

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, January 14, 1970
Senate called to order by the President.

Prayer by the Rev. Ondon P. Stairs of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act relating to Hours of Sale in Retail Stores under Liquor Laws." (S. P. 618) (L. D. 1793)

In the Senate January 12, 1970, Passed to be Engrossed.

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

Which was Read.

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

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

Senators:

- BERRY of Cumberland
- BOISVERT
- of Androscoggin
- CONLEY of Cumberland

Communications

State of Maine
Legislative Research Committee
State House
Augusta, Maine
January, 1970

To the Members of the First Special Session of the 104th Legislature

The Legislative Research Committee is pleased to transmit herewith a report on the Coastal Conveyance of Petroleum pursuant to Senate Paper 524.

In light of a great concern and urgency for the preservation and best use of the territorial waters and coast of this State, this report, designated as Committee Publication 104-24, presents a means to protect such interests and the citizens of Maine from the hazards of transferring petroleum and its by-products without jeopardizing the many economic benefits accruing to the State from an expanding oil industry.

It is the hope of the Committee that the information contained in this report will be of lasting benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted,
s WILLIAM E. DENNETT,
Chairman Legislative
Research Committee

(S. P. 621)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

State of Maine
Legislative Research Committee
State House
Augusta, Maine
January, 1970

To the Members of the First Special Session of the 104th Legislature:

I have the honor to transmit herewith a report on the impact of Parochial school closings on the economy of the State of Maine.

This report, designated as Committee Publication 104-22, presents as accurately as possible conditions as they exist today on the National, State and Local levels along with all the necessary background information to support the Committee findings and recommendations.

The Committee sincerely hopes that the information contained herein will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,
s WILLIAM E. DENNETT,
Chairman Legislative
Research Committee

(S. P. 623)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

Orders

On motion by Mr. Duquette of York,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the Senate a Bill relating to interest on bonds of the State of Maine, authorized but unissued, to estab-

lish a regional vocational education center, or centers, in York County. (S. P. 622)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Holman of Franklin,

ORDERED, the House concurring, that the Joint Standing Committee on Inland Fisheries and Game report out to the Senate a Bill establishing a uniform deer season throughout the State of Maine.

(S. P. 625)

Which was Read.

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

Committee Reports House

Ought to Pass As Amended

The Committee on Education on Bill, "An Act to Create the Eastern Hancock County Community School District." (H. P. 1393) (L. D. 1748)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-634)

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Penalty for Violations by Guides Under Fish and Game Laws." (H. P. 1401) (L. D. 1757)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-628).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

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

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Fee for and Facilities of Class A Restaurants Serving Malt Liquor." (H. P. 1379) (L. D. 1728)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-626).

(Signed)

Senators:

CONLEY of Cumberland
BOISVERT

of Androscoggin

Representatives:

COUTURE of Lewiston
TANGUAY of Lewiston
FAUCHER of Solon
LEIBOWITZ of Portland

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

(Signed)

Senator:

BERRY of Cumberland

Representatives:

STILLINGS of Berwick
CHANDLER of Orono
HICHENS of Eliot

Comes from the House the Majority Ought to Pass as Amended Report Read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-626).

Which reports were Read.

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

Mr. CONLEY of Cumberland: Mr. President, I move that we accept the Majority Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that the Senate accept the Majority Ought to Pass as Amended Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: L. D. 1728, while it is not an involved bill, it does some things that on the face of it do not appear to be evident. It brings up for consideration the matter of changing the license of a Class A restaurant which will serve only beer. And as a result, if this legislation were to pass in its present form, an establishment only selling beer could sell on Sunday. It is my belief that morally the people of the State of Maine, when they voted acceptance of the

Sunday liquor legislation, did not vote on the sale of beer by itself. This is the reason for my position on this particular bill.

I certainly will go along with Senator Conley's motion for the time - being. I would point out that some of the language that I find offensive in the bill is this: talking about Class A restaurants, "Licensed to serve malt liquor only" — this is a new set - up we have got now — "only shall have facilities to serve sixty per cent of seating capacity at one time." This is the part I find objectionable: "The type or nature of the facilities shall be left to the discretion of the individual licensee." Language like this has never crept into our law before, and I think that, if this were to go through eventually, that this should be amended. The committee amendment changes the license from \$400 to \$200. I take this time to explain this to the members of the Senate because I am basically opposed to the bill, however, I certainly would go along with the motion of Senator Conley to see if something could be worked out.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I join my colleague, the distinguished Senator from Cumberland, Senator Berry, in opposition to this bill, only perhaps a little more strongly than he. I hope nothing will be worked out on this; I would like to see it defeated. Quite frankly, one of the reasons I went along with and supported our Sunday sales law during last session was that the beer was out of it. I had the distinct impression that the previous Sunday sales law, which went down in referendum to defeat, was defeated because beer was in it. I don't think that it is the intent of the Legislature and I don't think it is the will of the people that beer be sold on Sundays, and I consider the introduction of this bill into this Legislature as an act of arrogance. Thank you, Mr. President.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I think when the good Senator from Cumberland, Senator Berry, speaks of the referendum that was passed by the people of the State of Maine when they voted on Sunday sales of liquor, when it was defeated four years ago I think it was defeated because of the fact that the main objection to that bill that went to referendum was the sale of take - out beer from stores.

What this bill presently before us today actually does is simply allow Class A restaurants, which do not wish to engage in the sale of hard liquor traffic, it gives them the opportunity of just being able to serve beer to the tourists who are visiting their restaurants and be able to accommodate them by just being able to sell them a bottle of beer.

I am probably the most legitimate "Dry" that we have here in the Senate, and I really have no personal feelings at all in respect to the legislation, but I know several people in Portland, for example, who do have fine restaurants, Class A restaurants, who are not really interested in becoming involved in the traffic of hard liquor and feel that they would just like to be able to accommodate the tourists by being able to have different brands of bottled beer to accommodate them. I think this is the intent of the legislation before us. I agree with Senator Berry on some of the language that he has stated, but I also feel that this can be worked out. I think there is a proposed amendment that will come before us to clarify this, so I hope that the Senate would accept the Majority Ought to Pass Report of the Committee.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise to support wholeheartedly the sentiments expressed by the good Senator from York, Senator Logan. I hope this motion will not prevail here this morning, and I would respectfully ask for a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I would like the record to show that when I referred to an act of arrogance I was not referring to the sponsor, but rather to the industry. Thank you.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Conley, that the Senate accept the Majority Ought to Pass as Amended Report of the Committee in concurrence. A division has been requested. As many Senators as are in favor of accepting the Majority Ought to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. 14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Resolve, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. (H. P. 1310) (L. D. 1624)

Reported that the same Ought Not to Pass.

(Signed)

Senator:

DUNN of Oxford

Representatives:

BENSON

of Southwest Harbor

SAHAGIAN of Belgrade

LUND of Augusta

BRAGDON of Perham

BIRT

of E. Millinocket

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

(Signed)

Senators:

SEWALL of Penobscot

DUQUETTE of York

Representatives:

JALBERT of Lewiston

MARTIN of Eagle Lake

Comes from the House the Minority Ought to Pass Report Read and Accepted and the Resolve Passed to be Engrossed.

Which reports were Read.

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

Mr. DUNN of Oxford: Mr. President, I move that we accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken on this issue, I move it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Senator from Hancock, Senator Anderson, requests a roll call. Is the Senate ready for the question?

The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate accept the Majority Ought Not to Pass Report of the Committee in non-concurrence.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I think, as a signer of this Majority Report, I would like to give a few reasons why I did this. At the hearing the officials from the City of Portland said that the terminal was going to be built, regardless of State aid or not, and I believe that this is one item that should be taken care of by private funds.

There is, to my mind, some question of whether this is a money-making affair or not. We were told that the ferry in operation at this time runs 100 per cent capacity for 50 days a year, 50 per cent capacity for 50 more days, and 5 per cent capacity for the rest of the time. Now, at the peak period

there probably would be plenty of traffic for both, but it seemed to me that for eight or nine months of the year it would be very questionable if this would prove to be so.

The fact that a legislature 15 or 20 years ago did something similar to this, to me, it is foolish to think that we have to do the same. Whether that action was good or bad, I don't see that it ties our hands at all. There was quite a different story at that time. The bonded indebtedness in 1963 of the State was \$40,000,000. Today the bonds authorized, some issued and some not, amounts to \$250,000,000. There is \$58,000,000 tied up in guarantee funds, and with what is going on in one area in the north end of the State, where there is \$18,600,000, it would not be surprising if some of those had to be used. I think you know that a surplus we do not have now. At that time — and I checked the figures — in 1954 there was \$7,300,000, in '55 there was \$8,800,000, in '56, \$5,400,000, and right down the list, I have it for the next nine years and there was a surplus every year. We don't have that now. In fact, that is why we are here today, so there won't be a surplus. If there is so much money available, there will be very little when we go home. I think that each one of us realizes that if we take this, whether you call it from unappropriated surplus or what, if we take this out today we may not have to replace it at the special session, but surely the next time around I think there is a good chance that we will. And if we borrow this \$800,000 at six percent interest over a 30-year period, the interest is \$744,000. It isn't a free project; this is going to cost the State money.

I think there was a very rosy picture painted of what this would bring in, and I think that is very questionable. To me, as close to Boston as we are, it seems to me that people will be coming and going directly on the ferry, and I can't believe that they are going to leave too much money in the area as they go back and forth. A good part of the traffic will come from that direction.

On the boat, whatever happens on the boat, certainly there is no return to the State of Maine. The liquor, or anything that goes on there, there certainly will be no return there.

But the main reason I voted against this, I think, was because of priorities. I went through the list of bills, and there were a good many to me that would make better sense and I think our money would be better spent than in this particular area. We had one here the other day — I voted against it but it went right through — but it was \$441,000 for State employees for health insurance. There are sewerage bonds to be issued, and it doesn't show in the budget at the present time, but that means \$350,000 for interest and debt retirement. L. D. 1632 is an appropriations bill that totals \$2,336,000, and in that there is \$119,000 for the spruce bud worm control, which apparently is quite serious. The Renal Dialysis Program that passed through the Legislature and wasn't funded last time, \$300,000, and certainly it was brought out at that hearing that if you went to a hospital for this treatment it was a matter of \$30,000, and most of us don't have that kind of money. So anything we could do in that way I think would be desirable. In this same bill there is \$940,000 for extra school appropriations. The 18 percent ADC calls for \$3,000,000 and that is for a one - year period. The Governor, I think, has already signed a \$200,000 bill for legislative expense. The Washington County Vocational School is \$110,000. There are item after item which are very important here and, to me, would take priority over this item.

Mr. Baron, the Welfare Director of the City of Portland, appeared on this 18 percent bill — and frankly, the 18 percent bill would be my first priority. It is expensive but at least it would save property tax. It goes back directly to the towns, or it takes a burden off the towns and it relieves their tax by a given amount of money, and everyone over the State would share in it. Now, this is from Mr. Baron, the Welfare Director of the City — we asked him to give us

a copy of the statement that he made — and he went to some length. He appeared before the committee for years, and he said: "At present I am holding assessed statements for ADC in the amount of \$60,000 in the City of Portland. I will not process, as Welfare Director, these statements until legal rulings made at Portland or any other town or city in this State can be assessed 18 percent of an ADC grant to a recipient who is married and living a marital life in a family with a husband who is earning \$8,000 to \$10,000." His conclusion says: "Finally I beg and I plead with you, please make this 18 percent repeal No. 1 priority." I think he makes sense, and I think it is time that we did. In fact, from our leadership, when this was deleted from the bill last year, it was stated publicly that this would be one of the top priority items in the special session.

Yesterday I had the Finance Office get some figures from the Health and Welfare Department on what this 18 percent means. Augusta, \$33,800. for this fiscal year. Bangor is \$84,500. Brunswick, \$19,400. The City of Portland is \$185,300. To me, the City of Portland would be far ahead if they could get this and drop the other one. This runs year in and year out, and the prices are going up. To me, this is a much better bargain than the 800,000. that they are speaking about. Presque Isle, \$12,600. Rumford, \$15,700. I feel that, even though this takes a good percentage of the money that we have available, I believe that is first priority, away ahead of what we are talking about here today. So, I believe there is good reason to vote Ought Not to Pass on this bill.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I feel that since I am a signer of the Minority Ought to Pass

Report that I should get up and defend my position. It is with reluctance that I differ with my fellow committee member, for whom I have the utmost respect, in his judgment and as a man. However, this issue which was before us in the last session, and then again this time, was probably one of the hardest ones, for me at least to make up my mind as to how I should vote, but I think if one tries to distinguish between building roads, appropriating monies for an airport in Frenchville, or a passenger terminal in Bangor, it is a pretty difficult thing to do. This is a project of major scope which would, at least in my opinion, benefit the entire State of Maine. If it benefits Portland, fine, but certainly there will be a large spin - off from these people who are coming up here to take this ferry. As I said before, it is very hard, at least in my opinion, to distinguish and delineate between the appropriations of millions of dollars for state highways and millions more for airports, and yet turn a project that has the obvious merits of this project down because it happens to be requested by one of our municipalities.

The City of Portland has agreed to repay this money, which during the regular session they were not willing to do. It would be loaned under exactly the same conditions that the money was loaned to Bar Harbor, or to the Canadian National Railroad through Bar Harbor, some fifteen years ago. So I feel this is a worthy project and worthy of an affirmative vote from this Senate. I would hope that Senator Dunn's motion would not pass, and that the Minority Ought to Pass Report be accepted. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Resolve, to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. A roll call has been requested. Under the

Constitution, in order for the Chair to ordel a roll call, it requires the affirmative vote of twenty per cent of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered. The Chair will state the question once more. The pending question is the motion of the Senator from Oxford, S e n a t o r Dunn, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Resolve, to L o a n F u n d s f r o m t h e Unappropriated Surplus for the Construction of an International Ferry Terminal. A "Yes" vote will be in favor of the motion; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators A n d e r s o n , Barnes, Dunn, Greeley, Hoffses, Holman, Martin, Quinn and President MacLeod.

NAYS: Senators Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Hanson, Katz, K e l l a m , Letourneau, Levine, Logan, Minkowsky, Moore, Peabody, Reed, Sewall, Stuart, Tanous, Violette and Wyman.

A roll call was had. Nine Senators having voted in the affirmative, and 23 Senators having voted in the negative, the motion did not prevail.

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

Senate Ought to Pass

Mr. Boisvert for the Committee on Public Utilities on Bill, "An Act Relating to the Charter of the Van Buren Light and Power District." (Emergency) (S. P. 601) (L. D. 1772)

Reported that the same Ought to Pass.

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

Ought to Pass in New Draft

Mr. Logan for the Committee on Business Legislation on Bill, "An Act to Amend the Home Solicitation Sales Act." (S. P. 561) (L. D. 1636)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 614) (L. D. 1796)

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

Divided Report

The Majority of the Committee on Business Legislation on Bill, "An Act Relating to Investment Fiduciaries Under State Retirement System." (S. P. 562) (L. D. 1637)

Reported that the same Ought Not to Pass.

(Signed)
Senators:

BERRY of Cumberland
LOGAN of York

Representatives:

GAUTHIER of Sanford
TRASK of Milo
FECTEAU of Biddeford
SCOTT of Wilton
SCOTT of Presque Isle
HARRIMAN of Hollis
CLARK of Jefferson

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-364).

(Signed)
Senator:

LEVINE of Kennebec

Which reports were Read.

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

Mr. LOGAN of York: Mr. President, I move that the Senate accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from York, Senator Logan, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: This bill came before our committee by the State Employees Association. When they wanted to change the bill they wanted it all

to be changed. My amendment didn't go along with them, but I felt that my amendment was fair for them and fair for the people of the State of Maine.

The way the law is written now the retirement funds can only be invested in one bank, and they are the ones who handle the money. The State Employees Association wanted to change it so that it shouldn't mention banks, but that any financial institutions could handle it or more than one should handle it. I felt that the banks are more conservative and that was why we should leave it in the hands of a bank or banks, but I didn't feel that we should turn them down entirely because the fund is too large now. The fund is \$150,000,000. When this law was passed the fund started as an infant, some thousand or two thousand dollars, whatever it was, and by now it is \$150,000,000. In five or ten years it might be \$200,000,000 or \$250,000,000.

The State Employees Association brought in this bill because the returns on their retirement fund, as it is handled now, doesn't bring in enough return. The other states are doing a better job at it, and they were looking for a solution to get more income on their money. So, I felt we should allow them to use more than one bank. I feel that competition is very good. When I put in the amendment I specifically put in "two banks." They shouldn't be able to go to any other investment agencies and take a chance with their money. By allowing them two banks you are giving them competition, and the bank that is handling it now will try to do a better job. Another thing it could do, if we allow them to use two banks, it doesn't specify how they have to split it or anything, and we have banks large enough in the State of Maine now so they might try to let a percentage of the money be handled by a bank in the State of Maine. That is why I feel we should vote against the Majority Report and accept the Minority Report, because this country was founded on free enterprise and competition. If you give a little incentive, usually you will

come out ahead. If you let two banks handle it there will be a little bit of competition, and the fund would bring in more returns. I would ask everybody to vote against the motion of my good friend, Senator Logan.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Let me, if I may, lay a little background on this. At one time this fund for the retirement system was in deep trouble, largely as a result of mismanagement. At that time the law was changed to require a bank as a fiduciary. Now in this sense the fiduciary is the individual or organization that is responsible for the investment of these funds. If my memory serves me, the First National of Boston is the fiduciary in this case.

Now what the bank does, in investing these funds, it is required to follow the prudent man rule, which limits it substantially to blue chip investments. The fund has performed exceedingly well. As a matter of fact, it has grown to the very impressive figure of \$150,000,000. And the growth and performance of the retirement fund has been impressive, to say the least. It is out of trouble, it is sound. The soundness of this fund is of critical importance because, of course, it is the interest from this fund that finances the retirement system. It is something that must work. It must work.

Now, the original bill — and I think all of the committee was in agreement on this — was too loose. It allowed them to appoint anyone, any individual organization, as a fiduciary, and in any number. It was not made clear to the committee exactly what they were after. Now, they made the statement that the fund was huge, it should be split up among various fiduciaries, that it would produce competition, but they didn't exactly say "We have no criticism of the manner in which the First National is handling the fund." It was not made clear to the committee what they had in mind here. Do they, for example, intend to break it down into a hundred fiduciaries

and spread it around the State of Maine? Do they have in mind appointing individuals as fiduciaries, or are they going to stay with the banks?

Now, the question of competition isn't exactly germane in this instance. For example, let us assume that you could perhaps have competition in two areas. The cost, the charges, that the fiduciary makes to the system for handling the fund, or perhaps they charge a percentage of the capital — this is not unusual — that could be an area of competition but, of course, they can compete now. They can go to the Merchants National or Harris Trust — no, they can't go out of Massachusetts, New York or Maine — Morgan Guaranty Trust, and say "all right, would you like to bid on being a fiduciary for this fund?" They can get competitive bids right now on the handling of this fund.

The only other area where you might say competition comes into this is on the question of performance. Those of you, for example, who invest in mutual funds or stock funds of various types, you get performance figures from your broker as to how your fund is doing in comparison over the years with somebody else's fund.

Our feeling is that if the present set-up is going to be changed it should be done with extreme care, and with a great deal more information than we have now. I won't deny that perhaps the fund should be allowed to go to more than one fiduciary. At this time I don't have adequate information to satisfy myself that two is the right number. I am not satisfied that it should be restricted to banks necessarily; maybe it should and maybe it shouldn't. I don't know if three is the right number, or five, or what have you, and rather than tamper with a going thing, and a thing of such crucial importance, we felt—and incidentally, this is clearly not an emergency; they are not suffering at all—that we would be well advised to proceed with great care here. Let this matter go, see to it that it is introduced at the regular upcoming session, so that we are then

in a better position to proceed with due care as prudent men. Thank you, Mr. President.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: It was brought out before the Committee by the representative of the State of Maine Employees about this fund, that the other states are realizing a better return under a different system. That is why they brought in this bill. To answer my good friend, Senator Logan, that this isn't an emergency, I think this is more of an emergency than some of the bills we are handling now, because this could bring in some money. What we are doing in this session is spending money. So anything that might help the State Employees of the State of Maine to bring in more money is not called an emergency, but anything to spend money is called an emergency. So, I don't think that is right. But the only reason they brought it in is that right now they are realizing less than some of the other states.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I support the position of Senator Levine and I am wondering, particularly since the Chairman of the Committee on Business Legislation seems to agree with his position, whether this account should go to more than one fiduciary. I think this is significant when we consider the plight of some of our commercial banks in Maine today where they are complaining that there isn't sufficient investment capital, yet we know that the fees that a fiduciary or commercial bank would realize in the investment of \$150,000,000 would run into several thousands of dollars.

We know that at this time, or at least it is my understanding, that there are no Maine banks that participate in this account. It is also my understanding that when this retirement system, or the investment aspect of this, was

established years ago, that the Maine commercial banks were of such a size that they did not possess the expertise to become involved in investments of this nature. Since that time we have several banks, or at least a couple of banks in Maine, whose assets exceed \$100,000,000 and they do offer this service to many of their clients and customers today. I think if we are going to be consistent, if we are going to try and assist our economy in the State of Maine by retaining the fees that are realized from the investment of our Maine money — this is money that is appropriated by the Maine Legislature, from Maine citizens, for the most part — but then when it comes to investing it we delegate this responsibility to non - resident banks.

I agree wholeheartedly with the amendment that Senator Levine has presented under S-364, which broadens and expands the number of fiduciaries to two banks. This would permit a Maine bank to participate. As Senator Logan has indicated, at the present time this fund is being administered by the First National Bank of Boston. I certainly have no quarrel with them, but I do think that where this is Maine money, derived from Maine citizens, it should be spent here in Maine and that the Maine banks should be given a piece of the action. So, I urge the members of the Senate to reject the pending motion so that Senator Levine can then act on his amendment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am sorry to disagree with practically every facet of the jewel that Senator Beliveau has presented to us. This situation is significant and there are many points here which have to be carefully considered. Some of them have not been mentioned.

I would point out to you that the prospect of several Maine banks competing with each other to produce the greatest return on the investment is far from a desirable situation, that the ability to turn money out of a trust fund

involves discretionary ability to determine the type of investment, and it requires the ability of the trustee to refrain from engaging in trading, buying and selling, in an attempt to better the record of a competitor. This, to my mind, would be a statement of the ideal way a trust fund should be administered.

Now, as to the size of the fund and the ability of the Maine banks to handle it, we all agree that it would be fine to have this in the State of Maine. However, \$150,000,000. is far in excess of any of the trust funds administered by any of the Maine banks. Consequently, it is beyond the expertise of Maine banks to handle this as one single fund. I would hope that we would not make this change.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I entered this bill for the trustees of this fund, and I will admit that in reading over the bill, the original bill, it does show that they could have as many fiduciaries as they wanted. It was not limited, and I questioned that at the time. But if the Majority Report was turned down, and the Minority Report was accepted with the amendment which would allow two fiduciaries, representing banks only, this would permit the Board of Trustees to utilize more than just the one fiduciary. The law, as you now must know, restricts it to only one, and that must be a bank fiduciary.

Now, it is believed that a \$150,000,000. fund should have more than one money manager, and I think that this does promote healthy competition. After all, I believe that is what this nation was built on, and what it has advanced on as well.

Now, many of the larger corporations in the country have two or more, and I understand that some have as many as six, fiduciaries. I would hope that the motion to accept the Majority Report does fail, and that we could accept the Minority Report with the amendment.

As most of you must know, we have three of the trustees which are appointed by the Governor, one by the Maine Teachers Association, one from the Maine State Employees Association, one representing the Maine Municipal Association, and also one representing the retirees, and I don't think that these gentlemen would be fooling around or requesting anything that would be out of reason in any way. I oppose the motion to accept the Majority Report, and when the vote is taken I request a division. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: A couple of concluding thoughts, if I may: We had no statement from the trustees as to what their intentions were. There is no indication that they would in fact invest this in the State of Maine. I think it is questionable whether they would or not. We simply don't know what their intentions are in this matter.

Secondly, I would also submit to you that a retirement fund is not something that should be banded about and competed for in the sense that we compete in the business area. This is really an extremely crucial matter and we have got to do the right thing on it. Thank you, Mr. President.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: I don't wish to impede the fine progress that this body has enjoyed, but I do find myself somewhat confused on this matter, and I have tried to listen to the debate on each side. If there is another member of this body who finds himself in the same predicament as I, I would suggest that this might be tabled until the next legislative day.

The PRESIDENT: Is the Senate ready for the question: The pending question before the Senate is the motion of the Senator from York, Senator Logan, that the Senate accept the Majority Ought Not

to Pass Report on Bill, "An Act Relating to Investment Fiduciaries Under State Retirement System." A division has been requested. As many Senators as are in favor of accepting the Majority Ought Not to Pass Report of the Committee will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A", Filing No. S-364, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Second Readers

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

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1317) (L. D. 1646)

Bill, "An Act Relating to Municipal Zoning Ordinance Affecting Indian Lands." (H. P. 1426) (L. D. 1795)

Bill, "An Act Appropriating Funds for Grants by the Maine School Building Authority." (H. P. 1313) (L. D. 1642)

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

House - As Amended

Bill, "An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees Beginning July 1, 1970." (H. P. 1306) (L. D. 1620)

Which was Read a Second Time.

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

Mr. KATZ of Kennebec: Mr. President, with respect to this matter, a health insurance plan for State employees, I have just been informed that there is an amendment being prepared, and I would hope that this would be tabled until

the next legislative day by someone.

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

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

Bill, "An Act Clarifying and Correcting an Omission in the Charter of the Town of Gorham." (H. P. 1345) (L. D. 1674)

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

Enactors

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

An Act Relating to Compensation for Full - time Deputy Sheriffs and Chief Deputies of Androscoggin County. (S. P. 558) (L. D. 1633)

An Act Relating to Code of Military Justice for the State Military Forces. (H. P. 1338) (L. D. 1667)

An Act Extending Eagle Lake Water and Sewer District to Plantation of Winterville. (H. P. 1349) (L. D. 1678)

An Act Relating to Certain Classified Employees in the Forestry Department. (H. P. 1354) (L. D. 1683)

An Act Relating to Disqualification of the Administrative Hearing Commissioner. (H. P. 1367) (L. D. 1716)

An Act to Amend the Charter of Great Northern Paper Company. (H. P. 1368) (L. D. 1717)

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

Emergency

An Act Relating to Fees of Certain Corporations payable to Secretary of State. (H. P. 1320) (L. D. 1649)

This being an emergency measure and having received the affirmative votes of 28 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 to Amend the Charter of the Community Life Insurance Company. (H. P. 1321) (L. D. 1650)

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

Emergency

An Act to Validate Certain Proceedings in Formulating Voting Districts in the Town of Brunswick. (H. P. 1343) (L. D. 1672)

This being an emergency measure and having received the affirmative votes of 31 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 Authorizing Androscoggin County to Borrow Money for an Addition to the County Jail. (H. P. 1362) (L. D. 1691)

This being an emergency measure and having received the affirmative votes of 32 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to Bag Limit on Bears." (H. P. 1374) (L. D. 1723)

Tabled—January 13, 1970 by Senator Moore of Cumberland.

Pending—Passage to be Engrossed.

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

Sent down for concurrence.

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act to Repeal the Law Providing a Uniform Fis-

cal Year for Municipalities" (H. P. 1424) (L. D. 1794), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-365, was Read.

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

Mr. TANOUS of Penobscot: Mr. President, I noticed everybody reaching for their books to check what the amendment is. This is what we mentioned a few days ago, that we are correcting the bill so that we won't erroneously repeal the implied consent law.

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

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

Sent down for concurrence.

The President laid before the Senate Joint Order S. P. 625, tabled earlier in today's session by Mr. Katz of Kennebec, pending Passage.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I move that this Joint Order be indefinitely postponed. I would like to speak to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that Senate Paper 625, a Joint Order, be indefinitely postponed.

The Senator has the floor.

Mr. BARNES: Mr. President and Members of the Senate: This order, if I understand it correctly, orders the Inland Fish and Game Committee to come out with a bill which would change the open season on deer in the northern district. I oppose this order for two or three reasons. Mainly, I don't feel that this is an extraordinary item, and certainly not an emergency matter in any sense of the word or by any stretch of the imagination. I think we have got many more important matters to consider in this special session, and I don't

think we should be going to the trouble of asking any committee to come out with a new bill at this time.

Just a word about the background of this thing. There is a movement on foot, and it is initiated mostly from legislators in the southern district — as you know, there are two districts in Maine in regards to open season on deer, the northern district and the southern district — the open season on deer in the southern district is limited to one month, the month of November; the northern district, which includes my area, Aroostook County, is six weeks — the season opens October 15 and closes the last Saturday after Thanksgiving, which is approximately six weeks in length — and most of the activity and initiative is starting from members of the legislature from the southern district. If they are concerned about the deer herd, about conservation, then I suggest they do something about their own district and leave our district alone. I maintain that if we change this open season and shorten it up you are going to have just as many deer killed as you are now, and you are going to have more men killed because you are going to have a higher concentration of people in the woods in that month's time.

We have a unique situation in Aroostook County. Our harvesting operations up there, potatoes, you know, our major industry, through the month of October, and most people are actively engaged in these harvesting operations at that time. The minute the harvesting operation is terminated, and they get time, they all go into the woods and hunt. I maintain that you are going to have more deer killed if you shorten the period, and have more men killed.

This, in my estimation, is not the basic cause of the shortage in the deer herd, and I don't think it is an emergency. I think that this order should be killed right here and now. There was an amendment introduced in the House on the bear bill to do this same thing and they killed it. I think we ought to dispose of it

right here this morning. I hope that I will get support from the members of this Senate.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: This order, I believe, was conceived over concern of the drop-off in the deer kill last November. This order would do absolutely nothing in restoration of our deer herd. A statewide season throughout the month of November would be the worst thing we could possibly do, because of the diversified climactic condition throughout the State. Let me say most emphatically the deer herd is not in trouble. The deer kill was thirty thousand this year and, without question, fifteen thousand more died from the hands of poachers, automobiles, deer wounded and staggering off to die, and natural causes. Now, when the deer kill drops, we'll say to twenty thousand, then it would be time for us to do something about it, but a thirty-day statewide season certainly is not the answer to this problem. I support the motion of the good Senator from Arrostook, Senator Barnes, for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I would ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognized the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: It seems as though we are debating a bill that has had a hearing and everything else. All there has been presented is an order there this morning. I don't know what their fear is. Senator Holman, that is the one bill that he has introduced and tried to get by the screening committee, his only bill, his only chance to present a bill, and the screening committee saw fit to turn it down.

We all understand that Commissioner Speers is very much op-

posed to this, mostly on account of the almighty dollar. Now, the sportsmen in this State, regardless of what you have heard here this morning, they are concerned about the deer herd. They feel that this in an emergency, and, I think we should give Senator Holman the opportunity to at least introduce one bill. Thank you.

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

Mr. HOLMAN of Franklin: Mr. President and Members of the Senate: This is not the only bill that I introduced at this session. I would correct that, in all fairness to the order and the consideration thereof. I do believe that when we have 185,000 hunting licenses issued in the State of Maine each year, and if you look at the statistics put out by the Department of Fish and Game where as far as thirty years ago we were shooting up to thirty thousand deer a year, when there were maybe only one hundred thousand hunters, now we have almost doubled that many hunters, or at least licenses issued, and we are shooting just about the same number of deer, it is a very simple statistical error in the Fish and Game statistics which we don't recognize and that is this: that if you have ten hunters hunting the same area, and each year for several years they get maybe ten deer, and then you have twenty hunters hunting the same area and they still get only ten deer, then there is something wrong with the deer herd.

This may seem not an emergency to this session, but when you figure all the money that the State of Maine spends in advertising this as a great big game-hunting state and a great fishing state, and the people come up here in the summer time with their families and fall in love with the state, and the husband wants to return and go deer hunting, and he comes up here in October, let's say, in the first two weeks of the split season, he walks through the woods up around in my district, in Jackman, for example, and it looks like the Battle of the Revolution, there are so many red coats up there, the hunters come up and return and never come again.

I believe that this is worthy of a hearing of the Department of Inland Fisheries and Game, because during my recent campaign in Northern Somerset, this was the worst and most challenging issue that they wanted some voice on at this session.

Now, I believe that we got rid of the feudal system many, many years ago and we don't have lords, lords of any departments or things of that nature, and I think it behooves me, as Senator from my area, to ask this committee to turn out a bill for consideration and have hearings. I believe that Gene Letourneau, who is one of our beloved sportswriters, is worthy of consideration. He cites an example for your consideration: Ten years ago, on the great International Paper Company Road from Daquam into Clayton Lake, the first day, believe it or not, they tagged 165 deer. This year, gentlemen of the Senate, in the first ten days they only tagged two deer. Now, if you have got twice as many hunters getting the same number of deer year after year, there is an emergency.

I speak to you as a conservationist, as a hunter, as a fellow who grew up in Maine and used to be able to go out and see deer all over the place when there were half as many hunters. There is definitely something wrong. I think there are many bills discussed at this session which are much less of an emergency than this.

We advertise in all the big game magazines throughout the world that we have the famous white-tailed deer. I don't know where the biologists get their statistics, but I think that with 185,000 would-be biologists, which are your hunters, go out and they can't find any deer, and the biologists can't tell us where they are, then there is an emergency.

This is not my only bill, but I believe that this is perhaps the one that I am most closely associated with because I live in game country, and we want to protect our game country. In Arrostook County, I believe that they do, obviously, have a right to speak up through their Senators, that why

should we consider something that would affect them. I believe that they should look twice and have some hearings at this time, because if we don't consider this at the special session, and wait to the next annual session, this will go over and it won't be voted on until a year from now, and then another year goes by. I believe that this is an emergency, this is one of our greatest resources, and I only ask that the order be granted and that we have a hearing.

We have plenty of time here; I don't think we are going to adjourn within a week. The people who are interested in this will be very willing to appear at a hearing. I believe that the Commissioner will be there, and he will give you the same statistics that he sent out through the Fish and Game letter, but I believe that those statistics are very erroneous and they avoid the question. Thank you, Mr. President.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I would like to point out that we had very unusual hunting conditions this last November. If you will recall, it rained for almost three weeks. If there are any hunters in this honorable body today, they know that on a rainy day that the hunters stay in the camps and drink Coca Cola and play poker. So, they really only had about a week to hunt, and I think it was remarkable that they came up with a 30,000 deer kill. I still would certainly hope that the motion to indefinitely postpone by the Senator from Aroostook, Senator Barnes, will prevail.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I am going to oppose this order, and I am going to do so not on the grounds of the deer herd, and I think maybe there is a legitimate complaint here, but it does seem to me that at the beginning of the session we passed an order to have bills introduced only by majority vote. I realize

that this has been circumvented through this method of the order, and I guess maybe its coming back to haunt us. I feel as if ever we are going to get out of here, we are going to have to live up to our basic intent, and that was a bill that was to be introduced should have unanimous consent of the body that it was introduced in. I would certainly not object if this approach is used, but I am going to take the line from now on. I have been amazed that some of these other bills have been introduced by order. I think this is a dangerous precedent. What you are doing is throwing the unanimous consent rule and you are throwing your other rules completely aside and circumventing, I feel, what the intent of the legislature is. If we are going to make rules, I feel, then we should live up to them. So, I will oppose the order. If it comes in under unanimous consent, I may not oppose it at that time, but I feel that that is the way in which bills should be introduced from now on.

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

Mr. HOLMAN of Franklin: Mr. President, one very brief closing comment: I believe that the protection of our deer herd and its consideration is as important as changing the name of some of our colleges at this session. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As Chairman of the non-controversial Fish and Game Committee, I feel compelled to speak on this issue. I would like, first of all, to point out that my remarks will be strictly my own personal observations based upon the limited amount of time that I have spent in the woods and the traveling of our highways. My personal opinion is that we do not have as many deer in the State of Maine as we had a number of years ago. I agree with the good Senator from Franklin County that we are having definitely more licenses issued, more hunters in the woods, but our

deer kill seems to be somewhat static.

I agree with the Senator from Sagadahoc that if we allow these joint orders to come in that we are circumventing the legislative process which has been established.

Now, if we find another year, and I might back up, if I will, just a little bit, we did have, as the Senator from Hancock, Senator Anderson, pointed out, a very unusual season this fall, very unusual. If we have a normal season next fall our hunting license numbers increase, our deer kill does not increase, or if it decreases, I believe then that we should take action and that we should take strong action. I have said privately that we are not going to do anything towards really protecting our deer herd or our wild life in general until it is practically gone and then we will do something about it. But I firmly believe that if our deer herd is down next year, our license numbers are on the increase, and we do have a normal season, it would convince me then at that time that our deer herd is in trouble, and I urge every member of the legislature who will be sitting here in these halls in the 105th that they take strong action, and I emphasize strong action, that we preserve our deer herd and our other wildlife. Thank - you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Barnes, that Joint Order, Senate Paper 625, be indefinitely postponed. A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone the Joint Order will rise and remain standing until counted. Those opposed?

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

(Off Record Remarks)

On motion by Mr. Katz of Kennebec,

Recessed until 2 o'clock this afternoon.

(After Recess)

Called to order by the President.

Order

On motion by Mr. Hoffses of Knox,

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held in the Hall of the House of Representatives.

Which was Read and Passed.

The Secretary conveyed the message.

Subsequently, a message was received from the House through

Representative Richardson of Cumberland concurring in the foregoing proposition for a Joint Convention.

At this point the Senate retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Record.)

After Joint Convention

Called to order by the President.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.