

# 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**

Thursday, January 15, 1970

Senate called to order by the President.

Prayer by the Rev. Kenneth Brookes of Augusta.

Reading of the Journal of yesterday.

**Papers From The House  
Joint Resolution**

Joint Resolution Recognizing Outstanding Act of the Portland and South Portland Fire Departments, J. F. Moran Company and U. S. Coast Guard

WHEREAS, the lighter Dean Reinauer exploded in a series of devastating blasts while loading gasoline at Portland Harbor on December 30, 1969; and

WHEREAS, life and property in the cities of Portland and South Portland were placed in great danger by the stricken barge; and

WHEREAS, men of the Portland and South Portland fire departments, the J. F. Moran Company and the U. S. Coast Guard averted disaster by safely maneuvering the vessel to sea; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Legislature, now assembled in Special Session, that, we the Members, commend the courageous men of the Portland and South Portland fire departments, the J. F. Moran Company and U. S. Coast Guard for their skillful performance of duty and outstanding acts of bravery on that day; and be it further

RESOLVED: That a suitable copy of this Resolution be immediately transmitted to each of the aforesaid as a true measure of our thanks and appreciation. (H. P. 1427)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**House Papers**

Bill, "An Act Creating the Non-public Elementary Education Assistance Act." (Emergency) (H. P. 1395) (L. D. 1751)

Comes from the House referred to the Committee on Education and Ordered Printed.

On motion by Mr. Katz of Kennebec tabled and tomorrow assigned, pending Reference to Committee.

**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 hereby has the pleasure of submitting to you a report on the Consumer Credit Code.

Although this report, designated as Committee Publication 104-23, is restricted to the Committee's preliminary findings and recommendations, which fall short of the ultimate conclusion, a basic foundation has been laid and appropriate vehicle ascertained to more properly establish a Consumer Credit Code for the State of Maine.

It is the hope of the Committee that the information contained in this report will prove of value 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. 624)

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

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

State of Maine  
Office of the Governor  
Augusta, Maine

January 14, 1970

To the Honorable Members of the Senate of the 104th Legislature

I am transmitting, for your consideration, the report and recommendations of the Task Force on Government Reorganization, a bi-partisan citizens committee which has submitted a number of proposals for making Maine

State Government more responsive and effective. Several of the Task Force proposals have been incorporated in L. D. 1792 which is now before the Special Session. I am also enclosing an itemized explanation of each part of this Legislative Document.

I believe you will find the discussion contained in the report useful in your deliberations on the pending legislation and in considering future steps toward government reorganization in Maine.

Respectfully,  
(s) KENNETH M. CURTIS  
Governor  
(S. P. 627)

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

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

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine  
January 14, 1970

Hon. Harry N. Starbranch  
Secretary of the Senate  
Sir:

The House today voted to Adhere to its action whereby it accepted the Minority "Ought Not to Pass" Report on Bill "An Act relating to Length of Trout in Brooks and Streams" (H. P. 1331) (L. D. 1660).

Very truly yours,  
(s) BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

(Off Record Remarks)

**Committee Reports**  
**House**  
**Leave to Withdraw**

The Committee on Taxation on Bill, "An Act to Extend Certificate of Number Coverage and to Provide Increased Registration Fees in Lieu of Personal Property Tax on Certain Watercraft." (H. P. 1416) (L. D. 1783)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought Not to Pass**

The Committee on Public Utilities on Bill, "An Act Clarifying the Laws Relating to Licensing of Sewage Treatment Plant Operators." (H. P. 1348) (L. D. 1677)

Reported that the same Ought Not to Pass.

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Committee on Taxation on Bill, "An Act Relating to the Taxation of Farm Machinery." (H. P. 1360) (L. D. 1689)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read.

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

**Ought to Pass**

The Committee on Legal Affairs on Bill, "An Act to Clarify the Law for Eligibility for Burial in the Maine Veterans Memorial Cemetery." (H. P. 1413) (L. D. 1780)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Power of Houlton Water Company to Purchase Securities of Other Public Utility Corporations." (Emergency) (H. P. 1408) (L. D. 1774)

Reported that the same Ought to Pass.

Comes from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence and the Bills Read Once.

Under suspension of the rules, the Bills were given their Second Reading and Passed to be Engrossed in concurrence.

**Senate**

**Leave to Withdraw -**

**Covered by Other Legislation**

Mr. Conley for the Committee on Legal Affairs on Bill, "An Act

Relating to Issuing Revenue-Producing Municipal Facilities." (S. P. 568) (L. D. 1695)

Reported that the same be granted Leave to Withdraw - Covered by Other Legislation.

Which report was Read and Accepted.

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

### Divided Report

Five members of the Committee on Education on Bill, "An Act Repealing Provisions for Student Tuition in Coordination of Public Higher Education." (S. P. 565) (L. D. 1640)

Reported in Report "A" that the same Ought to Pass.

Signed:

Representatives:

MILLETT of Dixmont  
CUMMINGS of Newport  
ALLAN of Caribou  
KILROY of Portland  
CHICK of Monmouth

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "A" (S-366).

Signed:

Senators:

KATZ of Kennebec  
STUART of Cumberland

Representative:

RICHARDSON  
of Stonington

One member of the same Committee on the same subject matter reported in Report "C" that the same Ought not to Pass.

Signed:

Senator:

KELLAM of Cumberland

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am not quite sure what motion to make on this. You will notice that we have a nine-man committee; one of our members presently is out of State. I thought it wise if I took a moment to explain to the Senate what this is all about.

You may recall that in the 103rd Legislature, as part of the package for putting the university system together, we agreed to protect those students who were presently enrolled in state colleges from any sudden increases in tuition up to the level of the Orono campus. In other words, the ratio, the relationship of the state college tuition to the Orono tuition was to be maintained as long as these youngsters were in school. At the regular session of this Legislature we passed a bill which repealed this provision and subsequently it was vetoed by the Governor.

What we are saying here today is that there is one member of our committee who feels that we should not meddle, that we should leave the restriction just as it is. We have three of us, including Senator Stuart and myself who feel that we should just live up to our responsibilities to those youngsters who are presently juniors or seniors and whom we agreed to protect at the time the legislation was originally passed, but the majority of the committee felt that this obligation was not that sacred and they felt that the whole thing should be repealed, even as we repealed it in the regular session. The rub comes right at this particular moment in that the fact that the 103rd Legislature, in trying to put this protection over our resident young people, also extended the protection of our tuition fees to non-resident students who came from out of state. We are in the position now of perhaps a wealthy New Jersey student who attends Farmington State College only pays \$200 a year for tuition, and you and I and all other Maine taxpayers have to make up a whacking difference between his actual cost of education and what he actually pays in to the university. With almost all of the members of the committee there was a feeling that we should untie the hands of the trustees to some extent to let them make those adjustments in tuition with which they are charged by law and with which they are most familiar.

The revenue that could come from a modest increase in out-of-

state tuition, an adjustment perhaps in the room and board charges at certain of the institutions, and maybe even a minor increase of perhaps \$25 to \$50 a year for certain state college students will raise enough money to do two things. In the first place, it will raise enough money to let in several hundred more students who presently we have no money to underwrite. The second thing it will do is permit the university to take part of these increased funds and put it aside for a substantial increased student aid fund, so that those students who are having trouble paying their expenses will have a much more realistic and a much more liberal university student aid program in effect. On this basis, I would urge the Senate to adopt either the report that repeals or Report B, which is more restrictive. Just to get the ball rolling, I will move that the Senate accept Report B which says, in effect, that we will continue to protect only those Maine students who are presently juniors and seniors and who were enrolled in the institutions at the time the university system was put together.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Ought to Pass as Amended Report B.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This bill is a very simple piece of legislation, and I don't believe that we should become too confused or involved in various items that the Board of Trustees may do after they raise more money, if this bill is passed.

I believe the arguments put forth by the good Senator from Kennebec are well taken, that it is possible they may charge considerably more to non-residents and they may use the money to help others come to the school and so forth, but there is nothing in the law that attaches any strings whatever to what they do with increased money. All this does is allow them to do just as they please in regards to tuition to the students.

The amended bill, the amendment which is the pending motion to accept, does protect a few select students who entered in the Fall of 1968, and I really fail to see why we should put so much emphasis on these particular people instead of all of the students who might have entered the school and in fact may enter, say, next year, because the protection is going to run out in 1972, the graduating class of '72. And this is a matter that comes right down primarily to just keeping faith with those who did vote for the merger of the university system, and to allow the relative differences in tuition to continue. I think it is obvious to all of us that the reason for this is that the facilities available to the various people in the university system are not equal. Many of the colleges have much fewer facilities than the others, and if they were charging less when the merger took place we have a period of time in which the adjustment can take place to bring the facilities all up to a certain standard, and then if they want to charge the same tuition to all the students they could do this.

I had proposed various things to the university when they presented this bill, and none of them seemed to be acceptable to the trustees. I had suggested that if they didn't like the proportionate increase they might change it to an equal increase. If they felt they needed \$50 a year more from all the students they could get it in that way; they wouldn't have to necessarily by doubling one tuition have to double the other, where say the Orono campus would be an excessive rate, we could add something like \$50 to each one of them. As a matter of fact, they presented about half a dozen sheets of paper with various examples on them, and those were the examples they used, \$50 each. I asked them whether if that were the case couldn't they just change the wording to an equal increase in tuition and thereby get more money. This seemed unsuitable to them, and I couldn't understand why it is that if they present half a dozen examples using a \$50 increase why they should be so much opposed

to receiving legislation that permits a \$50 increase.

Be that as it may, I think it comes right down to this, that it does come down to keeping faith with all of us and with all the students who had looked forward to going to the school. The amendment before us would protect those who entered in 1968. Now, I would like to point out to the Legislature that if a person entered a particular school in 1968 on the strength of this particular original bill, and is there now, why would it not be just as likely that a person entering in 1969 was to rely upon this legislation. Actually the repeal bill was presented in the last session and did not become law. It seemed to be somewhat a matter of pride to some members of the committee that they did pass it here and the reason why it didn't become law was outside the realm of this body. I don't see as that makes any difference to the student himself. The student was applying to the school and he knew, which he would have known last summer, that this law was still in effect that he would be protected until 1972 with that tuition rate, or at least any increase would be proportionate throughout the system, why he couldn't rely upon that. And when you think about the fairness of it, we have students entering in the Fall of '68 who will get this treatment for four years. If there is a preference there or an advantage to the bill, they will get a four - year advantage. Students that entered in the 1969 entering class, under the present law, will only get a three-year advantage.

I just don't see why the good Senator is so imbued with this feeling that we ought to give the other the four - year advantage and yet take away the advantage the new students would have of only a three - year advantage since when both classes entered the school they were under the same law and they could expect that this proportionate increase law would remain in effect. So, I am opposed to it and I don't think that you should consider particularly what they are going to do with the

money because we don't know that, and if there is a need for funds in the university system, the Appropriations Committee is considering these matters, and that would be the time to take up this particular bill really. I wish it could have been kept in committee — we do have one member who has not been with us, through no fault of his own, and of course was not allowed to express his opinion on it because of the haste in getting the bill out. So I would oppose the pending motion.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I am not too well versed on this university tuition thing, frankly, and I am trying to sort out from the debate what the various forces and factors are here. Perhaps somebody can explain this to me, but do I understand that right now Maine students at some of our colleges are paying more tuition than out - of - state students? I wasn't aware of this, so perhaps someone can explain this to me. If this is the case, perhaps someone can tell me which one of these reports would correct this situation. Thank you, Mr. President.

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

Mr. KATZ of Kennebec: Mr. President, in answer to the gentleman's question: at the moment an out - of - state student, irrespective of family income, pays \$200 at Farmington, at Gorham, and the other State colleges, which is a substantially smaller amount, like 50 percent, than a Maine student pays attending Orono. A Maine student attending Orono pays \$400, and an out - of - state student attending one of the State colleges pays \$200. Now, there is no rhyme or reason to this under any circumstances at a time when we are actually turning Maine students away from the university campus of their choice for only the reason that there is no room for them or that we don't have enough money for them. Let me put that in reverse order, that we don't have enough money for them.

Now, I honestly don't care which of the first two reports are accepted, whether it is Report A or Report B. I signed Report B because I thought I had a moral commitment because of a motion I subscribed to the last session of the legislature. But to accept Report C and say let's not do anything to permit the trustees to raise out-of-state tuitions at all is effectively to slam the door right smack in the face of probably some hundreds of Maine youngsters who want to go to college. Now, if you want to approach this and then go to Appropriations, and let's open up the door and give a couple of million extra dollars to underwrite the cost of educating more youngsters, fine, but I have the feeling that the Appropriations people don't have the funds available to do this. But here is a way of doing it, and you will not be placing a financial burden on any Maine students because the university has agreed that if indeed they do use this prerogative, if indeed they do, that part of the money will be used to increase student aid for Maine students. How can we lose?

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate, particularly Senator Logan: I am sure you understand fully the explanation given to your question by the good Senator from Kennebec, but I would like to further elaborate, just in case you do have some question. As I understand the question, it was that you were concerned about non-residents paying less than residents in particular institutions, and I believe that all the Senators would agree with me that the non-resident always pays more than the resident student. The difference is, as the good Senator from Kennebec tried to point out, that it may be that a non-resident in one institution may pay less than a resident in another institution. Of course, the reason is that these are two separate institutions and there are various facilities available to them.

We do have to consider, when we talk about non-residents getting a good break, the fact that there is a retribution factor involved in the non-resident question which comes up quite often. I think more Maine students go to out-of-state Colleges than out-of-state people come to Maine Colleges, and there is this two-edged sword.

I have no particular quarrel with raising the rates of the non-resident students; that is not what this bill is designed to do. This bill is designed to give the board of trustees complete autonomy in the setting of rates of tuition for all classes of people. We had discussed the bill a number of times, and I did not particularly object to changing it so they had more flexibility with non-residents. The bill takes it away altogether and protects a few resident students.

It has always amazed me in discussing these particular bills, even in committee, why there can't be just a little bit of give, and allow slight changes which would protect all the resident students of these three classes we are talking about. So, if it is the intention of the good Senator from Kennebec to levy a heavier penalty on the non-residents then, of course, there is a way of doing it. This bill, to my way of thinking, is not designed to do that. It is designed to allow the trustees free wheeling in all the activities of all students. I just don't believe it is fair, particularly to the students who entered class two or three months ago on the basis of current law. Mr. President, I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would support Reports A or B, and preferably Report A, and I think it would be a calamity if Senator Kellam's theory were put into practice. If this were to happen, we would see people who entered the university system and go to the State colleges, even next Fall, saying that because we didn't pass this legislation before us today they have every right to expect four



more years of these much below par rates, and I think this is wrong.

Now, my quarrel with Report B would be this—and Senator Kellam, in part, did touch on it; that is that this is unfair to out-of-state students. We shouldn't differentiate between these people. They should get the same relative break that our Maine students do. The retribution is very definitely a possible thing. If an out-of-state student enrolled in our system three years ago, or two years ago, he should expect to get the same relative treatment as an in-state student does.

I think the confusion and the indecision which I am sure is in all our minds can be resolved by accepting Report A, and that is putting the responsibility for making the decision right in the body which has the facts and the knowledge, and that is the board of trustees. We have given them a grace period here of a couple of years, and I think that we should now say to the trustees "You have the facts, and you accept the responsibility for running the university the way it should be." I am sure that you will not see things like autonomy and free-wheeling abused. There is no group in the State more dedicated to the welfare of our institutional students of higher learning than the board of trustees of the University of Maine, and they have proved this time after time after time. I would hope that in good spirit we would defeat the present motion and then accept Report A.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This has been a problem that we have had before this body for some time. We had it at the last session and we have it again today, so it is a problem that has to be recognized, and like disposing of thorny problems sometimes you have to reach halfway measures, so I think Report B is in the light of a fairly reasonable solution to our problem.

Definitely, with regards to Report A, we do have to contend with the fact that there are many

people in this legislature, including the Governor, who felt that enough of a commitment had been made to those students who entered in 1968 that they would be protected. Now, certainly accepting Report A would completely do away with this commitment. Nevertheless, we also are faced with a tremendous grind of finding enough dollars to run our university system and, as has been said, if we have got enough money elsewhere probably we could continue to operate with the law as it is right now. But there is a need to equalize these tuition charges. Were it not for the fact that some people, including myself, feel very strongly that definite commitments were made to those students who would enter the university system at our State colleges from 1968 to 1972 they wouldn't have this protection now. I don't think it is a protection that can last forever, the grandfather clause is going to expire, and thereafter I think our university trustees are going to adjust these tuition rates in a reasonable and equitable way.

I personally don't have the fear that the trustees are going to immediately jump up the tuition in the State colleges from \$100 to \$400. I think they recognize that there are not equal advantages and equal facilities at all of our State colleges, and they will act correspondingly in recognizing and setting a tuition charge that will, in the light of the facilities available at our various State colleges, set a tuition that will be equitable. Nevertheless, I think a commitment was made and I think accepting Report A would be a violation of the commitment. But I think we do have to start some where in equalizing these tuitions and, in that light, Report B is a good start, and I would like to see the Senate support Senator Katz's motion.

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

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

#### After Recess

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kenne-

bec, Senator Katz, that the Senate accept Report B, Ought to Pass as Amended by Committee Amendment A, of the Committee. A division has been requested. As many Senators as are in favor of accepting Report B of the Committee on Education on Bill, "An Act Repealing Provisions for Student Tuition in Coordination of Public Higher Education" will please rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. 21 Senators having voted in the affirmative, and eight Senators having voted in the negative, the motion prevailed and the Bill was Read Once.

Committee Amendment "A", Filing No. S-366, was Read and Adopted and the Bill as Amended, under suspension of the rules, given its Second Reading and Passed to be Engrossed.

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

#### Second Readers

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

##### House

Resolve to Loan Funds from the Unappropriated Surplus for the Construction of an International Ferry Terminal. (H. P. 1310) (L. D. 1624)

Which was Read a Second Time.

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

Mr. DUNN of Oxford: Mr. President, I move that we proceed under Joint Rule 16 of the Joint Rules of the Legislature, which requires that every bill carrying an appropriation be returned to the Appropriations Committee before being passed to be engrossed.

The PRESIDENT: The Chair will read Joint Rule 16. "Reference of Fiscal Matters to Committees: Every bill, resolve or order appropriating money shall be referred to the appropriate committee for consideration, and no further action shall be had thereon in either branch until the same

has been reported back by said committee."

The Chair would inform the Senator from Oxford, Senator Dunn, that this particular resolve was referred to the Committee on Appropriations and Financial Affairs, a public hearing was held, and the bill was reported out by that committee.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN: Mr. President, I think if you finish reading down through, it seems to me it goes farther than that.

The PRESIDENT: The Chair would inquire of the Senator from Penobscot, Senator Sewall, if the resolve has had the appropriate action by the Committee on Appropriations and Financial Affairs?

Mr. SEWALL of Penobscot: Yes. Thereupon, the Resolve was Passed to be Engrossed in non-concurrence.

#### House - As Amended

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

Which was Read a Second Time.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-369, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Penalty for Violations by Guides Under Fish and Game Law." (H. P. 1401) (L. D. 1757)

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

#### Senate

Bill, "An Act to Amend the Home Solicitation Sales Act." (S. P. 614) (L. D. 1796)

Bill, "An Act Relating to the Charter of the Van Buren Light and Power District." (S. P. 601) (L. D. 1772)

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

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

**Senate — As Amended**

Bill, "An Act Relating to Investment Fiduciaries Under State Retirement System." (S. P. 562) (L. D. 1637)

Which was Read a Second Time.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I rise to correct a statement that I made yesterday. Yesterday I said that I entered this bill for the trustees of the retirement fund for their handling better than \$150,000,000, or the fiduciary is. I find in calling the trustees that some of the trustees didn't even know that this bill was to be entered until after it had been entered. Therefore, I feel that I have been misled. I have talked with some of the heads of banks and I find that where the fiduciary now has the chance of changing banks and doing business that I feel I possibly might have been misled when I entered the bill and I, therefore, move for indefinite postponement of Senate Paper 562, L. D. 1637 and all its accompanying papers.

The PRESIDENT: The Senator from Kennebec, Senator Hanson, moves that Bill, "An Act Relating to Investment Fiduciaries Under State Retirement System," be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I note the absence of Senator Levine, who has a genuine interest in this document, and possibly someone could table it until tomorrow.

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

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending the motion by Mr. Hanson of Kennebec that the Bill be Indefinitely Postponed.

**Enactors**

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

An Act Appropriating Funds for the Union River Anadromous Fish Restoration Program. (S. P. 580) (L. D. 1707)

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

An Act Relating to Dumping Offal and Feathers on Highways. (S. P. 589) (L. D. 1744)

An Act Relating to Conferring Associate Degrees by Husson College. (S. P. 600) (L. D. 1771)

An Act Relating to Salary of the Assistant Director of Legislative Research. (H. P. 1314) (L. D. 1643)

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

An Act Relating to Appropriations and Allocations to the Legislative Research Committee. (H. P. 1315) (L. D. 1644)

(On motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending Enactment.)

An Act Appropriating Funds for Maine Historical Society. (H. P. 1319) (L. D. 1648)

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

An Act Relating to State-owned Motor Vehicles. (H. P. 1356) (L. D. 1685)

(On motion by Mr. Katz of Kennebec, Tabled and tomorrow assigned, pending Enactment.)

An Act Relating to Motor Vehicle Air Pollution Equipment. (H. P. 1369) (L. D. 1718)

An Act Relating to Charts and Publications of the Maine State Park and Recreation Commission. (H. P. 1399) (L. D. 1755)

An Act Relating to Issuing Bonds for Revenue-Producing Municipal Facilities. (H. P. 1407) (L. D. 1763)

Which, except for the tabled matters, 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 Appointment of Single Town Assessor for Town

of Brunswick. (H. P. 1344) (L. D. 1673)

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 Create the Bangor Parking Authority. (H. P. 1346) (L. D. 1675)

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 Appropriating Funds for Providing Shade Trees Through the Forestry Department. (S. P. 581) (L. D. 1708)

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

#### **Emergency**

An Act Appropriating Moneys to Carry out Duties of the Legislative Research Committee. (H. P. 1316) (L. D. 1645)

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

#### **Emergency**

An Act Relating to Eligibility of Bangor City Councilors for Certain City Government Offices. (H. P. 1339) (L. D. 1668)

This being an emergency measure and having received the affirmative votes of 29 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 Annual Legislative Sessions. (H. P. 1308) (L. D. 1622)

Comes from the House, having Failed of Final Passage.

Which was Read.

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

Mr. WYMAN of Washington: Mr. President, would the Secretary please read the names on the Committee Report for me?

The SECRETARY: The names on the Ought to Pass Report are Senators Letourneau and Beliveau; Representatives Rideout, D'Alfonso, Goodwin and Starbird. The names on the Ought Not to Pass Report are Senator Wyman and Representatives Dennett, Marsteller and Donaghy.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. WYMAN: Mr. President, I move that we indefinitely postpone the Resolve.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I think there is little use in trying to debate this particular resolve further than it has been. This, as you know, is the annual legislative sessions bill. I have always felt, for a long time at least, that we need annual legislative sessions here in Augusta. There are others who do not feel this way. All I can say is that I think each time we are gaining some strength. I would request, Mr. President, however, that when the vote is taken that it be taken by the "Yeas" and the "Nays."

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would oppose the motion of my good friend from Washington County, Senator Wyman. This is far more than going through the motions of passing or killing a political issue, a partisan issue. I have seen statements in the press from highly placed members of this Legislature and highly respected members of the Legislature pointing to this particular

special session as the answer to the need for annual sessions. I would point out to the members of the Senate, I am sure needlessly, that we have never seen a better, more flagrant example of the need for annual sessions than this particular "rat race" in which we find ourselves now.

I am sure I don't need to point out to the members of the Senate the rush. In spite of the dedicated, capable, sacrificial efforts of leadership and the staff that they assembled so quickly, in spite of all these efforts, none of us in the Legislature through the years have seen anything to parallel the pall mall rush in which we find ourselves. I need to point to nothing other than the agenda of the Committee on Government Affairs of the good Senator from Washington, Senator Wyman, this afternoon, where many significant issues are up for debate for the citizens of the State to consider before his committee. My own Committee on Natural Resources is hearing several bills this afternoon, each one of which should constitute in itself an opportunity for measured consideration. We have before us this afternoon in Natural Resources two bills which forever will determine the ecology, the attractiveness, the livability of the coast of Maine, even the whole State of Maine, and yet we are being forced literally to handle all of this in three and a half brief hours.

None of us Legislators have at our command the resources necessary to consider these matters intelligently for the welfare of our citizens. A special session, under no circumstances, can provide the prior planning, the prior consideration, necessary for good government.

It would be very easy and, in my opinion, the wrong thing to do to quarrel with certain specific bills that have or have not been admitted to this special session, but this in itself, members of the Senate, proves that a special session cannot properly consider matters necessary for our good government. All of us can consider at least half a dozen bills more important than those that were admitted, that are vital, important

and of far-reaching consequence, which this session was unable to consider. Annual sessions would do away with this problem.

It is because of these reasons that I consider this is not just a political, partisan measure; that it is a measure for the welfare of the State of Maine and that this constitutional amendment should be passed. I point out to you that it would go to the people for a vote. This is not just our own personal permanent thinking. I would hope that there would be a resurgence of faith in our government, a realization of what we are going through right these days, and that here is a solution to it.

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

Mr. WYMAN of Washington: Mr. President, I move to withdraw my previous motion.

The PRESIDENT: The Senator from Washington, Senator Wyman, withdraws his motion whereby he moved that the Resolve be indefinitely postponed.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: It has been stated in the other body that annual sessions would create professional legislators. I think the terminology used over there was "professional politicians." I think it is far more hazardous to contend with appointed professional bureaucrats as we have in Augusta at the present time to run our various departments of state. At least we, as legislators, are elected by our constituency.

With the turnover of legislators, especially in the other body, and I think it was estimated at about 63 per cent, this in itself proves that we do not necessarily have the proper experience to administer affairs of state. In my estimation, there would be utter chaos in this state or in this great nation if business corporations were to employ this method for their trustees or board members. In fact, with the close scrutiny we would have in affairs of state, we would in effect save our state untold mil-

lions of dollars, plus offering our citizens better performance.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I think most of us have read the account of the debate in the other branch, and there isn't much that can be added to it, but I do think that the Legislature is more or less in disfavor with the people now. You can pick up a newspaper and it will tell you that we are here at \$10,000 a day and that we have had an appropriation of \$200,000 for this special session. Now, that may not be significant in a business where 300 million plus is involved. On the other hand, I don't think the people of the State like this idea and, if we were to have annual sessions, the best we could hope for would be to limit them to three months. If we had three months of hard-working days that would be thirteen weeks, 65 days, \$650,000, nearly three-quarters of a million dollars.

Now, emergency matters can be handled in a special session, and it seems to me that the people just don't want this. They might be happier if we met every four years instead of every two years.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It has been my privilege to serve as a member of the National Legislative Conference for some three years. I am on the Governing Board of the Council of State Governments. I meet and discuss the problems with the legislators at these various conferences. They tell us of the many, many problems which they have, from transportation to environmental to racial problems and all, and I think how minimal the problems which we have in the State of Maine are compared to what these other states are faced with.

There has been over the years a trend to return more control to the individual states which the federal government has been exercising because we as individual states have not assumed our full respon-

sibilities, and the federal government has stepped in. But I do notice that of these states, and I emphasize the average state—not referring to New York, Massachusetts or California—that many, many of these states have biennial sessions, and they solve their problems with biennial sessions and special sessions as we are doing here in this state.

Now, I would mention to you that I think perhaps, with the increased complexities which we have in government, that the time is going to come when we must go to annual sessions, but in the interest of economy, and we know that annual sessions are not an economy move, they are going to cost us a great deal more money, so I believe that in the interest of economy we can continue, at least for the present, with our biennial sessions and the special sessions as we have done over the years. So, I would hope that this proposed amendment providing for annual sessions would be defeated at this time.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: As I said at the beginning, I didn't want to belabor this particular issue. I do not look upon it as strictly a party issue. I do feel, however, that it is an issue that this Senate should be recorded on, and it is an issue on which the people who elect us should know how we do stand. I would also like to say that I admire the position of the Senator from Cumberland, Senator Berry and I agree wholeheartedly with his remarks. I would at this time request that when the vote is taken that it be taken by the "Yeas" and "Nays".

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 a one-fifth vote of those Senators present and voting. Will all those 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. This Resolve, having had

its two several readings in the House, its two several readings in the Senate, having been passed to be engrossed, having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, having failed of passage in the House, is it now the pleasure of the Senate that the Resolve be finally passed? This is a constitutional amendment and requires the affirmative vote of two-thirds of those present for passage. A "Yes" vote will be in favor of the Resolve: a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Katz, Kellam, Letourneau, Logan, Martin, Minkowsky, Reed, Stuart, and Violette.

NAYS: Senators Anderson, Barnes, Dunn, Greeley, Hanson, Hoffses, Holman, Moore, Peabody, Quinn, Sewall, Tanous, Wyman, and President MacLeod.

ABSENT: Senator Levine.

A roll call was had. Seventeen Senators having voted in the affirmative and fourteen Senators having voted in the negative, the Resolve failed of passage in concurrence.

**Orders of the Day**

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

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)

Tabled—January 14, 1970 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-370, was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Adoption of Senate Amendment "A".

Out of order and under suspension of the rules, the Senate voted

to take up the following papers from the House:

**Committee Reports**

**House**

**Ought Not to Pass**

The Committee on Education on Bill, "An Act Relating to Definition of School Bus." (H. P. 1373) (L. D. 1722)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in concurrence.

**Ought to Pass — As Amended**

The Committee on Education on Bill, "An Act Increasing Interest Rates on Maine School Building Authority Bonds." (H. P. 1324) (L. D. 1653)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-637).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A". Which was Read.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I understand that the bill itself raised the interest rate from seven to nine per cent. This amendment removes any restriction on interest. To me, the seven per cent is enough, and I will ask for a division on the passage of the bill.

The PRESIDENT: The pending question before the Senate —

The Chair recognizes the same Senator.

Mr. DUNN: I move indefinite postponement of the Bill.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Item 6-2, Bill, "An Act Increasing Interest Rates on Maine School Building Authority Bonds," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Might I suggest, to have a clearer division of opinion, that a proper motion might be indefinite postponement of the Committee

Amendment. No action is necessary on the bill itself.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Increasing the Interest Rates on Maine School Building Authority Bonds" (H. P. 1324) (L. D. 1653), be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: If we are going to vote on the motion to indefinitely postpone the bill and all accompanying papers, I say that the motion would be mischievous in that we have several projects pending. I think that one of the more significant ones — and I am trusting my memory — seems to be involved in the construction at Cape Elizabeth where we have made commitments. The reason for the bill itself is to permit us to live up to obligations that we have already made.

The purpose of the amendment, which is objectionable to the Senator from Oxford, Senator Dunn, is the removal of all reference to interest rates. The committee felt that the situation is changing so rapidly, as between the regular session and this session even, that perhaps we ought to untie the hands of the School Building Authority completely and let the bond market be the determining factor.

I would urge the Senate to defeat the motion to indefinitely postpone the bill and all of its accompanying papers. If there is a difference of opinion as to the complete removal of interest restrictions, let's direct our attention after this to the question of the amendment.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: We have at least one other bill in this legislature which refers to the vexing problem of ceilings on bond interest. I personally have not resolved this in my own mind. There are some distinguished gentlemen in this Senate who are quite famil-

iar with the bond market, and I think it might serve us well if these were tabled until the next legislative day so that at least this Senator can get his thoughts and information together. Thank you, Mr. President.

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

Thereupon, on motion by Mr. Dunn of Oxford, tabled and tomorrow assigned, pending the motion by that Senator to Indefinitely Postpone the Bill.

The Committee on Legal Affairs on Bill, "An Act to Clarify Inconsistent Laws Relating to Harness Racing." (H. P. 1378) (L. D. 1727)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-635).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A."

Which report was Read and Accepted in concurrence.

Committee Amendment "A" was Read and Adopted and the Bill as Amended, under suspension of the rules, given its Second Reading and Passed to be Engrossed in concurrence.

#### Ought to Pass in New Draft

The Committee on Public Utilities on Bill, "An Act Enabling Municipalities to Charge for the Readiness to Serve of Their Municipal Sewer System." (H. P. 1350) (L. D. 1679)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Enable the Town of Falmouth to Establish Sewer Service Charges." (H. P. 1428) (L. D. 1797)

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

Which report was Read and Accepted in concurrence and the Bill Read Once.

The PRESIDENT: Is it now the pleasure of the Senate, under suspension of the rules, that this bill be given its second reading at this time?



The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President, I move that this not receive its second reading now. It might have to be amended. I just got a note from the Attorney General's Office that something should be changed.

Thereupon, the Bill was tomorrow assigned for Second Reading.

#### Enactors

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

An Act to Extend the Period During Which the Trustees of Harrison Water District Have to Acquire Properties Owned by Harrison Water Company. (S. P. 567) (L. D. 1694)

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

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

An Act Authorizing the State Board of Education to Lease a Section of Property at Southern Maine Vocational-Technical Institute to the Research Institute of the Gulf of Maine. (H. P. 1327) (L. D. 1656)

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

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

#### Emergency

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

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

Mr. MARTIN of Piscataquis: Mr. President, I would like to place this bill on the table for the time being, pending action on a bill that is presently in committee relative to an increase in wildlands and on taxes on unorganized territory.

This bill here is a request from general funds of one hundred thousand dollars and a contribution. The owners of the unorganized land would assess themselves one mill and raise the one hundred thousand dollars, and one hundred thousand dollars would come from the federal government. In view of the fact that this ties in with an increase in wildlands and unorganized tax increase bill that is pending, I would like to hold this for the moment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was going to sit quiet until the good Senator from Piscataquis, Senator Martin, said that he wishes to tie this bill to another bill. I fail to see the propriety of doing this. Certainly the threat posed by Spruce Budworm Disease is a recurrent one and a viable one. It doesn't seem to me that this is something to play politics with.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: There is definitely no politics in this bill. The fact remains that the unorganized lands are now paying 1.3 million dollars a year in taxes, and this money comes out of that fund. It is for that reason that I would like to hold it and see what is determined or decided on the other one.

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

Mr. CIANCHETTE of Somerset: Mr. President, I move that this bill lie on the table.

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

Mr. BERRY of Cumberland: Mr. President, I move that this item be tabled until tomorrow.

The PRESIDENT: The Chair would inform the Senator from Cumberland, Senator Berry, that the tabling motion requiring the longest length of time has precedence and must be disposed of first.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, directing our attention to the timing of the motion, perhaps tabling it to the next legislative day might permit us to resolve our difference on it. Might I ask the gentleman from Somerset if he would rephrase his motion.

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

Mr. KATZ: Mr. President, I ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Somerset, Senator Cianchette, that Item 8-5, L. D. 1646, be placed on the table will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, on motion by Mr. Cianchette of Somerset, tabled and tomorrow assigned, pending Enactment.

#### Emergency

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

On motion by Mr. Tanous of Penobscot, tabled and tomorrow assigned, pending Enactment.

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

Mr. BOISVERT of Androscoggin: Mr. President, is the Senate in possession of L.D. 1728, Bill, "An Act Relating to Fee for and Facilities of Class A Restaurants Serving Malt Liquor"?

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

Mr. BOISVERT: Mr. President, through the Chair, may I have the status of the bill, please?

The PRESIDENT: The Chair would inform the Senator that yesterday the Senate accepted the

Minority Ought Not to Pass Report of the Committee in non-concurrence.

Mr. BOISVERT: Mr. President, I now move that the Senate reconsider its action of yesterday whereby it accepted the Minority Report.

The PRESIDENT: The Senator from Androscoggin, Senator Boisvert, moves that the Senate now reconsider its action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Fee for and Facilities of Class A Restaurants Serving Malt Liquor."

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It would seem that the time to discuss the bill would be right now when we are considering the matter of reconsideration. I assume that Senator Boisvert is going to present his Senate Amendment which will take out the language in the bill which will leave up to the licensee the discretion as to the type and nature of the facility and change the fee from four hundred dollars to two hundred dollars.

The Senator will recollect our debate yesterday, which was rather brief, but merely to refresh your memory, let me say that this is the first legislative attempt to overturn the Sunday sale of beer situation. The Senators will recall that the first referendum was defeated when there was tied to the Sunday liquor bill the provisions calling for sale of malt beverages at retail stores and in taverns. The second referendum passed by the electorate had these two items deleted.

This bill would set up a new class of restaurant called a Class "A" Malt Liquor Restaurant. There has been no such classification before. Under the law, this class of restaurant would be able to sell malt beverages on Sunday. As was said yesterday, it is the position of some of us that the people of the State have not voted upon this issue. It is not only a liquor issue; it is somewhat of a moral issue. I feel that we are breaking faith with the people of the State in attempting by technicalities in the

law to permit drinking in establishments that only sell beer on Sunday.

The need for this is really not widespread, there have been coming into the State lately one or two franchised outlets which sell primarily food of a takeout nature, but it can be consumed on the premises. You drive up in your car and you go in and place your order, you can either go out and eat it in your car or you can sit right inside the glass windows and eat it. These people do not want to, do not intend to, sell hard liquor, but they do want to, and do sell beer during the week days. They want to sell beer on Sunday. You can if you live in a community that sells liquor in Class "A" restaurants and hotels, if you go to this type of an establishment, buy a glass of beer on Sunday, but the argument is that they don't want to spend the money for a Class "A" licensed restaurant, and this is the technicality under which they do sell on Sunday. So, basically, what you are saying is that you would permit these licensees to buy just this new special license to sell malt beverages and then they would on Sunday sell it under the guise of a Class "A" Restaurant Malt Liquor License.

The people when they voted, voted only that we want liquor sold on Sunday in a Class "A" Restaurant and we want liquor sold on Sunday in a hotel. Those are the two places they said they would permit liquor to be sold. Now, we are saying that you can sell liquor in a place which only sells malt liquor on Sunday. If these people want to spend the extra money, they can buy their Class "A" liquor license and sell on Sunday. At least, technically, it is a Class "A" Restaurant. But now if we pass this legislation we are saying "You are no longer a Class "A" Restaurant; you are a Class "A" Malt Liquor Restaurant. Your license fee is going to be dropped, it is going to save you the money, and you can sell just beer on Sunday."

This isn't as complicated as it sounds. There are two issues here: First, do we wish to go against the wishes of the people in voting

for the sale of malt liquor only on Sunday. Second, if we do, do we want to cut the license fees of these relatively few licensees so they don't have to go to the expense of buying a Class "A" Liquor License? I think that the position of the electorate was very plain. I recall very well some of the articles which appeared in the news media right after the Sunday liquor vote saying, "Well, this is now going to see the bars down, the gates open. They are going to ask for a lot of more loosening legislation." The first thing that was proposed was that there be live entertainment in these places on Sunday, and the news media editorialized forthwith, "Ah, we told you so. They are going to come right in and try to open up Sunday wide."

I don't accuse these people here of trying to open up Sunday wide, but I do say that the issue is there that it was decided by the people. Perhaps at the next session of the legislature legislation can be introduced, to go again to the people, and say can you go to the local grocery store and buy malt beverages? Can you go to a special type of restaurant and buy beer only? And can you sell beer on Sunday in taverns? Those questions, once they are determined by the people, then I would support this one hundred per cent. I think if we pass this legislation we are breaking faith with the people and, therefore, I hope you vote against reconsideration.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: It is with reluctance that I rise to disagree with the Chairman of the Liquor Control Committee, but I have to disagree with some of his statements.

First of all, the issue here is discrimination. At the last regular session we passed a bill authorizing the sale on Sunday of liquor in Class "A" Restaurants, hotels, motels and clubs. When I say "discrimination," I mean just that. By law, the definition of a Class "A" restaurant, and the only definition of it, is that it is a

restaurant licensed by the health department of the community that does at least a minimum of forty thousand dollars a year of food business. It is automatically classified as a Class "A" restaurant.

Now, referring to what the people voted upon, the people voted for the sale of liquor in Class "A" restaurants, sale of liquor in hotels, motels, and clubs. Today, under that law, hotels, motels, and clubs could obtain just a malt liquor license and sell malt liquor on Sunday. They are not obliged to sell food. If the owner so desired, they could sell on Sunday just malt liquor. Class A restaurants who do a business of a minimum of \$40,000 a year can sell liquor and malt liquor. Now, when I say there is discrimination, there is approximately fifteen restaurants in this State at the present time that are classified as Class "A", but they do not desire to sell hard liquor, wines and liquors; all they want to sell is beer on Sundays. So, I do believe we should allow them to do so, and not force upon them having to pay for two licenses just to sell one item. For liquor the license fee is \$700. For malt beverages it is \$200. The combination is \$900. Now, a Class "A" restaurant that wishes to sell all liquors, including malt beverages, has to pay \$900. Why force a Class "A" restaurant that desires just to sell malt liquor on Sunday, and they could do so, force them to pay \$900. This is all the amendment I want to offer will do.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: In the remarks that Senator Berry, the Honorable Gentleman from Cumberland, made, he said that the people of Maine had not voted on this issue in referendum. I had a copy of the referendum in question made up, and I would like to read it into the record to clarify one point. The referendum in question was phrased as follows: "Shall this municipality or unincorporated place authorize the sale on Sunday of liquor in those licensed hotels, Class "A" restau-

rants and clubs where liquor is permitted to be sold during the rest of the week."

In looking at the definition of liquor under the laws that are in effect by the Liquor Commission, liquor is defined as follows: "Liquor shall mean and include any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage or combination of liquors and mixed liquors intended for human consumption which contains more than one-half of one per cent of alcohol by volume." I think from that definition it is very, very clear that we are not going against the people of the State of Maine who voted against this in referendum, but just following the intent of the law as interpreted by the Liquor Commission.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I am not so worried about the \$200 or \$400 fee that they would have to pay for the license but what worries me is this paragraph they have added here. "Class "A" restaurants licensed to serve malt liquor only shall have facilities to serve 60% of the seating capacity at one time, the type or nature of the facilities shall be left to the discretion of the individual licensee." When we do that we have done away with everything that controls our licensing entirely. I am very much opposed to reconsidering the bill when we have already turned it down.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I believe in the explanation Senator Boisvert gave that his intent was, through amendment, to delete that particular objectionable portion that Senator Moore just discussed, and let the rest of the bill go through as it is.

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

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

Senate: I believe yesterday in debate on this measure I stated that really what we are discussing here is whether or not we want to compel these people to go into the hard liquor traffic, which they are not interested in getting into.

Now, I think sometimes the "Drys" do a lot of harm to themselves when they think that something is trying to be put over on them, since in this particular case we are trying to allow them to just sell on Sunday the so-called beverage of moderation, if we can use such a term, to be able to cater to their clients at dinnertime a bottle of beer. I think it is sort of stupid to say to these individuals "No, you must have a liquor license on top of that. Rather than just malt liquor, you have to have one also to sell hard liquor."

So, as I stated yesterday in debate, that I know of at least two restaurants, that I consider to be very well respected restaurants in the Portland area, that really don't want to get in the hard liquor traffic at all. They have a beer license, or a malt beverage license, and they would just like to continue to go along on those lines. They think that sometimes when you start bringing hard liquor into a restaurant you bring in a lot of undesirables, in a sense, and they don't want to bring their place down on a tavern level or something like that. This is just allowing, as defined as a Class "A" restaurant, the right to be able to sell just malt beverages. I see no reason why we shouldn't go along with this, and I hope that the Senate would reconsider and accept the Majority Report of the Committee.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, when the vote is taken I would request a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Boisvert, that the Senate reconsider its action on Bill, "An Act Relating to Fee For and Facilities of Class "A" Restaurants Serving Malt Liquor," where-

by the Senate in yesterday's action accepted the Minority Ought Not to Pass Report of the Committee. As many Senators as are in favor of the motion to reconsider its action will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Committee Amendment "A", Filing No. H-626, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Mr. Dunn of Oxford was granted unanimous consent to address the Senate.

Mr. DUNN: Mr. President and Members of the Senate: Yesterday the Senator from Sagadahoc, Senator Reed, reminded us of keeping up to the rules that we set for ourselves when it concerned a bill on the deer season, and allowing bills to come in by order rather than through the regular channels after we had passed something prohibiting it.

When I referred to Joint Rule 16 this morning, I have to say, respectfully, Mr. President, that I don't think the procedure followed what the rule means. I am not a legal mind, and I can't say that I interpret it rightly, but it seemed to me that the third paragraph was quite specific. Now, I would request that the Chair perhaps interpret that, or have it interpreted, and inform us. If it is something that we can't live with then let's get rid of it. This has been on the books and I don't think I ever heard it discussed. I have been here seven years, and I don't know how much longer this has been on the books. If it is no good, let's get rid of it. But I would like an interpretation, and I think in all fairness, Mr. President, that the matter under discussion at the time should be held up until this was decided.

Mr. Logan of York was granted unanimous consent to address the Senate.

Mr. LOGAN: Thank you, Mr. President, and thank you, Members of the Senate. I would like to dwell for a moment on this problem we all have of trying to find a place to work. Now, a couple of selectmen from my town came up to see me the other day on a matter of considerable importance, and they were really astounded that we had no conference room where we could sit down in quiet and go over this. They have a little conference room in our town hall, you know, where they can have a little privacy.

Many members of the legislature have extra large pockets sewn on the inside of their jackets which they can stuff with thick sheaves of papers. Some of them carry a purse, I happen to carry a bag around with me, I mean an attache case, so that I have my desk and everything right there with me at all times.

It is a little bit difficult to work down here, certainly during the regular session. There is a steady

stream of well - meaning well - wishers stopping by to talk to us. I rather imagine when we start on the all debate there will be another stream of well - wishers stopping by our desks. I think perhaps we should devote a little thought during the next week or so when we are here as to how we might improve our physical condition and give us some place to work, a place where we can make a phone call without everybody and his brother coming by. I understand that the Public Utilities Commission is leaving these halls for better quarters. Maybe the thing we should do is set ourselves up some space across the hall there in the empty P.U.C. rooms. I just mention this so maybe we can think it over a little bit and perhaps something can come of it. Thank you, Mr. President.

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(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.