it might be worth a quarter of a million unless something happens and land goes down.

I spoke yesterday with a gentleman, I think he was in the House or the Senate from Washington County, and he bought a farm last year for \$10,000, and he sold it within a month or two — he is now, I think, in the real estate

business, and maybe Senator Wyman would know who he is — I think he was in either the House or Senate last legislature — and he sold it for \$18,000. And the person that he sold it to for \$18,000 sold it now for \$45,000 and he didn't want to sell it at all. I guess there is hardly any tax on it.

There is a farm that I tried to buy on the coast and I offered \$65,000. They are asking \$66,000, and there is \$110 taxes on it. I think that person can keep waiting for ten years and he is going to get \$200,000 for it or something. We are protecting speculators. That is what we are doing. I am giving you straight figures, and I can give you the names if you want me to. I will give you the telegram from the lady in California. She wired me a telegram that she was sorry she couldn't let me have it because she was changing her plans. Now somebody else has offered her \$65,000 for the same piece of land. I guess she is not willing now to sell for \$65,000 because she got scared that she wasn't asking enough. She is going to keep it and then ask \$100,000. That is straight. If you want, I will give you the figures and names and everything you want to know.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate. I think the good Senator from Kennebec is sort of a hard act to follow, but I would like to say a couple of words.

I agree with Senator Beliveau in the fears that he expressed as to the possible impact of this particular bill. I think the legislation reflects the approach that many people or all people take to taxation. They usually fuss about the tax they have to pay, the valuation on the property and so forth, when actually the real problem is the rate of the tax. The difficulties we have in the State of Maine, the difficulties we have everywhere, with taxation programs, income, property and otherwise, is the high rate of tax. I really feel that we would all be

far better off if we put our attention to possible methods of reducing the rate of tax and not try to do what I really feel is corrupting the law by changing the method of valuation placed on property.

The property has a certain value, and the only thing we really can ascertain is what that valuation is through the regular assessment practices, and I am very much opposed to jockeying and changing the valuations. I have a good many instances myself that I can recall, as Senator Levine has recalled, where property is pretty much sort of held in the bank, and the rest of us people in this State are boosting up the value of that property. I think we all know that those people in this country who got rich on property have gotten rich at the expense of his fellow citizen, because it is the population in the country that creates the value on these properties. I really feel that if a person has property which is legitimately valued at a certain value that they should pay the tax, and their complaints should be directed toward the rate and not the valuation. If the valuation is inaccurate, I believe there are ample procedures under the law to dispute that valuation.

In this particular instance, I am sure that we can dispute valuations through the regular channels of filing your valuation figures in April, and then, of course, going right through to the courts if you need to. So, if people do have property which is not worth as much as it is being valued at, they have a remedy, and I can't see changing the valuation just to suit these people because they want to hang onto the property.

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

Mr. REED of Sagadahoc. Mr. President and Members of the Senate: I suppose maybe my motives are somewhat selfish here. Ten years ago I would go down on the coast and I could land on an island or something like that, have a picnic lunch and have a good time. I guess I am a loner

and I like to get off by myself sometimes with the family. Now I don't think there is more than half a dozen places that I can go without being driven off, and I suppose that affects my thinking.

I feel as if what the Senator from Kennebec said, Senator Levine, is so true, that property along the coast is just going sky-high, and people who hold land now can't hold it any longer because, although it is only valued for maybe \$100 now, because of the subsidies and the pressure that has been brought upon them these town officials are going out and they are putting a real price on it.

Now, I do not feel that we should give tax shelter to the speculators. It seems to me the State has two alternatives. No. 1 is to go along and buy up a third of the coast, or maybe less, but a good chunk so that the people in our State can enjoy it. Certainly we have bought Reid Park down our way and Popham, and I commend the State. I think we have made great efforts here, but this isn't anywhere near enough if the State is going to be industrialized. And I hope it is so we can keep our young people here. We have got to provide more access than we have now to the coast.

I feel that this is possibly an alternative in which people who have large tracts of land can somehow, if they are willing, to set this aside for public use and not be taxed to death by it, this might be a good economic alternative for the State. Now, if they cash in and make a killing on it, why, this is unfair, and I hope that future legislatures or the towns would enact some type of laws to prevent people from doing this. But I do feel that this is one alternative possibly that the State might have instead of purchasing large tracts of coastal land, which I think they should, for the common good of the people and enjoyment and so on. Therefore, I haven't changed my mind by what has been said. In fact, I think they have strengthened the argument that something is going to have to be done or else there is not going to be any va-

cant coastline left to the people of the State.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that Resolve, Proposing an Amendment to the Constitution Providing for Valuation of Certain Lands at Current Use, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of indefinite postponement will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

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

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

Tabled—June 24, 1969 by Senator Hoffses of Knox.

Pending—Enactment.

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

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

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

Tabled—June 24, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Quinn of Penobscot then moved that the Bill and all ac-

companying papers be Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, a division was had.

Thirteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

Thereupon, Mr. Beliveau of Oxford presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-325 was Read.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I am thoroughly confused. I don't know what this amendment does, and I hesitate to vote on anything unless I understand it. I would pose a question through the Chair to the good Senator from Oxford, Senator Beliveau, if he would explain the impact on this bill and what it does?

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

Mr. BELIVEAU of Oxford: Mr. President, this is a very minor amendment that will not have much of an impact on this document. In order to meet all the objection raised on this, I think it was necessary to strike out all the objectionable features. It isn't as thorough as one might suspect or as it appears on the surface. We have retained Section 2, which limits the salaries of certain State officials to \$16,500, and lists them, including the Forest Commissioner, Chief of the State Police, and so forth, but strikes out the section which creates the Unclassified State Employees Salary Board. It strikes out that section which reduced the salaries of the Executive Director of Arts and Humanities and Director of the Museum Commission from \$18,000, which they are presently receiving, to \$16,000, and strikes out the first section of that language which would create the board itself. But it does retain the section on limiting the salaries to \$16,500 of these other enumerated State

officials. So, it does serve a real purpose in its amended form.

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

Mr. WYMAN of Washington: Mr. President, this bill came out of the State Government Committee, but I don't recognize it now at all. But, as I understand it, it merely leaves salary limits on the books which are already there and, in that case, I don't see that we need the bill at all. If Senator Beliveau can explain what it does, other than leave the law the way it is I would appreciate it.

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

Mr. BELIVEAU of Oxford: Mr. President, Senator Wyman is correct. It leaves the law the way it is, with the exception of striking out the Executive Secretary of the Retirement System, so we are contributing positive to this title.

As it is now, the Executive Secretary of the Retirement System, I have forgotten the reason behind it, but there is a reason why he shouldn't be there.

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

Mr. WYMAN of Washington: Mr. President, this is strange. In the original form it did have the Executive Secretary of the Retirement Board in it. As I understand it, he is not in the present law now, and the Bill, as it was originally written, had him included. Now, this would take him out but he is not in the law anyway, as I understand it, and I can't see that the bill does anything and I don't see much use in adopting the title.

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

Mr. KATZ of Kennebec: Mr. President, it is my understanding that this amendment, among other things, does have a direct impact on the salary of the Director of Arts and Humanities. If you want to strike out at this amendment, leave the bill alone, because there were a good many of you who were nice enough to go along with me on the adoption of Senate Amendment "A" or "B", and I hope that we judge this amend-

ment on its own merits, but let's leave the bill alone.

The PRESIDENT: The question before the Senate is the adoption of Senate Amendment "C".

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Thereupon, on motion by Mr. Tanous of Penobscot, a division was had. Twenty-eight Senators having voted in the affirmative, and three Senators having voted in the negative, Senate Amendment "C" was Adopted.

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

Mr. MILLS of Franklin: Mr. President, I would like to inquire, through the meanderings of this bill and the various amendments, the status of the amendment that came in here yesterday morning, which was explained yesterday afternoon as having a salary increase for the Commissioner of Education. Is such an amendment still on the bill?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. MILLS: Mr. President, I would suggest to the body that there is a number of us who are perhaps disappointed in failing to obtain salary increases for various branches of government this winter, particularly for the court system, the courts being underpaid according to the standards of other jurisdictions. I mean, if we are going to have a seesawing situation where salaries have to go up to be equalized with other jurisdictions and other agencies, then our judges are below par in that respect. Maine doesn't lead by any means; Maine is behind the rest. Even as it is suggested by the Senator from Kennebec, Senator Katz, that we are not leading — even some of our superintendents of schools in the municipalities are paid more than our Commissioner. I wondered if perhaps we could withhold this from engrossment and use this as an omnibus salary increase bill.

We have set the precedent by putting on this amendment yesterday, and some of us lawyers who feel for our courts, and some other people who have areas of government in which they have an inter-

est, could use this as sort of a salary equalization board. We could be a salary equalization board and use this bill as our vehicle just as our good Floor Leader did yesterday morning. For that reason, Mr. President, I would ask if some Senator would table it until later in today's session and we could perhaps consider this our salary equalization table.

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

Mr. KATZ of Kennebec: Mr. President, I think the approach being suggested by the Senator from Franklin is completely proper. I am not disturbed at the procedures being followed or the motivation of the suggestion. The only thing that I would ask is that if we do consider other salaries that we do so individually on their own merits. We have already had a substantial expression on one salary, and I hope that any other salaries the Senator might choose to bring up will also get a fair and honest day in court. On that basis, I do hope that somebody might table it until later in today's session.

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

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

(Off Record Remarks)

On motion by Mr. Katz of Kennebec, recessed until 11 o'clock this morning.

After Recess

Called to order by the President.

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Hoffses of Knox.

ORDERED, the House concurring, that there is created a Joint Interim Committee to consist of 3 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House to make a detailed analysis of the func-

tions, duties and general operations of the State Department of Inland Fisheries and Game to determine where possible, current levels of efficiency and the extent to which its funds are being properly utilized; and be it further

ORDERED, that the members of the committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties within the limits of funds provided; and be it further

ORDERED, that there is appropriated to the committee from the Legislative Appropriation the sum of \$200 to carry out the purposes of this order; and be it further

ORDERED, that the committee shall submit a report of its analysis, including any necessary legislation, at the next regular or special session of the Legislature. (S. P. 537)

Which was Read.

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

Joint Order

Out of order and under suspension of the rules, on motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a Bill providing funds to make effective the Acts which have been passed to be enacted, and the Resolves which have already been finally passed and Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971. (S. P. 538)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

On motion by Mr. Katz of Kennebec, recessed until 1:30 o'clock this afternoon.

After Recess

Called to order by the President.

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

Joint Order S. P. 522—Relative to recalling Bill, "An Act Providing for the Taxation of Forests (H. P. 876) (L. D. 1119) from Legislative Files to the Senate.

In the Senate June 24, 1969, Read and Passed.

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

On motion by Mr. Martin of Piscataquis, the Senate voted to Insist.

Non-concurrent Matter

Bill, "An Act Relating to Assistance to Municipal Assessors." (S. P. 518) (L. D. 1605)

In the Senate June 24, 1969, Passed to be Engrossed.

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

Mr. Wyman of Washington moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Martin of Piscataquis, a division was had. Fourteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

Non-concurrent Matter

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

In the Senate June 20, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-3) and Senate Amendment "A" (S-299) in non-concurrence.

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

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

Mr. KATZ of Kennebec: Mr. President, I wonder if someone

could explain the implications of the difference of opinion between the two bodies?

The PRESIDENT: The Secretary will give the filing number of House Amendment "A."

The SECRETARY: House Amendment "A," Filing No. H-3. Senate Amendment "A," Filing No. S-299.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Recede from its action whereby the Resolve was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to Recede from its action whereby House Amendment "A" was Adopted and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed in concurrence.

On further motion by the same Senator, the Senate voted to Recede from its action whereby Senate Amendment "A" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Senate Amendment "B," Filing No. S-315, was Read and Adopted and the Resolve Passed to be Engrossed as amended in non-concurrence.

Sent down for concurrence.

Senate Papers

Mr. Berry of Cumberland presents,

Bill, "An Act to Amend Bond Issue Acts by Removing Limitations as to Interest." (S. P. 540) (L. D. 1614)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed:

JERROLD B. SPEERS
Secretary of the Senate)

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I move the rules be suspended and this bill be given its first reading, and I would like to speak very briefly to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the rules be suspended in order that this bill be given its first reading. Is this the pleasure of the Senate?

The motion prevailed.

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: Some bond issues of previous legislatures, which have gone out and been accepted by the people, had in them a ceiling on the interest rates of five per cent, and there is at the present time in the hands of the State Treasurer for sale \$16,000,000 of these bonds of assorted referenda. The only way that this ceiling can be removed will be by another referendum going to the people for their approval because they voted at the time they did with the full knowledge that there was a five per cent ceiling.

At the present time the State Treasurer has been advised by bond counsel and bond sales people in New York and Boston both that the current market rate on our bonds for this purpose is five and a quarter per cent, an almost unheard of figure, but still these are the facts of life. The passage of this L. D. will permit the issue to go to the people next November. Pending this action, the treasurer will be unable in any event to sell the bonds; upon approval by the people he will be.

There has been some question raised as to what should be put in as to a ceiling to replace it and, to put all the cards on the table, this bill has no ceiling. I think that we all realize that the rate that the State pays, or anybody who issues bonds, is determined by the existing money market at the time, and the fact that there is a ceiling in there is of really no practical use at all. Most of the bond issues which we have turned out this session have had no ceiling as to interest rates in them and, of course, they are all put up for competitive bidding and this is the best system in the world to be sure that there is no problem.

I move that the rules be suspended and this bill be given its second reading.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I understand quite clearly what Senator Berry wants and what is needed, but I don't like to send the amendment out for a constitutional change that would not have any limit. We could very well wind up in another year or two so that we would have to pay ten per cent interest on bonds. I think that we should have limitations in this that it couldn't exceed so much. We will say, "Well, they wouldn't sell them." How do we know that they wouldn't sell them if the bid were eight, nine or ten per cent. I don't approve of this myself.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think back when I first came to the Legislature, in the 100th Legislature, I would be surprised if we were paying even three per cent. I would have thought at that time that it would be utterly impossible that we would be paying five and a quarter per cent. If the interest rate ever does go for a bond such as this, a State bond, to ten per cent, I think almost at that time we really would be in trouble.

Once again, what bothers us is that we have got to be realistic, and if the bond market does go to ten per cent then the State has just got to decide whether it is going to sell bonds.

Now, every one of these issues is a issue that the people have voted upon. We are not asking to give them a free stick because they have already known what they are voting for. Every one of these issues are for sewerage construction or school loans, items which have been approved individually by the voter. Quite frankly I think we could say that the voter didn't realize that he was voting on a five per cent ceiling and probably could care less, but we as legislators are responsible. I do feel that Senator Moore's concern, as I mentioned earlier, as to the ceiling—I respect his opinion, but

I don't think it is a practical matter. The cost of the bonds is going to be determined by the money market at the time. The decision to use the bonds is something that the voters had decided on.

The PRESIDENT: First reading of the printed bill.

Thereupon the Bill was Read Once. On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Bill was given its Second Reading, Passed to be Engrossed and Ordered Printed.

Sent down for concurrence.

Orders

Out of order and under suspension of the rules,

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession. (S. P. 539)

Which was Read and Passed.

Sent down for concurrence.

Committee Reports

House

The Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. D. 1002:

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

On the part of the House:

PAYSON of Falmouth
LUND of Augusta
HEWES of

Cape Elizabeth

On the part of the Senate:

KATZ of Kennebec
TANOUS of Penobscot
VIOLETTE OF Aroostook

Comes from the House, the report Read and Rejected and the House having further Insisted and

asked for a Second Committee of Conference with the following conferees appointed on its part:

PAYSON of Falmouth
LUND of Augusta
Hewes of Cape Elizabeth

Which report was Read.

Mr. Katz of Kennebec then moved that the Senate accept the Committee of Conference Report.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senate will notice that this is not the action that the other body took. They have rejected it and asked for another Committee of Conference and have reappointed the same Conferees.

The difference of opinion between the two bodies is very much the same as the difference of opinion that has been expressed in here. The other conferees have looked upon this purely and simply as a law enforcement bill, and I have been convinced that we do not have the votes to pass this in the Senate as a law enforcement bill. But I do want to renew and re-express my sense of outrage at what this bill has turned up to me, a line of things I didn't know until now.

I didn't know until now that police at any level, or snoopers at any level, can tap my telephone with impunity and there is no State prohibition against it. You will recall that the intent of the Senate Amendment was to prohibit this snooping. I don't like the idea of police, no matter how worthwhile their purpose, and no matter how zealous their aims, of their being able to tap my telephone without recourse to the courts. I would have been delighted if we could have had the bill that said they could do this with recourse to the courts, but we can't and I want to express my grave disappointment that the protection and sanctity of our homes has not been accomplished by the failure of this Conference Committee.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the report of the Committee of Conference. Is this the pleasure of the Senate?

The motion prevailed in non-concurrence.

Sent down for concurrence.

Senate

Committee of Conference Report

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

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

On the part of the Senate:

CONLEY of Cumberland
VIOLETTE of Aroostook
MILLS of Franklin

On the part of the House:

LINCOLN of Bethel
CURTIS of

Bowdoinham

OUELLETTE of

South Portland

Which was Read and Accepted.

Sent down for concurrence.

Enactors

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

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

(On motion by Mr. Mills of Franklin, temporarily set aside.)

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

(On motion by Mr. Beliveau of Oxford, temporarily set aside.)

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

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

An Act Relating to Contracts for Support. (H. P. 863) (L. D. 1105)

An Act Relating to Reasonable Counsel Fees Under Uniform Act on Paternity. (H. P. 635) (L. D. 823)

An Act Revising Certain Probate Laws. (H. P. 522) (L. D. 693)

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

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

The President laid before the Senate the matter previously set aside as requested by Mr. Mills of Franklin, An Act Relating to Contracts of Loans Under Small Loan Agency Law. (H. P. 622) (L. D. 810)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MILLS of Franklin: Mr. President, noticing the absence of two Senators who have decided views on this subject and also noting that—I believe, it would be concurred in by leadership—that no delay in the adjournment would be incurred thereby, I would ask, perhaps, that some Senator from Kennebec would move that this be put on the table until tomorrow.

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

Mr. Levine of Kennebec then moved that the Bill be tabled and tomorrow assigned, pending Enactment.

On motion by Mr. Katz of Kennebec, a division was had. Fourteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

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

Mr. MILLS of Franklin: Mr. President, understanding the pending question to be enactment, I ask for a division on the vote.

The PRESIDENT: As many Senators as are in favor of enacting the Bill 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 thirteen Senators having voted in the negative, the Bill was Passed to be Enacted.

Mr. Berry of Cumberland then moved that the Senate reconsider its action whereby the Bill was Passed to be Enacted.

Mr. Conley of Cumberland subsequently moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland that the Senate reconsider Enactment.

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

Thereupon, the President ordered a division on the motion for reconsideration. Twelve Senators having voted in the affirmative, and seventeen Senators having voted in the negative, the motion did not prevail.

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

On motion by Mr. Beliveau of Oxford, the Senate voted to reconsider its action whereby it Passed to be Enacted An Act Providing for Implied Consent Law for Operators of Motor Vehicles (H. P. 1030) (L. D. 1339)

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Since we are all concerned with highway safety and most of us would like very much to see this measure passed, I believe that the citizens of Maine are entitled to know exactly where we stand on implied consent. I would now move for enactment and request a roll call, please.

The PRESIDENT: The Senator from Oxford, Senaor Beliveau, now moves enactment of An Act Providing for Implied Consent Law for Operators of Motor Vehicles and requests a roll call. 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. As many Senators as are in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: On the merits of the bill, would the good Senator explain the exact present status of it? I know it isn't the same as when it came out of committee, I believe that it isn't. I believe that it has been watered down and has some amendments attached to it. What is the present status of the bill?

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: The amendments have strengthened the bill. I do not believe that they watered it down in any sense, not at least to the extent some people would like. In any event, the bill in its present form provides for a blood or urine test and also would give the operator the right to request an additional test by a physician of his choosing at the expense of the State. It also reduces the period of suspension from six months to three months, and then there are a few other minor changes I am not too familiar with, but they are innocuous and slight ones and very minor ones at best.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I guess, being the only attorney here in this chamber here who consistently votes for the bill, not only in committee but in the chamber, I think it is still a very, very good bill and I think, hopefully, it will provide our law enforcing agencies with another tool in the matter of cutting down the deaths on our highways. I personally do not feel the bill has been drastically harmed by the amendments. I think, if anything, it is still an exceedingly good bill and I hope it does what the Highway Safety people hope it will accomplish.

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

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

Senate: I don't like to throw a discordant note into this love feast, but I consider the bill completely emasculated. I can see that we are going to have a record vote so that some of those who opposed the bill in the past can now be on the winning side and say that they voted for implied consent. Let's not fool anybody, including the public; we are coming out of here with a tattered rag when we should have had something that could be proudly flying the yard-arm. These are the facts of the matter.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I object strongly to the language that Senator Berry has referred to in describing this measure. The Highway Safety people are very pleased with the document in its present form. We are complying with the federal act that requires implied consent—as a matter of fact, the great majority of the states, limit the implied consent to a blood test, but we have expanded it to include a urine test. I think the record should also be very clear that the Highway Safety people, the sponsors of the bill, are very pleased with its present form. The original document needed a great deal of work and, although it has not gone as far as I would like to see, I think it is livable. It will remain to be seen as to the effect it will have on deaths on our highways and so forth. Also, it will be interesting for me to see how it is going to be enforced in the next year or so, and see what effect, if any, it will have on the members of the Senate.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Back some time ago, when we were having a great deal of difficulty getting this bill back and forth between branches, many of us felt this bill was in very poor form when it came from the Judiciary Committee. I said at that time that if the Senator from

Oxford, Senator Beliveau, presented his several amendments to clean up the bill then I would consider voting for it. I would like to clearly state for the record, though, that prior to the amendments being put on the bill, as I stated before, two Superior Court Judges indicated to me that in its present form they are strictly opposed to the legislation. I am somewhat reluctant, because of the fact that I still think that the good Senator from Penobscot, Senator Quinn, is correct, notwithstanding the advisory opinion of the Supreme Court that there is a constitutional question here, but because of the fact there are so many deaths taking place on the highway due to alcohol I am reluctantly going to support this legislation today.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I guess we all agree it is a good bill but I feel that this alone isn't going to solve the problem. I think Senator Logan has got a bill here, and his bill should be passed to make this one impossible. His bill is to train the officers. Last Saturday I was driving from Belfast towards Waterville, there was a big truck in back of me, and instead of blowing the horn, and he was driving kind of sideways, we got scared, there was three of us in the car, and we pulled up near a store. There was another car in front of us, about five hundred to a thousand feet, and the other car tried to turn, and had his signal on, but the truck hit the car right straight sideways. The man got out and he was dead drunk. They called an officer from Belfast and I told my good friend, Senator Greeley, what happened there. The officer came and we told him the man was drunk and the officer said, "I am not going to do anything until you people pass a law. I don't know if he is drunk or not." I said, "The man told us he was drinking." Then in front of the officer we asked the driver if he was drinking and he said, "Yes, but all I was drinking was beer."

I said, "Would you like to go and take a blood test?" He was so drunk he didn't know what a blood test was. The officer told him to go ahead and he told me to tend to my business. This bill is a very good bill, but I still feel we should pass Senator Logan's bill to have the right people to enforce it. Any tool is as good as the man that uses it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of an Act Providing for Implied Consent Law for Operators of Motor Vehicles. A "Yes" vote will be in favor of enactment of the bill; a "No" vote will be opposed. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Beliveau, Berry, Boisvert, Conley, Dunn, Duquette, Gordon, Greeley, Hanson, Hoffses, Katz, Kellam, Letourneau, Levine, Logan, Mills, Minkowsky, Moore, Peabody, Reed, Sewall, Stuart, Violette, Wyman, and President MacLeod.

NAYS: Senators Cianchette, Martin, and Quinn.

ABSENT: Senators Bernard and Tanous.

A roll call was had. Twenty-seven Senators having voted in the affirmative, and three Senators having voted in the negative, with two Senators absent, the motion prevailed.

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 matter previously set aside as requested by Mr. Beliveau of Oxford, An Act to Grant Adult Rights to Persons Twenty Years of Age.

Thereupon, on motion by Mr. Anderson of Hancock, a division was had. Twenty-four Senators having voted in the affirmative, and six Senators having voted in the negative, 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.

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

Comes from the House, having failed of Final Passage.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bill, as originally introduced, was a constitutional resolve, and in the process it picked up a few items which really are not properly in a constitutional question. I have proposed an amendment here which will delete these items and leave it in its pure form, which is really just adding the matter of the M.I.B.A. being able to finance the so-called service industries, and nothing else.

There were several other items, as I say, which were included. An amendment was added limiting the loans to \$5,000,000 without approval of the Governor and Council, and then we added an item that all insured loans should be opened, the books of the borrowers should be opened for inspection by the auditors of the M.I.B.A. The M.I.B.A. people have agreed to include in their lease language in the future provisions that the borrower will make his books available for inspection. I guess we will just have to leave to another legislature the matter of limits on the loans. Accordingly, Mr. President, I would move that the rules be suspended and the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, under suspension of the rules, moves that the Senate reconsider its action whereby item 8-9 L. D. 1316, was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Berry of Cumberland then presented Senate Amendment "E" and moved its Adoption.

Senate Amendment "E", Filing No. S-522, was Read and Adopted and the Resolve, as Amended,

Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Emergency

An Act Relating to Damage to Private Water Supplies Resulting from Alteration of Highways. (H. P. 445) (L. D. 569)

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

Mr. Martin of Piscataquis moved that the Senate reconsider its action of earlier in today's session whereby it voted to Recede and Concur on Bill, "An Act Relating to Assistance to Municipal Assessors" (S. P. 518) (L. D. 1605).

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

Mr. WYMAN of Washington: Mr. President, I oppose that motion, and ask for a division, please.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Piscataquis, Senator Martin, that the Senate reconsider its action whereby it receded and concurred with the House on Bill, "An Act Relating to Assistance to Municipal Assessors," will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Mr. BERRY of Cumberland: Mr. President, is the Senate in possession of Resolve, Proposing an Amendment to the Constitution Providing a Full-time Attorney General to Hold Office for Four Years (S. P. 491) (L. D. 1585)?

The PRESIDENT: The Chair would answer in the affirmative,

the Resolve having been held at the request of the Senator.

Mr. BERRY: Mr. President and Members of the Senate: This morning the Senate receded and concurred with the House in passing this bill to be engrossed with numerous amendments on it. In the process it was overlooked that there are two duplicating amendments, House 534 and House 585, which both say that the pay and allowances of the Attorney General should be the same amount as a justice of the Superior Court. One of these should come off. Accordingly, Mr. President, I move that we reconsider our action whereby the Resolve was passed to be engrossed.

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

The motion prevailed.

On further motion by the same Senator, the Senate voted to Recede from its action whereby House Amendment "A", Filing No. H-534, was Adopted and, on subsequent motion by the same Senator, House Amendment "A" was Indefinitely Postponed in non-concurrence.

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

Mr. BELIVEAU of Oxford: Mr. President, one further inquiry: Are these the only two amendments to this document, or are there others?

The PRESIDENT: There are others. House Amendment "C", Filing No. H-541, is on the document. The other amendment on it is House Amendment "A" to House Amendment "C". Those are the only two amendments that are now on the bill.

Mr. BELIVEAU: Mr. President, possibly the good Senator from Cumberland could explain or outline these two amendments for us.

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

Mr. BERRY of Cumberland: Mr. President, my action this afternoon in connection with this bill is a courtesy to the Secretary of the Senate, and I have no particular professional interest in the bill.

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

Mr. BELIVEAU of Oxford: Mr. President, I am assuming then that the good Senator from Cumberland is disclaiming any connection with the legal profession on this. In any event, apparently this changes the bill from being elected by the members of the legislature for a four-year term to being elected by the electorate for a four-year term. Apparently that is the only change. I am just trying to clarify it in my own mind, not that I have any objection to it. Apparently someone is very familiar with this, which I am not, and the original document is being changed from a four-year elective term by the legislature to a four-year term elected by the citizens of the State. Also it would provide that the Attorney General would be a full-time officer and must devote all of his efforts to this office, as I understand it.

The PRESIDENT: Is it now the pleasure of the Senate that this Resolve as Amended, be passed to be engrossed in non-concurrence and sent down for concurrence?

The motion prevailed.

The President laid before the Senate Communication 2-2, Senate Paper 520, Tabled earlier in today's session by Mr. Quinn of Penobscot:

Pending - Consideration

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This is a very fine report from the Director of Public Improvements, and impresses upon us the need for the State to retain its title to these properties for such future use as the State may need it. I now move that the report be filed.

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon, the Communication was Placed on File.

Sent down for concurrence.

The President laid before the Senate Joint Order 4-1, Senate Paper 531, tabled earlier in today's

session by Mr. Katz of Kennebec, pending Passage.

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

The President laid before the Senate Joint Order 4-2, Senate Paper 532, tabled earlier in today's session by Mr. Katz of Kennebec, pending Passage.

Mr. Katz of Kennebec then moved the pending question.

Thereupon the Joint Order received Passage.

Sent down for concurrence.

The President laid before the Senate Joint Order 4-4, Senate Paper 534 tabled earlier in today's session by Mr. Katz of Kennebec, pending Passage.

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

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

Bill, "An Act Establishing a Human Rights Commission" (H. P. 1050) (L. D. 1384).

Pending - the motion of Mr. Wyman of Washington to Accept the Ought to Pass in New Draft Report "A" of the Committee.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: There is a substantial difference between Report "A" and Report "B". Both reports deal with the issues of public accommodation, fair housing and fair employment, but they differ in the methods by which this law would be administered and enforced. Report "B" is concerned primarily with pursuing the course of conciliation and mediation as compared to requiring an injured party or the commission to go to court to enforce this particular statute. Report "B" would provide for an informal and private method by which people who were aggrieved by violations of this particular section, whether it relates to housing, employment or accommodation, could receive some consideration.

Report "A" is a watered down version of the original document. It would not, in my opinion, result or produce the results, which were intended when this document was introduced. If we reject Report "A", and adopt Report "B", I propose to present an amendment which would, first of all, strike out the purpose clause under Section 4552, which appears to be a philosophical statement of the citizens of Maine and the fact that we, of course, are opposed to any form or practice of discrimination. I do not believe that this lengthy preamble is necessary, and many people indicated to me some objection to it because of the language contained therein. It is not needed to properly administer this law and it could be stricken.

In addition, in reviewing this document with other proponents, I intend to include in the amendment language which would delete under Section 4612, which is found in the amendment under Filing Number H-582, that language which would permit the commissioner to withhold the names of the complainant or those who claim to be victims of discrimination.

I think we are all familiar with both bills. As I say, all three attempt to deal in the areas of public accommodation, fair housing and fair employment, but Report "A" is a weaker version of this document. In many areas, although it provides in one clause that it shall be a crime, or should be unlawful to do this, it does not give the commission, the tools nor the alleged victim the tools by which this practice can be ceased or terminated. It also seems to place more emphasis on the criminal end of things rather than the conciliation and arbitration which Report "B" does.

Also, for those who are concerned as to whether this law would extend to areas where one of us may own our own home, and whether or not we are also required to rent or lease a building to a person, even to whom we may have objections, there is a Grandma Murphy clause in this which would permit a person to discriminate if he wants to, as long as the number of units involved

in that building do not exceed three.

In the federal employment area, although there is federal legislation now which prevents discrimination, it applies only to employers who employ twenty-five or more, and this bill is designed to correct that deficiency.

So, I trust that the members will defeat the motion to adopt Report "A", so that we in turn can adopt Report "B", and I will then offer my amendments.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: We heard this very thoroughly debated or presented, at least, before the State Government Committee. To me, there was some very objectional clauses in the original bill and they are still in there now. Here is one on page twelve that says, "As to any contract granted by the State or agency thereof after the effective date of this act, if the other party thereto is finally found to have engaged in unlawful employment discrimination, such contract shall forthwith terminate and be null and void, and no further payments shall be paid on account thereof for goods or services thereafter rendered." It just seems to me that is rather a strong statement.

There are several other sections that say that there is some relief from this if the State Purchasing Agent decides a contract cannot be completed by some other person, or that the State would incur greater additional expense than having it completed by another person, to the extent that the Governor and Council approve the completion of all or part of the contract by the original contracting party. Then once a person has been found guilty of this it says, "No person holding a contract with the State or any agency thereof may directly or indirectly employ as a subcontractor a person who has within the preceding five years been finally found to have been engaged in unlawful employment discrimination, or who in the actual knowledge of the contractor is then

engaging in unlawful employment discrimination.”

We were talking a short time ago about implied consent, and the good Senator from Oxford felt that if a person was convicted of driving while under the influence then he should have his license suspended for three months, his driving license, but this goes for five years; a man cannot deal with the State for a period of five years. It just seems to me that that is very strong language, because one of these things might happen and a man might not intend or fully realize. It says something about actual knowledge, but I just think we are going too far with it. I hope that you will support the motion to accept Report “A”.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Just to reply very briefly to Senator Wyman’s concern, Section 4607, to which he refers, would only bar those who have been found, after a full court hearing, after they have been found guilty of having engaged in illegal employment discrimination, from receiving a State contract. Possibly the sanction is somewhat harsh and, if this is the Senator’s only objection, certainly we could work out something in the form of an amendment to reduce the sanction to a year or six months or anything else. But I do not believe that the State of Maine should condone this type of practice, to permit employment discrimination. If the State enters into a contract with a concern that practices this it would certainly be contrary to the bill itself. If we are going to outlaw it on the private sector we should also place the same standard or require that the State meet the same standard.

I would be happy to attempt to work out a compromise on this to reduce the sanction period down to six months or, if you want to be consistent with implied consent, to three months, I would have no objection but I don’t believe that we should defeat this document or condemn the complete bill because of a minor objection. I trust again

that we will defeat the pending motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have been reading with considerable concern and interest this bill and I certainly have come to the conclusion that Senator Wyman’s Report “A” is the better bill. It may have a few holes in it too, but I have been marking up a copy of Report “B” and I have got quite a few underscorings here. It seems to me there is a general intent, there is a philosophy, in Report “B” that is very, very well put in the preamble which Senator Beliveau freely admits, before anybody even opened the subject in debate, that it has to come out. I think a reading of the purpose, and then carry it forward into the body of the bill, we find many, many items in here which are just inherently bad. This is why I think Senator Wyman’s bill is a better one to start from.

For instance in this bill in Report “B” it says “The Commission and the Department of Education are jointly directed to prepare a comprehensive educational program designed for students in public schools,” and so forth, “and all other residents thereof, calculated to emphasize,” and so forth, they are able to take contributions. There is too much use, in my opinion, of the word “allege” in here. This could be the caldron around which the witches are going to assemble to go on their hunts.

I noticed that the five members are appointed by the Governor alone, he designates the chairman, and that he must take into account the desirability of broad representation from the geographic areas and ethnic and economic groups which comprise the population of the State. To my mind, when coupled with the quorum of the Commission, this is a dangerous arrangement. The quorum is stipulated as three; this means two of the Commission of five can pass what are extremely sensitive matters. For instance, the Commission has the duty of

investigating all conditions and practices within the State which allegedly detract from personal dignity. Then they have the duty of investigating all forms of invidious discrimination. For this reason and quite a few others that I am not going to bore the Senate with, I would strongly support Senator Wyman's motion.

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

Mr. WYMAN of Washington: Mr. President, I would request a division, please.

The PRESIDENT: A division has been requested. As many Senators as are in favor of accepting Report "A", Ought to Pass in New Draft, on Bill, "An Act Establishing a Human Rights Commission", will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty-one Senators having voted in the affirmative, and eight Senators having voted in the negative, the Ought to Pass in New Draft Report "A" of the Committee was accepted in non-concurrence and the Bill Read Once. Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate a matter tabled earlier in today's session by Mr. Hoffes of Knox:

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

Tabled—June 24, 1969 by Senator Katz of Kennebec.

Pending—Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President, and Members of the Senate: I recall that Senator Mills asked a question about the status of the Commissioner of Education's amendment, and I don't remember the answer. Is that on the bill?

The PRESIDENT: The Chair would answer in the affirmative.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, what is the status right now?

The PRESIDENT: It is up for passage to be engrossed as amended by Senate Amendments "A", "B", "C".

Mr. MILLS: It is up for engrossment as I read the calendar.

The PRESIDENT: It is up for engrossment in non-concurrence.

Mr. MILLS: Mr. President and Members of the Senate: I haven't discussed this since we broke up this morning. I felt that we had sort of a gentleman's agreement or understanding that this might be held as an omnibus salary bill to take care of others who have been omitted the same as the Commissioner of Education was, and for whom we are indebted to the good Senator Katz from Kennebec for reminding us by his amendment. For that reason, it might be an exception to the general rule and stay unengrossed, pending these various amendments which would do equity for the other State people in other branches of government as well as the Commissioner of Education. If that meets with anyone else's approval, I would suggest tabling motion possibly.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would dissuade the Senator from Franklin from his leisurely pace that he is suggesting. I am perfectly willing to have this tabled until later in today's session for the preparation of amendments and I certainly would not oppose tabling overnight, but any notion of leaving this unassigned until such time as the last hour has arrived, I think, is inappropriate. Consequently, if the Senator from Franklin, Senator Mills, wishes to table until the next legislative day, I would urge him and others who are interested to make a motion on this so that we can move.

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

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

The President laid before the Senate Joint Order, Senate Paper 537, tabled earlier in today's session by Mr. Katz of Kennebec, pending Passage.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

The President laid before the Senate Joint Order, Senate Paper 531, tabled earlier in today's session by Mr. Katz of Kennebec, pending Passage.

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

On motion by Mr. Logan of York, the Senate voted to take from the table the eighth tabled and unassigned matter:

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A" — Filing H-527 from the Committee on State Government on Bill, "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys." (H. P. 1049) (L. D. 1377)

Tabled — June 17, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I lost my grip a little bit on these county bills, but my understanding is that the subject matter of this bill is completely covered in other bills. I now move that the Senate indefinitely postpone the bill and accompanying papers.

The PRESIDENT: The Senator from York, Senator Logan, now moves that Bill, "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys", be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Papers From The House

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

**Committee Report
House**

Divided Report

Five members of the Committee on Appropriations and Financial Affairs on

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 and Raising Revenue for Funding Thereof." (H. P. 1281) (L. D. 1608)

Reported Pursuant to Joint Order (H. P. 1278) in Report "A" that the same Ought to Pass.

Signed:

Senator:

SEWALL of Penobscot
Representatives
BRAGDON of Perham
BENSON of
Southwest Harbor
SAHAGIAN of Belgrade
LUND of Augusta

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

Signed:

Senators:

DUNN of Oxford
DUQUETTE of York
Representatives:
JALBERT of Lewiston
BIRT of
East Millinocket
MARTIN of Eagle Lake

Comes from the House The Ought to Pass Report "A" Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "D" (L. D. 1613) as Amended by House Amendment "A" (H-599) thereto and House Amendments "F" (H-598) and "G" (H-600)

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President, I move acceptance of Report "A" and I would like to speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept Report "A", Ought to Pass.

The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: There are several amendments on this bill and, rather than to trip over them as we go along, I would like to review just what this bill as amended does. In the first place, it solves our immediate problem and lets us go home having fulfilled our responsibilities, but let's skip that for a moment.

It imposes a five per cent tax on corporate profits effective January 1, 1969. It is the same type of tax on corporation profits that we had before us. Your have in front of you a little fact sheet on the effect of the proposed individual income tax. This is a 1 per cent to a 6 per cent graduated personal income tax, effective July 1, 1969, and you will notice that this is based on an individual exemption of \$1,000 rather than the \$600 you are familiar with in the federal income tax. The schedule in front of you is a sample schedule indicating the probable taxes on certain types of families with certain types of income, and this table is based upon an estimated deduction of 10 per cent in all cases.

As you glance at this you will be struck by the fact that it is a very, very modest tax on people of modest or middle income families. For example, a family of a married couple with four dependents who makes \$6,000 pays no income tax at all.

The amendments to this bill accomplish a few interesting things. One of the amendments removes the sales tax that is still in the bill. Another removes the automobile trade-in tax which we passed at the time we passed our current services budget. And another amendment adds a figure of 5 per cent to the corporate

income tax which was left out in the bill.

We are faced tonight with a tax package which would raise in the vicinity of \$43.5 million for the biennium. It permits us to have a type of income tax that is, I understand, about as fine as any in the United States, if any income tax can be called fine, in that it lets us have a tax on our books that will finance expanding State services because the tax will expand in its revenue producing qualities as our needs expand. It costs \$1.1 million to administer, including a substantial original capital investment, with a very real opportunity to look forward to substantial savings in the biennia that follow. It permits us to use federal income tax figures and, even in the case of where there is a tax judgment in the federal system years after the original filing, the information will be available to the State of Maine for rebilling by the State.

Thirty-three states in the United States use their own system, and only two use the system that was proposed a little earlier, and I believe that Vermont is one of them. It will have an extremely low per capita impact, one of the lowest, I understand, in the nation on our citizens. So, this then, ladies and gentlemen, is the opportunity that faces us here tonight. I think that a long evening of reflection would do us all good. I know that there are some misgivings by some of my most respected friends in this chamber as to whether or not this is the proper tax and the proper package, but I call to your attention that the Maine Senate has lived up to its responsibility every time this session when the chips were down and we were faced, not with a maybe situation, but an actual opportunity either to accept or reject or pass a tax package alone.

I hope that this Senate tonight, with a minimum of the kind of hassling that surely will come prior to enactment, will accept this report and subsequently pass this bill on to be engrossed so it may be before the other chamber in the morning and, hopefully, back before us tomorrow afternoon.

You know, I have a feeling that tonight we are in the same position as a patient who has gone to the hospital and has heard the very worst, that there is no hope, but suddenly there is hope, and the hope before us is this bill. I hope that you all have the same feeling of pride that will make you rise to the occasion and accept this tonight, pass it to be engrossed, and let us do our job and go home.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, to accept Report "A", Ought to Pass, on 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 and Raising Revenue for Funding Thereof."

The Chair recognizes the Senator from York, Senator Duquette.

Mr. DUQUETTE of York: Mr. President and Members of the Senate: I signed this Ought Not to Pass Report on L. D. 1608 because it was funded by a 6 per cent sales tax. I was not opposed to the appropriation. We need these services as outlined in this budget. But I shall now support this bill as amended because I believe it is a fair way and a fair manner to fund this measure.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I signed the Ought Not to Pass Report, but my objection was to the total amount of the package. That is still with us and as long as it is I cannot vote for it. To me, it would be foolish to vote for engrossment when I don't intend to vote for enactment, and I hope that those who feel the same as I do will not vote for engrossment tonight. It seems foolish for somebody to spend the night engrossing a package that may not be passed. I hope you will join me, those that do not intend to vote for enactment, and will not vote to engross this bill.

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

Mr. QUINN of Penobscot: Mr. President, I move that when the vote is taken it be by the "Yeas" and "Nays".

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 at least 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 Kennebec, Senator Katz, that the Senate accept Report "A", Ought to Pass, on House Paper 1281, Legislative Document 1608, 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 and Raising Revenue for Funding Thereof." A "Yes" vote will be in favor of accepting the Ought to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Beliveau, Boisvert, Cianchette, Conley, Duquette, Gordon, Hanson, Hoffses, Katz, Kellam, Letourneau, Martin, Mills, Minkowsky, Reed, Sewall, Stuart, Violette and President MacLeod.

NAYS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Levine, Logan, Moore, Peabody, Quinn and Wyman.

ABSENT: Senators Bernard and Tanous.

A roll call was had. Nineteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with two Senators absent, the motion prevailed and the Bill was Read Once.

House Amendment "D", Filing No. L. D. 1613, was Read. House Amendment "A", Filing No. H-599, to House Amendment "D" was Read and Adopted in concurrence and House Amendment "D", as Amended by House Amendment "A" thereto, was Adopted in concurrence. House Amendment "F", Filing No. H-598, was Read

and Adopted in concurrence. House Amendment "G", Filing No. H-600, was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill as Amended, was given its Second Reading and Passed to be Engrossed in concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table Joint Order 4-1, Senate Paper 531, which was tabled earlier in today's session by that Senator, pending Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table Joint Order 4-4, Senate Paper 534, which was tabled earlier in today's session by that Senator, pending Passage.

On further motion by the same Senator, the Joint Order was Indefinitely Postponed.

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