

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 27, 1969

Senate called to order by the President.

Prayer by The Honorable Frank W. Anderson of Ellsworth.

Reading of the Journal of yesterday.

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

Bill "An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine." (Emergency) (H. P. 590) (L. D. 732)

In the Senate June 26, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-33) and Senate Amendment "A" (S-16) and Senate Amendment "C" (S-328) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C" (S-328) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order H. P. 1289, relative to directing Legislative Research Committee to study reshortening foreclosure period of real estate mortgages.

In the House June 26, 1969, Read and Passed.

In the Senate June 26, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Anderson of Hancock moved that the Senate Adhere.

Mr. Katz of Kennebec then moved that the Senate Recede and Concur.

On motion by Mr. Dunn of Oxford, a division was had. Six Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act Providing for the Conservation and Rehabilitation of

Land Affected in Connection With Mining." (H. P. 1270) (L. D. 1598)

In the Senate June 24, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-538) as Amended by Senate Amendment "A" (S-319) thereto, House Amendment "B" (H-539) as Amended by Senate Amendment "A" (S-318) thereto, House Amendment "C" (H-552) and Senate Amendment "A" (S-320) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-538) as Amended by Senate Amendment "A" (S-319) thereto, House Amendment "B" (H-539) as Amended by Senate Amendment "A" (S-318) thereto, House Amendment "C" (H-552) as Amended by House Amendment "A" (H-606) thereto, and Senate Amendment "A" (S-320) as Amended by House Amendment "A" (H-607) thereto, in non-concurrence.

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

Communications

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine
June 26, 1969

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

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill, "An Act relating to the Employment of the Handicapped" (S. P. 487) (L. D. 1571)

Messrs. RIDEOUT of Manchester
MARSTALLER
of Freeport
LEVESQUE
of Madawaska
Respectfully,

(Signed)

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

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

June 26, 1969

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

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 503) (L. D. 1599).

Messrs. BERMAN of Houlton
SOULAS of Bangor
JAMESON of Bangor

Respectfully,
BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Orders

On motion by Mr. Wyman of Washington,

WHEREAS, the Standing Committees on Engrossed Bills for the House and Senate are staffed by a number of loyal, devoted persons from the Office of the Secretary of State; and

WHEREAS, each Bill and Resolve, as amended, is placed in proper order, proofread for printing and afterwards compared to the original for mechanical error and content as well; and

WHEREAS, the orderly and indispensable functions of the engrossing process are not widely known or fully appreciated; now, therefore, be it

ORDERED, the House concurring, that the Members of the House of Representatives and Senate of the One Hundred and Fourth Legislature assembled commend Miss Rachel E. Lemieux, Mrs. Kathryn C. Douglas, Miss Doris Hayes, Mrs. Carrie S. Berry, Mrs. Norma A. Moore and Mrs. Rhea W. Goodwin for their many long hours of unflinching devotion to the exacting process of engrossment so necessary and vital to our governmental process; and be it further

ORDERED, that duly attested copies of this Joint order be transmitted forthwith to the above named persons, in token of our deep appreciation for their outstanding service. (S. P. 546)

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: We have a wonderful staff here. They are efficient, they help us in every way, but we see them and I know we appreciate every one of them. There is another group working who we don't see, and I think some of us may not be aware of the work they are doing. Those are the girls that do the work on engrossed bills. I know this, but yesterday I was talking with one of the girls, Miss Lemieux, and she had no complaints to make whatsoever, but just by way of conversation she said "Well, we didn't get through until half past 4:00 this morning doing the work on these engrossed bills." During the closing hours of the session these girls work long, long hours after most of us are abed, and I think they certainly shorten the closing days, regardless of what they may be, and it did seem to me worthwhile to take official notice and commend them. Therefore, I presented this order.

Thereupon, the Joint Order received Passage.

Sent down forthwith for concurrence.

Committee Reports House

Committee of Conference Report

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

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

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

that the Senate recede and concur with the House.

On the Part of the House:
 BAKER of Orrington
 SUSHI of Pittsfield
 FORTIER of Rumford

On the part of the Senate:
 WYMAN of Washington
 BOISVERT
 of Androscoggin
 LETOURNEAU of York

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed As Amended by Conference Committee Amendment "A" (H-602) in non-concurrence.

Which report was Read.

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

Enactors

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

Constitutional Amendment

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

Comes from the House, having failed of Final Passage.

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

Orders of the Day

The President laid before the Senate the first item of Unfinished Business:

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

Tabled—June 26, 1969 by Senator Moore of Cumberland until later in the day.

Pending—Consideration.

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

The President laid before the Senate the second item of Unfinished Business:

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hun-

dred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (S. P. 521) (L. D. 1607)

Tabled — June 26, 1969 by Senator Katz of Kennebec until later in the day.

Pending — Enactment.

Mr. Greeley of Waldo then moved that the Bill be Passed to be Enacted.

Thereupon, on motion by Mr. Katz of Kennebec, retabled until later in today's session, pending the motion by Mr. Greeley of Waldo that the Bill be Passed to be Enacted.

The President laid before the Senate the third item of Unfinished Business:

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

Tabled — June 26, 1969 by Senator Katz of Kennebec until later in the day.

Pending — Adoption of Senate Amendment "C" — Filing S-330.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Adoption of Senate Amendment "C".

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

JOINT ORDER — Relative to Amending Joint Rule 8, (H. P. 1291)

Tabled — June 26, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Mr. Katz of Kennebec then moved the pending question.

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

Mr. BERRY of Cumberland: Mr. President, in looking at the language of Joint Rule 8 and recalling, as best I may, the language of the Joint Order, it appears that there is an omission in the proposed joint rule under the heading "Exception". I wonder if Senator Katz would explain to the Senate the effect of the passage of this Joint Order.

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

Mr. KATZ of Kennebec: Mr. President, this was on one of our supplemental journals yesterday,

and I am unable to locate it. I would be very pleased, if there is any confusion in the Senator's mind if this could be tabled until later in the session.

The PRESIDENT: The Secretary will read the order.

Joint Order, House Paper 1291, was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: By adoption of this Joint Order we would be leaving out the following existing language: "Exception. This rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the legislature." I don't exactly see the need for removing what appears to be a housekeeping provision in Joint Rule 8. Unless there is some obvious need for it, I don't see the desirability of the passage of this.

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

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

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

JOINT ORDER — Relative to Adding New Joint Rule 7-A. (H. P. 1290)

Tabled — June 26, 1969 by Senator Katz of Kennebec.

Pending — Passage.

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

(Off Record Remarks)

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. Hoffses of Knox,

Recessed pending the sound of the bell.

After Recess

Called to order by the President.

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

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

The PRESIDENT: The Chair would answer in the affirmative, the bill having been returned to the Senate.

Mr. KATZ: Mr. President and Members of the Senate: This is the bill that includes the controversial request for additional funds for judges' pay and the Commissioner of Education. This bill went down to the other body and, under Joint Rule 21, it was ruled that inasmuch as the subject matter had been down there several times before, referring to the judges' salary increase, that it was not acceptable to the House under Joint Rule 21, so it was not acted on one way or the other. The House rejected it because of the amendment pertaining to the judges. Consequently, if we expect the House to act on it, it has got to be without that amendment. So, Mr. President, I would move that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby Legislative Document 1601 was passed to be engrossed.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, in view of the fact that Senator Mills isn't in the chamber at the present time, I move this matter lay on the table until later in today's session.

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

Mr. KATZ of Kennebec: Mr. President, might the Senator withhold his motion so I can pose a question to him through the Chair?

The PRESIDENT: The Senator from Kennebec, Senator Katz, poses a question through the Chair to the Senator from Penobscot, Senator Quinn, which he may answer.

Mr. QUINN of Penobscot: Very well, but I would rather not have it disposed of until he is here.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, withdraws his motion to table.

Mr. KATZ: Mr. President, it is my understanding that the Senator is in court and is not going to be back. Here he is now. Mr. President, I move this be tabled until later in this morning's session.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Legislative Document 1601 be tabled until later in this morning's session, pending the motion of the Senator from Kennebec that the Senate reconsider its action whereby the bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, relative to the timing of the tabling motion, and the conditions having been stated and having been met, I am wondering if the motion couldn't be withdrawn.

Thereupon, Mr. Katz of Kennebec was granted leave to withdraw his tabling motion.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President and Members of the Senate: Now that I have the floor again, I want to refresh the minds of the Senate that we are talking about the fact that L. D. 1601, the Unclassified State Employees Salary Board, is still in the possession of the Senate, having failed of even being considered by the other body under Joint Rule 21. It is my understanding that the basis for the lack of consideration is because of the presence on this bill of Senate Amendment "D", which has been there several times before. My motion, Mr. President, then was to reconsider our action whereby this bill was to be engrossed. If this is permitted me, at that time, so that we will give the bill a

chance to even be acted on, I would then move that we reconsider our adoption of Senate Amendment "D".

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

Mr. MILLS of Franklin: Mr. President, to refresh my recollection, is Senate Amendment "D" the judicial amendment? And it was rejected, as I understand it, in the other branch on a parliamentary ruling that it is not germane to their consideration? It is not my information that it has ever been on this particular bill before. It has been on another matter. The request is that we now back up and take that off and go ahead with the amendment which the good Senator from Kennebec, Senator Katz, presented which pertained only to the Commissioner of Education. Is that correct? Well, I will yield to his superior judgment in this area, feeling that there is perhaps still a possibility of the other amendment being worked out. I do accede to the pending action.

The PRESIDENT: The Chair would inform the Senator from Franklin, Senator Mills, that the measure was not rejected in the House because of germaneness. The measure was rejected because it violated Joint Rule 21, which reads: "When any measure shall be finally defeated it shall not be revived except by reconsideration, and no measure containing the same subject matter shall be introduced during the session unless three days notice is given to the house of which the mover is a member. No measure shall be recalled from the legislative files except by joint order approved by a two-thirds vote of each house."

The Chair recognizes the same Senator.

Mr. MILLS: Mr. President, not to extend this unless we are not otherwise too busy, we still have the omnibus bill which might be an avenue, if there was some tolerance expressed in the other branch, which might be used in this regard. Would the good Senator from Kennebec, Senator Katz, agree that perhaps leadership in both branches could tolerate

an expansion of the omnibus bill to that degree?

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I rise with a sense of having been flattered tremendously. About all I can say in response to the question through the Chair is that, if the proponents of this judicial pay raise can find the vehicle in proper form, I personally will support it all the way. I hesitate to speak for the leadership in the other branch or even in this branch, but my personal commitment is very, very clear.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that on Legislative Document 1601 the Senate reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would inquire through the Chair as to the action of the other body prior to the action which has been referred to here?

The PRESIDENT: In the other body it was indefinitely postponed.

The Chair recognizes the same Senator.

Mr. BERRY: Mr. President and Members of the Senate: I think some of us have been sitting back here with a certain amount of tolerance watching some of these gyrations which have been going on here on this bill. With the action that has been read to us, it seems to me that any further consideration of this is going to be a waste of time on the part of both bodies. Accordingly, I would move, Mr. President, that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would inform the Senator that the matter is not before the Senate until the motion for reconsideration is approved or defeated. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action

whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would hope we would vote for reconsideration, after which time I would then place my motion, and I request a division.

The PRESIDENT: A division has been requested. Is the Senate ready for the question? As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that the Senate reconsider its action whereby Legislative Document 1601, Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials," was passed to be engrossed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Twenty-eight Senators having voted in the affirmative, with no negative votes, the motion prevailed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In advance of the motion to indefinitely postpone, which I presume will be forthcoming, I would like to call the attention of the Senate to the fact that this bill has never been before the other body in its present form and it has never been considered. There are those of us here who are concerned about the existence of a superb Commissioner of Education in the State, and there are others who are concerned about the need for upgrading the pay of the judiciary. In a sense of fairness I have done everything I can to accommodate the other point of view, and all I am asking for today is a chance to let my point of view have its day in court.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: The other day when I sort of took issue with the Senator from Kennebec, Senator Katz, I think I was taking issue as much

as a surprise as anything, but at this point it has certainly been well aired and well known, and I think with the procedure and the fact that it was kind of coming along the merits of it stick out all over, which are pretty significant. I don't think you need to go into any research to determine that the salary for the Commissioner of Education in this State is not commensurate with subordinate positions in the educational establishment of the State, particularly the larger school systems.

I believe in holding the line, I believe in saving money and being economical with the taxpayers' funds, but I do think it is not economical to legislate ourselves perhaps out of a Commissioner of Education at a crucial time such as this, and I do think there are greener fields, much greener fields perhaps, for our Commissioner of Education. I think that it would be very wise for us to provide that the salary of the Commissioner of Education of this great State could be as much as \$22,500 in place of the \$20,000 that it now is. I hope the efforts of the good Senator Katz in this direction prevail.

I want to say that I haven't been in any way lobbied, and no one has attempted to influence me in any particular regard on this; I just base it on what I think the merits of the situation are.

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

Mr. KATZ of Kennebec: Mr. President, in line with the mechanics of this thing, I now move that the Senate reconsider its adoption of Senate Amendment "D" under Filing S-329. This is the amendment that contained the judicial pay raise.

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

The motion prevailed.

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

Sent down for concurrence.

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:

Joint Order

WHEREAS, PPBS is a system aimed at helping management make better decisions on the allocation of resources among alternative ways to attain government objectives; and

WHEREAS, its essence is the development and presentation of relevant information as to the full implication - the costs and benefits - of the major alternative causes of action; and

WHEREAS, Planning - Programming - Budgeting Systems are designed to minimize the amount of piecemeal, fragmented and last minute program evaluation which tends to occur under present planning and budgeting practices; and

WHEREAS, this system is part of a program of research and education on advance fiscal planning under a grant from the Ford Foundation which is now being installed in many states; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the feasibility of implementing a Planning - Programming - Budgeting System within and between government departments of this State; and be it further

ORDERED, that the Committee report the results of its study at the 105th session of the Legislature.

(H. P. 1293)

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

WHEREAS, funds for medical assistance are available through the State public assistance program within certain low income bounds; and

WHEREAS, persons 65 years or older are also eligible for financial assistance for their medical needs through Medicare; and

WHEREAS, medically indigent persons over the limits of public assistance but under 65 years of age lack necessary assistance and are at the mercy of their community; and

WHEREAS, there are approximately 175,000 such medically indigent persons within the State who are needlessly suffering in the absence of a Medicaid Program which is designed to fill this gap; and

WHEREAS, 2/3 of the funds required for such a Medicaid Program are available in federal matching dollars provided the State takes affirmative action prior to July 1, 1975; now, therefore be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the feasibility of initiating a new public health program under Title 19 to provide selective hospital and physicians with low or average income who are unable to meet the medical costs arising from unexpected major medical problems. Such study shall also include, but shall not be limited to the following: Payments for drugs, limited dental care, expanded professional services for Indians on reservations, as well as job training, employment counseling and other needed rehabilitative services; and be it further

ORDERED, that the State Departments of Health and Welfare and Mental Health and Corrections are directed to provide the Committee with technical advice, information and such 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 report the results of its study at the next regular or special session of the Legislature. (H. P. 1294)

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 Resolution

JOINT RESOLUTION MEMORIALIZING THE HONORABLE MAURICE H. STANS, SECRETARY OF COMMERCE AND THE MAINE CONGRESSIONAL DELEGATION TO RESTRAIN IMPORTS OF FOREIGN FOOT WEAR.

TARY OF COMMERCE AND THE MAINE CONGRESSIONAL DELEGATION TO RESTRAIN IMPORTS OF FOREIGN FOOT WEAR.

We your Memorialist, the Senate and House of Representatives of the State of Maine of the One Hundred and Fourth Legislative Session assembled, most respectfully present and petition the Secretary of Commerce, the Honorable Maurice H. Stans, and the Maine Congressional Delegation, as follows:

WHEREAS, the footwear manufacturing industry of the State of Maine faces continuing and expanding foreign competition from imports as the result of lower wage scales; and

WHEREAS, over 28,000 citizens are employed in over 139 factories throughout the State, many of these factories being located in small towns where they supply the major source of income and employment; and

WHEREAS, imports of leather and vinyl shoes have expanded dramatically from 7.8 million pairs in 1955 to 175 million pairs in 1968 adversely affect our domestic shoe manufacturing industry by curtailing its growth and eliminating many job opportunities; now, therefore, be it

RESOLVED, That we, your Memorialists recommend and urge the Secretary of Commerce and the Members of the United States Congress from the State of Maine to take appropriate action to promptly restrain the importation of foreign footwear and to provide adequate safeguards which will protect our domestic shoe industry and the citizens it employs; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Secretary of Commerce and each Senator and Representative from Maine in the Congress of the United States. (H. P. 1295)

Comes from the House, Read and Adopted.

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is a memorial to the Secretary of Commerce expressing the concern of the State about the effect of imports of shoes. I move that this Joint Resolution be adopted in concurrence.

Thereupon, the Joint Resolution was Adopted in concurrence.

Enactors

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

An Act Providing for Presidential Preferences in Primary Election. (H. P. 1151) (L. D. 1473)

Mr. Anderson of Hancock then moved that the Bill be Indefinitely Postponed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I would request a roll call on this motion. This particular issue was sent to a committee of conference and it came back unanimously and passed the other body.

This particular bill calls for both chairmen of the Republican and Democratic Parties in the State of Maine to submit to the Secretary of State prior to April 15th the names of the contenders, the known contenders, for the presidency to be included on the ballot for the primary. Now, I understand that the committee of conference was made up of both parties and they were in complete agreement that this was acceptable to everybody. I haven't heard any opposition to it, and I would appreciate any other view on it.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As a member of the first committee of conference of several committees, the members of the Senate on that committee felt that there was strong evidence that our whole presidential primary system may be altered from the present system which we now have, and those of us on that committee felt that perhaps with this possibility in sight that we should defer any

action until we see what the Federal Government does.

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

Mr. MOORE of Cumberland: I would like to have somebody explain just how this would function if we should pass this bill. I would like to know how we would elect, and if it would do away with delegates going to the convention and so forth.

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

Mr. TANOUS of Penobscot: Mr. President, if I may answer that question for the good Senator, Senator Moore, this would only provide that the State Chairman of both parties would submit to the Secretary of State prior to April 15th of every presidential year and names of the known contenders for the presidency, and they would be included on the ballot. Now, the Republicans may have four names and the Democrats may have five, or whatever the number may be of the known candidates or serious contenders for the presidency. This would have no effect whatsoever on the causes of either party. It would just be an indication of what the people of the State of Maine feel, the party people, feel about whatever candidate may be on the ballot.

I think the reason behind it is to perhaps liven up our primaries in the State of Maine. Apparently we have had a lot of complaints about our primaries being rather dull and slow and many, many people feel that this would liven up the issues in the primaries, but it would have no effect whatsoever on the actual caucuses of both parties when they have their conventions. It would have no binding effect whatsoever.

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

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: It was a long time ago that we heard this in Election Laws. The committee wasn't in favor of it, and I served on the first conference committee and we turned it down. Some of these

people seem to insist. If I remember right, I think if you go about the State and acquire 10,000 signatures you can enter into the presidential primaries practically anybody that you want to run for president. I can't see the good in it. Any crackpot could start a third party and get on the ballot, and I think we can get along without that.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: If you look at House Amendment 591, it does describe the procedure. It says, "The Chairman of each political party shall submit to the Secretary of State prior to April 15 any names that they want to put on the list." This, as has been indicated, is just to show a choice. There was a clause binding the delegates and this has been removed. This is just to give an indication of popular sentiment.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am in complete agreement with this bill. I can't see any harm or why anyone should object to it. I would like to know how the people of the State of Maine felt in both parties on the presidential preference primary.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I don't believe there is any need of a presidential preference primary in the State of Maine. Our system is working perfectly now, and I think it would be an added expense, and it could also bring undesirables into the State. I would certainly hope that my motion to indefinitely postpone would prevail.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I have just read this amendment, and I notice our State Chairman isn't here, but I would like to say that I think a consider-

able amount of power is put into the hands of the State Chairmen, and I would also think that there would be considerable fear that if a majority of a state committee felt that a name should not be put on I assume it would not be and, therefore, you might have two or three candidates running, and if the majority of a state committee desired to only put one or two of those names on, then I would assume that they could. I might ask a question through the Chair as to whether or not a majority of a state committee would vote to decide who would be put on the preferential primary ballot.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: All this is turning out to be is just a popularity contest as to who would be most preferred by either party. I would suggest that somebody get in touch with Lou Harris or some other polling outfit because I think that they have done a pretty accurate job, particularly in the last few presidential elections. I know they have been noted for coming within a half of one per cent of the popular vote on those presidential candidates.

When I look at New Hampshire and see what it has done to the Republican Party in New Hampshire and the way it has divided it by having the presidential primaries, I think it tends to divide parties rather than unite them. I am certainly familiar with the last presidential primary they had, even on the Democratic side, when Lyndon Johnson and Eugene McCarthy were running, so I think something like this serves more as a division. All it does now, the way the bill reads now, is tend to show you who is the most popular man. We can find this out by the professional pollsters, and I would think that it would just be inviting a lot of problems to both political parties by having these people come into towns lining up supporters and creating divisions within the ranks. I think we would just end up with nowhere at all to go. If there is no significant

meaning to it, when you have your state conventions, again, all I can see is chaos from outside interference within the state conventions. I would support the motion to indefinitely postpone.

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 one-fifth of the Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, An Act Providing for Presidential Preferences in Primary Election, Legislative Document 1473, 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, Berry, Cianchette, Conley, Duquette, Hoffses, Katz, Letourneau, Levine, Logan, Martin, Peabody, Reed, Violette and President MacLead.

NAYS: Senators Beliveau, Boisvert, Dunn, Gordon, Greeley, Hanson, Kellam, Mills, Minkowsky, Moore, Quinn, Sewall, Stuart and Tanous.

ABSENT: Senators Bernard and Wyman.

A roll call was had. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with two Senators absent, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County. (H. P. 1231) (L. D. 1564)

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.

Emergency

An Act to Provide for the Reconstruction of the Interstate Bridge at South Berwick, Known as "Landing Bridge". (S. P. 541) (L. D. 1615)

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would just like to say that this permissive legislation to allow the State of Maine to enter into an agreement with the State of New Hampshire to construct a bridge across the Salmon Falls River at South Berwick, and Rollingsford, New Hampshire. The State of New Hampshire will build this bridge, and this is to give permission for Maine to reimburse the State of New Hampshire for their share of the bridge. There is \$150,000 set up for this year of the biennium to construct this bridge. This bridge was built in 1909 and it is 265 feet long.

Mr. President, I move the pending question.

The PRESIDENT: Is the Senate ready for the question.

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.

Emergency

An Act Adjusting State Employees' Pay. (H. P. 1009) (L. D. 1311)

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

Emergency

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

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.

Constitutional Amendment

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)

This being a Constitutional Amendment and having received the affirmative vote of 22 Senators, with 9 Senators voting in the negative, was Finally Passed and signed by the President.

Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing Joint Rule 10 and the following enacted in place thereof:

10. Filing after cloture. No bill or resolve shall be received by the Legislature after 1 P.M. of the fourth Friday following the convening of the session except by a vote of two-thirds of the body in which it is introduced. (H.P. 1296)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 8, to read as follows:

8. Cloture. During any regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 P.M. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P.M. of the sixth Tuesday following. **Exception.** This Rule shall not apply to bills or resolves reported by any joint committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Legislature. (S. P. 547)

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This is an order which was acted on earlier in the day and tabled, I believe. When the order was prepared, the wording on the present calendar starting with the word "exception", which is in the existing joint rules, was omitted. The present order, in effect, does nothing but change that word from "third" to "sixth." I assume that later on the other order will be indefinitely postponed.

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

Thereupon, the Order received Passage.

Sent down for concurrence.

Enactors

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

Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (H. P. 1256) (L. D. 1588)

Comes from the House, having failed of Final Passage.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This document in its initial language would provide for proportioning of the House, changing the present make-up somewhat. There is an amendment attached to it which, in effect, creates House districts. You will recall that earlier this week the Supreme Court was asked to pass upon the constitutionality of the amendment and the bill itself. As far as the amendment is concerned, they said it was constitutional but as to the original bill, although it didn't say it was not unconstitutional, it stated that it could anticipate and envision many problems arising from this because of the ambiguity and the vagueness of some of the language in Section 3.

This is a drastic departure from our present practice. We are under no requirement by our United States Supreme Court, under the one man — one vote doctrine, to create House districts. There hasn't been any crying need for it that I can see or that I have heard of, so I trust that we will defeat the enactment of this document in concurrence with the House.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It grieves me sorely to hear Senator Beliveau say that this proposal to adopt the one man—one vote theory is wrong because, of course, he is wrong when he says it. The adoption of the one man—one vote proposal was started many years ago. It has resulted in our present body being in proper form. It is too bad that because of the action of the Minority Party that it will result, I am sure, in this session not putting the House of Representatives in the form it should be.

This certainly is a glaring example of political activity that is to be regretted, not surprising, because it is unfortunately pure partisan politics. It is easy to take cities such as Portland and some of the other big cities in the State and show that by voting at large you are denying certain areas of proper representation in the House of Representatives. I find it regrettable that the party which stands for civil rights and political rights, modernization of our government, is unwilling to recognize the facts. I do hope that the day will soon be with us when the other body will be properly and legally districted.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Although this certainly is one of the more minor matters we ever had before this body this session, I would like to correct what I feel is an error in the thinking of the next prior speaker as to his conception of what one man-

one vote means. This phrase used by our United States Supreme Court indicates an equality among voters in their preference for elected officials. When districts are misapportioned the penalty involved, as set down by the Supreme Court, is that the election will be held at large. I think if he did look at some of these cases, particularly having to do with the House of Representatives in our Congress, he would realize that when it is misapportioned within a state the Supreme Court has ordered some representatives to be elected at large, and we have had congressmen elected at large throughout a number of States. I think he has got a misconception on it.

We have no particular objection in the City of Portland to having the district system. I think it is unworkable in its present form because of the way the wards are set up. I really don't think Senator Berry would have derived much comfort from the election in the city regardless of how they cut up the wards, but we do now have six wards, and two precincts in each, making twelve, and that doesn't fit too well with eleven. If you change it to eleven it would foul up our city council races where we have the six wards representing the councilors. So, I think it would be very inept in our particular case, and I don't feel that there is any real merit to the argument made for the proponents.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would just like to more or less comply with the words spoken by my good friend and colleague from Cumberland, Senator Kellam, and state that I guess this is a time for constitutional amendments, and the Democrats have their fun with theirs every year trying to reorganize State Government, abolishing the council, trying to get an Attorney General elected, a Lieutenant Governorship, but for a period of over fifty

years the City of Portland used to send seven Republicans down to Augusta each year, and there was never any rush to the wall to district the seven seats in Portland at that time. It has only been since reapportionment of the House that this cry has come upon the legislature to start districting multiple district communities. I think that we are all old enough, wise enough and certainly moved enough by politics to realize that this is nothing more than a political issue.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would presume that, having listened to the debate, that a member of the House of Representatives from Portland will continue to represent some 77,000 people and a Senator from Portland will represent 30,000 people. I think the issue is very clear, but may I ask for a roll call please.

The PRESIDENT: A roll call has been requested. Is the Senate ready for the question? Under the Constitution in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the Final Passage of Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. A "Yes" vote will be in favor of final passage; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

NAYS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Min-kowsky, Reed, and Violette.

ABSENT: Senator Mills.

A roll call was had. Seventeen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, with one Senator absent, and seventeen being less than two-thirds, the Resolve Failed of Final Passage in concurrence.

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

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

Pending — Acceptance of the Committee of Conference Report.

The Committee Report was then Accepted in concurrence.

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

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

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

Pending—Enactment.

Mr. Barnes of Aroostook then moved the pending question.

This being a Constitutional Amendment and having received the affirmative votes of twenty-six Senators, with three Senators voting in the negative, the Resolve was Finally Passed in non-concurrence and signed by the President.

Sent down for concurrence.

Subsequently, having been returned from the House, Finally Passed in concurrence, the Resolve was presented to the Governor for his approval.

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

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

Pending — the motion by Mr. Greeley of Waldo to Enact the Bill.

Thereupon, on motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.

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

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

Tabled — June 26, 1969 by Senator Katz of Kennebec until later in the day.

Pending — Adoption of Senate Amendment "C" — Filing S-330.

Mr. Levine of Kennebec then presented Senate Amendment "A" to Senate Amendment "C" and moved its Adoption.

Senate Amendment "A", Filing No. S-331, to Senate Amendment "C" was Read and Adopted and Senate Amendment "C", as amended by Senate Amendment "A" thereto, was Adopted.

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

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

JOINT ORDER — Relative to Amending Joint Rule 8. (H. P. 1291)

Pending — the motion by Mr. Katz of Kennebec that the Joint Order receive Passage.

Thereupon on motion by Mr. Katz of Kennebec, the Senate voted to Indefinitely Postpone the Joint Order in non-concurrence.

Sent down for concurrence.

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

JOINT ORDER — Relative to Adding New Joint Rule 7-A.—(H. P. 1290)

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

There being no objections, all matters previously acted upon in

today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Hoffses of Knox, recessed until 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:

Committee Reports

House

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Providing for the Uniform Deceptive Trade Practices Act." (H. P. 950) (L. D. 1229) ask leave to report: that the Senate recede and concur with the House in accepting the Minority "Ought to Pass" Report of the Committee on Judiciary and pass the Bill to be engrossed in concurrence.

On the part of the House:

MORESHEAD of Augusta
LUND of Augusta
BAKER of Orrington

On the part of the Senate:

MILLS of Franklin
CIANCHETTE of Somerset
VIOLETTE of Aroostook

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

Committee of Conference Report

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

Resolve Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing. (H. P. 673) (L. D. 859)

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

On the part of the House:

RIDEOUT of Manchester
DENNETT of Kittery

MARSTALLER

of Freeport

On the part of the Senate:

QUINN of Penobscot

MARTIN of Piscataquis

BERNARD

of Androscoggin

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Resolve Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteeing Portions of Certain Home Mortgages and Housing Development. (S. P. 390) (L. D. 1315) ask leave to report: that the House recede and concur with the Senate in accepting the Minority "Ought to Pass" Report of the Committee on State Government and pass the Resolve to be engrossed in concurrence.

On the part of the House:

DENNETT of Kittery

RIDEOUT of Manchester

MARTIN of Eagle Lake

On the part of the Senate:

WYMAN of Washington

LETOURNEAU of York

Comes from the House, the report Read and Accepted and the Resolves Passed to be Engrossed, in concurrence.

Which report was Read and Accepted in concurrence.

Enactors

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

An Act to Provide for Full-time County Attorneys. (S. P. 528) (L. D. 1610)

An Act Defining the Powers and Duties of the Water and Air Environmental Improvement Commission and Other State Agencies with Respect to Air Pollution. (S. P. 502) (L. D. 1597)

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

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

After Recess

Called to order by the President.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 366) (L. D. 1248)

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

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President, before I go along any further, perhaps I should allay any feelings and explain that this pertains to the City of Waterville and the administrative assistant to the mayor, and there is complete agreement.

I now move that we indefinitely postpone Senate Amendment "A" to Senate Amendment "C".

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate indefinitely postpone Senate Amendment "A" to Senate Amendment "C". Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then moved the Adoption of Senate Amendment "C".

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

Mr. BERRY of Cumberland: Mr. President. I would question the germaneness of this amendment and ask the Chair to rule on it. The title of the L. D., L. D. 1248, is Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." The body of the amendment refers to Section 6 of Article 2 of Chapter 132 of the Private and Special Laws? I am not pointing out too much the fact that the bill had had no hearing, but I question the germaneness of the amendment to the bill itself.

The PRESIDENT: The Chair would rule, at the request of the Senator from Cumberland, Senator Berry, that Senate Amendment "C" to Senate Paper 366, Legisla-

tive Document 1248 is not germane to Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Thereupon, on motion by Mr. Katz of Kennebec, Senate Amendment "C" was Indefinitely Postponed.

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

Emergency

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)

Comes from the House, having failed of Enactment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It has been a long, long session and all that is left is the L. D. in front of us, L. D. 1608. That is all we have to show for six full months of labor of over 180 men and women with varying degrees of talent, with varying degrees of political persuasion, some of whom consider themselves moderates, liberals, conservatives, and that is all there is.

Those of us who have been in leadership this session have been faced with the fact of life that the numbers in the two bodies have been rather evenly balanced between the parties, and we have been faced with the fact of life that within the majority party there has been a very substantial difference of opinion.

I think that it is reasonably well known that the leadership of the majority party in the Maine Senate has not been reflecting the expressed views of the majority in the caucus. I suppose that the reason this has come about is because of the very special responsibilities that there are on leadership as opposed to the individual members of any caucus. And there has been a feeling in the minds of leadership that any position which could not be reflected into two-thirds of the vote

of both houses of this legislature, no matter how valid, no matter how warmly espoused, was meaningless and no solution at all, so the leadership has been in a position of some torment.

We now have this package before us which does a number of things that need doing. It says to the State employees, whom we have been reassuring, that we are your employers and we are responsible for maintaining the kind of bearable working conditions that any good employer maintains, and we are conscious of the fact that the Federal Government has caused some of your hours to be reduced from 44 to 40 hours, others from 48 to 44 hours. We are conscious of the intolerable situation down in Pineland, where the physical therapy program has ground to an absolute halt. There is no program because we have been unable to hire the people to run the program. And we are conscious of the fact that this year the towns and cities in the State of Maine have had the largest single increase in their costs of local education in the history of the State. And we are conscious of the fact that outside of this legislature the people of Maine are tremendously concerned about the reduced buying power of the dollar. We are aware of the fact that, more than any other session of any other legislature within our memory, that this session of the legislature has come up with a million questions and pitifully few answers.

There are some of you here who like this package and will vote for it. There are some of you here who don't like it and will vote for it. There are some of you here who have said that if we change the method of funding that you would vote for it. There are some who have said that if you change the level of spending we will vote for it. There are many here who have said if you change the method of funding and the level of spending we will vote for it. What, in effect, we have been saying by this proliferation of views is "Do it my way, baby, or I won't go along with the consensus." And we have arrived with probably less than the consensus needed. But I call to

the attention of the Senate that a vast majority of both houses of this legislature, with a feeling of humility, a feeling of being able and being willing to swallow individual preferences, and individual pride, have enough personal pride in themselves and enough personal pride in this legislature to arrive at an understanding and a solution to the problems facing us.

Mr. President, I suspect that positions have been hardened, but I would say to this legislature that, should we fail with this package, and should we go home without meeting the proven needs of the people for which we have been elected and sent here, that discredit will be shared by us all, and six months of our lives and the sense of pride may very well have faded from us. I would hope that the Senate this afternoon, at the end of a long, long discouraging week, will recognize the frailties of leadership and make allowances for the frailties that have been shown, but concentrate instead on the people and concentrate instead on the needs. Mr. President, I sit down hoping that when the "Yeas" and "Nays" are counted that there will be twenty-two members for enactment.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I guess maybe there was an agreement here. I wasn't part of it, that not much was going to be said. If anyone is looking for any words of wisdom that I might have at this time they are going to be mistaken because I just don't have any. It was President Kennedy who said, "Some men may confine themselves to idle chatter and debate but," he said, "our lot in life is one of decision, for to govern is to choose." I guess that the time to make a decision is now.

I am sure that everyone has been lobbied to the point where nothing is going to change at this point. I am sure that there are some here who feel that this package has been sort of shoved down their throats, and maybe they are correct. I personally feel

in all sincerity that this package that we are facing now didn't come from the leadership, it didn't come from the Governor's office; it came basically from the heart of the 104th Legislature.

A month ago I would have said that an income tax, and I think the method of payment is important here, I would have said that a package such as this, with this method of funding, never would have been possible, but then it seemed as though about a week ago this legislature said, somehow in its collective wisdom, that if this package comes before us, and maybe it is high, but if we are going to have to come forward with a revenue measure and a tax measure to meet it then let's have the guts to do it the right way. They didn't want a corporate income tax that would treat someone like myself, who is in a partnership, to give it an unfair economic advantage, and they didn't want an intangibles tax that would take and just give a selected few a selected income tax. Somehow and some way I felt that it came from, as I say, from the very heart of this legislature itself, that they wanted a tax that was going to treat everyone fairly. I think this is what we came forward with.

Now, I know, as I have said before, I don't think that this is a tax that maybe is the most popular, but I think that it is the most equitable. I know that you can go to the man in the street and he will make reactions probably away from this tax, and I know that labor now says that they don't want it. I did feel as if history may not prove this package politically wise, and anyone that votes for it is going to have quite a weight on his shoulders during the next campaign, and realistically I think every one of us know it. But I just felt, at least until today, that this legislature has said to itself that we are going to have the guts to do the job, and I hope the 104th Legislature does not prove at least what I predicted to be wrong.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable

Members of the Senate: Economics teaches that no tax in a just tax, unless it is imposed on the people according to their ability to pay. This is the case and point this afternoon with the State Income Tax.

Now, do we compromise with the citizens of Maine by lowering the sales tax, by cutting back on the nuisance taxes, the auto-trade-in tax that we so recently have imposed in lieu of personal income tax? No. Now, we are saying that we have passed Part One of the Budget and hooked you for a substantial tax increase, and it is now our present intent to be fair with you and talk some more about the fair equitable tax, at a fair rate, at least for this biennium.

But wait for the next session when you will need so many more million new state dollars to feed the state department monster that we are guilty of creating and that is demanding more new dollars to appease its appetite. Then down comes the base of the new major sources of revenue, up goes the percentage of the take, and more new alleged services are requested in behalf of the citizens of the State. It is my firm belief that the Maine citizen is not requesting new or additional services but, in reality, are asking of us and demanding that we curtail services.

Senators, the standard saying for years has been, "Tall oaks from little acorns grow, if the twig is not bent in the sprouting." I don't intend to start bending our Maine youth and adults with the personal income tax and mold them into becoming servants to the whims and demands of State Government when economy in State Government today is not practiced.

If this document receives passage you can rest assured that you have driven a spike, and not a nail, in the casket of taxation which I maintain is not in the better interest of the citizens of the State of Maine.

I cannot look upon this document as a happy medium, but as an instrument to live beyond the taxpayers means. This is not a desirable middle course which permits us to adopt a sane policy, rather

it is a dangerous undesirable course in flying to an extreme. If you impose this new major source of revenue on the Maine citizens they will pay because our people possess sufficient personal honor, but keep this pressure up and I can assure you that the traditional Yankee attitude will prevail and in time they will retaliate.

I know each of you and I respect your feelings and thinking insofar as this measure is concerned. To have done the right thing at the right time is reward in itself. My primary responsibility is to the working class, whether they wear a white collar or a blue collar, and to comply with their sound, logical evaluation and, by voting against this measure, I personally will have felt that I have done what is right. Thank you, Mr. President.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: When the vote is taken I move that it be by roll call.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I campaigned in the last election on a "no income tax" plank. I told my people that I did not believe that it was practical, that it would serve the best interest of the State. I came here with that firm conviction.

I believe that I can say, with possibly one exception, that I have attended every meeting of the leadership of my party. I have heard the needs of the State discussed, I have heard the remarks made by the Appropriations Committee, and they convinced me of the needs of this State, many of which we did not bring on ourselves but have been handed to us by previous legislatures, of which I have been a member. At the times that I sat in these chambers and I saw legislation enacted I knew that the time would come when we must face up to these responsibilities and finance the programs which have been enacted in the past.

I have a great deal of respect and admiration for every member of the Appropriations Committee, and when they came up with a budget of some \$34,000,000, frankly I gasped, but I have come to feel and to believe that those gentlemen did everything in their power to control the cost of government and to submit a budget which was realistic. We all know that there have been other things which have been added to this amount of money which has increased it a few more million.

Now, I was sent over here, as was all of the rest of you gentlemen, with the power of attorney to represent our people, to put aside our own personal feelings in a great many of these issues, and to vote as responsible legislators. Now, if we vote today for this package, we will be imposing a personal income tax and we will be imposing a corporate tax upon the people of this State. Now, I must weigh in my own conscience which is the best for my people, which will benefit them the most, regardless of my own personal convictions, regardless of any campaign promises which I may have made, and let me say I made them in all sincerity, but if I vote for this package I will be taking home to the school administrative district in the 20th district an additional \$566,000 to help relieve the property taxpayers, which I believe each and everyone of us are in our respective districts. It will help to relieve our real estate property taxpayers by this \$566,000.

Now, I am not so naive as to believe that this is going to lower our taxes. All it is going to do is to soften the tax which will be continued to be imposed upon us if we are going to give to our children the kind of education which all of us seem to feel that we should give to them. If I vote for this package I will be helping to relieve the towns of an 18 per cent ADC cost. This also will be, we hope, reflected in our property tax bills, and again I say not by reducing them, but by helping to soften the blow of ever increasing personal family costs and community costs to our respective towns.

I represent an area which has a great many retired people. Some of them are living on limited fixed incomes, others are very well off. Naturally I am concerned about those people, but I am concerned about this legislature facing up to our responsibilities or going home to those people having failed in the job which they have sent us over here to do. Gentlemen of the Senate, I realize that when I go home I am going to have to face these people to whom I have said I will not vote for a personal income tax, but I believe that I can live with my conscience if I vote for this tax and I, therefore, am going to vote "yes."

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of 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 roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the enactment of 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 enactment, and a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

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

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

A roll call was had. Nineteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, nineteen Senators being less than two-thirds, the Bill Failed of Enactment in concurrence.

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

Mr. HOFFSES of Knox: Mr. President, I move that the Senate reconsider its action whereby it failed in enactment of L. D. 1608.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby this bill failed of enactment.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. Katz of Kennebec then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Hoffses of Knox to Reconsider.

On motion by Mr. Reed of Sagadahoc a division was had. Twenty-seven Senators having voted in the affirmative, and four Senators having voted in the negative, the motion prevailed.

Mr. Reed of Sagadahoc was granted unanimous consent to address the Senate:

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I opposed the tabling motion, and I probably shouldn't be speaking now because I can remember very well that when they say a man loses his temper he is half beaten and just about licked.

But I want people here to know in this Senate, wherever they might be, that I have just about had it. As far as I am concerned, someone is going to have to do a lot of talking before I am going to do much changing.

I doubt if many here in some ways are more conservative in some things that I am, and I don't mind those that voted against this simply because their convictions were deep-seated against the package. I know some of them are and I respect them, but I can't help but feel also working within this legislature are those that are just thinking of their own political hides, their own political future, and I am not going to cottontail to them anymore. I just want my position known and made clear to them and anyone else that I have taken all I am going to from them. I am not speaking now as the Minority Leader; I am just speaking as the Senator from Senate District 18. If I felt this measure was defeated basically on convictions I would accept it, but I don't think so. I think other motives defeated it and let them and each and every one of them stand responsible, and if the shoe fits they can wear it; if it doesn't it shouldn't bother them, these remarks. Those, Mr. President and Members of the Senate, are my feelings at this time, and I thank you for this opportunity to express them.

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