

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, April 29, 1971

Senate called to order by the President.

Prayer by the Honorable Donald J. Bernard of Auburn.

Reading of the Journal of yesterday.

Papers From the House Non-concurrent Matter

Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196)

In the House March 4, 1971, Passed to be Engrossed.

In the Senate April 22, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-103), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-103) and House Amendment "A" (H-182) in non-concurrence.

On motion by Mr. Shute of Franklin, tabled and specially assigned for May 4, 1971, pending Consideration.

Non-concurrent Matter

Bill, "An Act Relating to Night Hunting for Wild Animals." (S. P. 22) (L. D. 50)

In the Senate April 21, 1971, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-189) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Amend the Laws Relating to Forcible Entry and Detainer." (S. P. 229) (L. D. 675)

In the Senate April 23, 1971, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-106).

Comes from the House, the Minority Ought Not to Pass report Read and Accepted, in non-concurrence.

Mr. Quinn of Penobscot moved that the Senate Recede and Concur.

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

Mr. HARDING of Aroostook: Mr. President, I note the absence of Senator Tanous, and I would move that this matter be tabled until Tuesday next.

The PRESIDENT: The Senator's motion is out of order.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and specially assigned for May 4, 1971, pending the motion by Mr. Quinn of Penobscot that the Senate Recede and Concur.

Joint Order

ORDERED, the Senate concurring, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "An Act Relating to Financing Maine Education Buildings," H. P. 481, L. D. 622, as introduced at the regular session of the 105th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation, to the next regular or special session of the Legislature; and be it further

ORDERED, upon joint passage, that a copy of this Order be immediately transmitted to said Council as notice of this proposed study.

(H. P. 1294)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

April 26, 1971

To the Members of the 105th Legislature:

The Committee on Inland Fisheries and Game was established by Joint Order No. 537 of the 104th Legislature. It was directed by the Legislature to make a detailed analysis of the functions, data and general operations of the State Department of Inland Fisheries and Game; to determine where

possible, current levels of efficiency and the extent to which its funds are being properly utilized. The Committee has inquired at great length into those matters referred to it and has the honor to submit herewith its report to the 105th Legislature as charged.

The Committee wishes to acknowledge its appreciation of the cooperation and service rendered by the Department of Inland Fisheries and Game in connection with the study. The Committee sincerely hopes that the findings and recommendations herein contained will be of benefit to Members of the Legislature and the public at large.

Respectfully submitted,

ALBERT W. HOFFSES
Senator Albert W. Hoffses,
Chairman
Committee on Inland
Fisheries and Game
(S. P. 557)

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

Sent down for concurrence.

Senate Papers Legal Affairs

Mr. Conley of Cumberland presented, Bill, "An Act Relating to the Name of Maine Juvenile Justice Association, Inc." (S. P. 558) (L. D. 1698)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Kellam of Cumberland presented, Bill, "An Act Reclassifying Part of the Waters of Presumpscot River, Cumberland County." (S. P. 559) (L. D. 1699)

(Approved by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10).

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the

legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Certificate of Registration Limited to Manicuring." (H. P. 908) (L. D. 1252)

Bill, "An Act Relating to Retirement Contributions by State Police and Wardens of the Departments of Inland Fisheries and Game and Sea and Shore Fisheries." (H. P. 1039) (L. D. 1430)

Bill, "An Act Relating to Back Contributions for Creditable Service under State Retirement System." (H. P. 831) (L. D. 1122)

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for Information Center at Eastern Terminal of Interstate 95." (H. P. 56) (L. D. 97)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on, Bill, "An Act Relating to Financing Maine Education Buildings." (H. P. 481) (L. D. 622)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports, Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Agriculture on, Bill, "An Act to Prohibit False or Misleading Potato Labeling and Branding." (H. P. 1046) (L. D. 1437)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Fees for Marketing and Advertising Farm Products." (H. P. 1047) (L. D. 1438)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Boundaries of Municipalities in Annual Reports." (H. P. 1056) (L. D. 1447)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act to Clarify the Classification of Certain

Minor Tributaries of the Penobscot River." (H. P. 1094) (L. D. 1482)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Establishing the Law and Legislative Reference Library under the Legislative Research Committee." (H. P. 1104) (L. D. 1510)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Control over Abandoned Automobiles." (H. P. 1123) (L. D. 1542)

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, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass-As Amended

The Committee on Judiciary on, Bill, "An Act to Give the Attorney General Authority to Require Certain Telephone Records." (H. P. 909) (L. D. 1254)

Reported that the same Ought to Pass as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of November." (H. P. 906) (L. D. 1250)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-153).

Signed:
Senators:

HOFFSES of Knox
ANDERSON of Hancock
BERNARD of
Androscoggin

Representatives:

PARKS of Presque Isle
PORTER of Lincoln
BOURGOIN of Fort Kent

LEWIS of Bristol
KELLEY of Southport
LEWIN of Augusta
KELLEY of Machias
BUNKER of Gouldsboro

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

Signed:
Representatives:

MANCHESTER of
Mechanic Falls
CALL of Lewiston

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-153) and House Amendment "B" (H-169).

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House Amendment "B" was Read.

On motion by Mr. Hoffses of Knox, tabled and specially assigned for May 4, 1971, pending Adoption of House Amendment "B".

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act Establishing an Open Season on Moose." (H. P. 192) (L. D. 249)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1287) (L. D. 1686)

Signed:
Senator:

BERNARD
of Androscoggin

Representatives:

LEWIN of Augusta
KELLEY of Southport
MANCHESTER of
Mechanic Falls
PARKS of Presque Isle
BOURGOIN of Fort Kent
PORTER of Lincoln

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

Signed:
Senators:

HOFFSES of Knox
ANDERSON of Hancock

Representatives:

BUNKER of Gouldsboro

KELLEY of Machias

CALL of Lewiston

LEWIS of Bristol

Comes from the House, the Majority Ought to Pass in New Draft report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-172) and House Amendment "B" (H-181).

Which reports were Read.

Mr. Hoffses of Knox then moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

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

Mr. ANDERSON of Hancock: Mr. President, I move that this document and all accompanying papers be indefinitely postponed, and I would like to speak on my motion.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Bill, "An Act Establishing an Open Season on Moose", be indefinitely postponed.

The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: I hate to get emotional over this pending slaughter of moose but I just can't help it.

I am appealing to you today to help me save from extinction one of the continent's most noble animals, the moose, majestic monarch of the forest.

Long before the white man came, the crafty redskin hunted these animals with their crude weapons, not for the lust of killing, but to sustain life. The flesh was smoked and stored to keep the spark of life burning when the warmth of the sun had left their hunting grounds.

The skins of these life saving animals provided warmth and shelter throughout the long cold winters when the drifting snows lay heavy on the forest floor.

The redman was a true conservationist. He killed only that he might live. The white man could have learned much from the Indian, but he would not listen.

Now, I ask you, will the moose go like the buffalo?

In spite of what anybody says, these animals are not plentiful enough to warrant an open season. They are barely holding their own. Many die of old age, disease, and other natural causes. Many die from impact of cars and trains, but the biggest threat on the road to extermination is the two-legged predator, the poacher. Time and time again game wardens have found these magnificent animals rotting in the woods with only a hind quarter or a choice chunk of meat taken.

This animal, as a rule, seems to have no fear of humans. There are many incidents where they have followed closely behind men in the woods, and once their curiosity is satisfied, they amble off about their business. You have many hunters here in the Senate who can corroborate this statement. So you see, with an open season, it would be like shooting cows in a pasture.

These animals are worth much more to the state living than they are dead. They are one of Maine's biggest attractions. Thousands of tourists hunt them with cameras, not bullets.

We would be horrified if a bill came into this honorable body to blow up a dam which would put one of our few industries out of business. Is there a difference? I don't think so.

In the 102nd Legislature, a bill came before the Inland Fisheries and Game Committee for an open season on moose. I was House Chairman of the Committee. The bill was passed out 9 to 1, Ought to Pass. I cast the dissenting vote.

In lengthy debate, the bill was overwhelmingly defeated.

I would remind this honorable Senate that one vote on the side of righteousness is the true majority when right and wrong are at stake.

Mr. President and Members of the Senate, I beseech you to join with me in saving this noble animal now struggling for survival.

It should be our sincere desire to preserve for our children and our children's children and for all posterity, the magnificent heritage

with which the supreme architect of the universe has endowed the State of Maine.

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

Mr. Violette of Aroostook then moved that the Bill be tabled and specially assigned for May 4, 1971, pending the motion by Mr. Anderson of Hancock that the Bill and accompanying papers be indefinitely Postponed.

On motion by Mr. Berry of Cumberland, a division was had. Twelve Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to table did not prevail.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I feel that I am as much a conservationist as anyone in this Senate or in this Legislature, and I feel that I am probably as aware of the moose population and the potential of this bill as anyone here.

This is a very restricted bill that we are talking about. It is only a small section in the northwestern part of the State of Maine that is involved here. It would be controlled. There would only be 500 permits issued anyway, and this would be divided into three areas so there would only be about 175 in each area, which is the most hunters that could be hunting for moose.

It is hard for me to explain to you how plentiful the moose have become in the last ten years in this area of the state. I spend a lot of time up there in the fall, and it is not unusual for me to see eight to ten moose in a day, and you always see several in this area. I think we would be making a mistake if we didn't harvest a few of these animals.

It has been proven in New Brunswick, where they have a controlled season about like this, that the moose population is increasing, there are healthier animals and there isn't the danger of disease getting into the moose, the same as nature takes care of

any animal when they become too plentiful. And it is hard for me to make you believe, I am sure, how plentiful the moose are in this area that we are discussing, but they are very plentiful.

I think this is a good bill and I don't think that it should be indefinitely postponed. It seems to me it is ridiculous to allow these animals to be killed illegally and left in the woods. In the Rockwood area Warden Harriman the year before last had 21 moose killed and left in the woods that he found by hunters that just used them for targets. This is absolutely ridiculous to allow this, but this is how plentiful the moose are. You will see a dozen moose for every deer. The deer have gone and the moose have taken their place. I don't feel that this bill would do any harm at all to the moose herd.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I have not had too much time to prepare an argument with regard to this bill, but I would hope that the Senate would not indefinitely postpone this bill.

We have had this before us in previous years, and I know what an emotional factor this creates among people when they think of the extinction of a very noble animal, and I think something that certainly everyone ought to be concerned with is the conservation and the preservation of our wildlife in Maine.

My support for this bill is most certainly not with the idea that this would lead to the extinction of this animal, or even endanger its present conditions in this state. In the northern areas of the state today there is a large population of moose. In certain areas of the state, and in the area where I come from, actually they are getting to the point where they are so numerous that they are a cause of the depletion of the deer population.

I know that in my own section in the northern part of Aroostook County that actually in the last several years, with the increase of the moose herd, we have seen a

steady decline in the deer population. And the decline in the deer population has not come from over-hunting. These are not over-hunted areas. We now have, I think, a population of moose in those areas which would allow our people to harvest a reasonable amount, with the resulting effect that in fact the moose herd would be in better health by this bill and it would assist in its propagation and conservation rather than to harm it and deplete it.

Now, we have the experience of our neighbors in New Brunswick who have had an open season for ten years, and the result of their restricted open season, along the lines of which our proposed legislation is very much patterend, has shown that not only has their moose herd maintained its numbers but, in fact, it is healthier today, according to their game biologists, the moose herd is healthier today than it was when they started harvesting them, and their numbers have continued to increase on a small basis.

Actually we have seen the experience in many parts of our county where game animals such as the moose here in Maine for various reasons, whether from over-hunting or for other reasons, arrived at the point where they were in serious danger of extinction, and they placed into effect closed seasons for many years, which we did here in Maine, and we properly did so. In these same areas the numbers, after lengthy periods of closed seasons, arrived at the point where it was felt that they had increased in such numbers that you could reasonably harvest a reasonable number and where they have undertaken harvesting of small numbers of these animals, both for biological purposes and actually to allow the residents of their states to hunt them, and they have proven to be sound conservation measures. Their herds of those animals have continued to grow, and they have continued to grow in a healthy manner. This is exactly what is being sought to achieve here in Maine.

Now, I profess that I like to hunt. I like to hunt deer and I like to

hunt other animals, but I most certainly like to see their preservation. Moose hunting today in many instances is a rich man's sport. Those in our state who like to do it have to go to the provinces of Canada or Alaska or to other remote areas and they have to expend amounts of anywhere up close to a thousand dollars in order to do that. Most of our own Maine people here cannot do that.

I submit to you that from allowing our Maine people to enjoy this, to harvest a reasonable number, a small number, and as a sound conservation practice, which we are advised is the case with regard to the harvesting of a small number of moose in a restricted area of the state, that this will in fact continue to allow the propagation of the moose herd, will not result in its depletion and, in fact, according to the Fish and Game Department and their biologists, will result in a healthier herd. For those reasons, I most certainly hope that we would not indefinitely postpone this bill, and that we would allow it to survive and allow our people to harvest them in a reasonable number under sound conservation practices.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: The Fish and Game Department put out a weekly issue of a paper, and this one was prepared on the 18th of November, 1969. A random check of reports by Maine Inland Fisheries and Game Department wardens of other than legal kills shows that motor vehicles and illegal hunters are cutting into the moose and deer herds. On deer, of a total of 33 reports studied, 28 were killed by motor vehicles, two illegally, one by dogs, and two were disposed of. Of the 33, males counted 23 and females 10.

As for moose, out of 13 reports, 11 males were killed and two females. Illegal hunting accounted for 11, one shot by mistake and one killed in self-defense. There were no deaths in this group attributed to motor vehicles.

On December 23, 1970: During Maine's November deer-hunting month a total of 192 whitetails were killed by other means than hunting. Reports from Maine Fish and Game Department wardens compiled by the Information and Education Division show that automobiles still take a high toll of deer, killing 152 over the period. This is down from 201 in October. Unfortunately, although shot by hunters, 17 deer were not found by shooters. 12 of them were killed illegally, dogs accounted for two, five had to be destroyed, one drowned and three died from unknown causes. Of the total, 117 were males and 74 females.

During the same period, ten bull moose and three female moose were killed. All were reported shot illegally.

Now biologists say that one reason why they would like to have this open season is they want to take sick and healthy specimens to send to the University of Maine for autopsies. Why not take these moose that are killed by poachers and automobiles? I think this is rather a flimsy excuse.

I don't like to read from newspapers, but I could show you dozens of clippings against an open season on moose. I would like to take the time to read a couple, one from Bud Leavitt's column and one from Gene Letourneau. In Gene Letourneau's column: "Some of the mail at hand upholds the belief that no two persons are alike but think alike when it comes to fish and game. Earl S. Smith of Portland starts off with, 'You have intimated in your column that the state biologists haven't got over the shock of the small deer kill in 1970. On the heels of this I understand that somebody has seen three moose in northern Maine and now the legislature is being asked to consider a restricted moose slaughtering season. All the cliché reasons are being given why there should be a moose season in Maine. These are the same reasons which have resulted in the disappearance of a great many of our game animals in the state. If you can convince me there is sport in killing a cow or a moose, I should like to have you explain it all in some

flowery phraseology which will make it other than it really is, moose slaughtering.' "

Robert Frost, in the same column, from Norway, says, "I am just an average Maine citizen concerned with our dwindling deer herd, and that is what is going to happen to moose if we have an open season on them. I have been an outdoorsman all my life, I like to fish and hunt as well as anyone, but I have sense enough to realize that our moose herd is in no danger of extermination unless from man's greed. I believe our biologists are away off base in some of their reasoning. I believe I have seen as many moose as most of them, and as yet haven't seen an unhealthy one."

In Bud Leavitt's column: "One of the nicest and most respected people we have in our neighborhood is Dr. Allison K. Hill. It isn't often one gets Dr. Hill into type. He has a touch for remaining a polite distance from the ink mills, and that is only because his are professional and quiet accomplishments and most of the time are distant from a recording secretary. Dr. Hill is concerned with the favorable views of those stumping for a Maine moose season. He speaks as a citizen, sportsman and a concerned conservationist. 'Like most everyone who spends some time in the woods in moose country, I have been able to watch these ungainly and magnificent creatures, whether it is driving through the woods in the fall or fishing a small trout pond in the summer. Their presence graces the scene. God forbid they should vanish. I would dislike to think our moose in Maine were driven and hunted until they become like the Newfoundland moose, afraid of man. No longer would we be treated to the sight of them digging up the water plants to eat along the shore of a pond, lake or stream as a diversion from slow fly-fishing. We have managed to over-kill so many of our other animal kingdom creatures. Let's at least keep the State of Maine as a sanctuary for one of them. It is one thing to kill food. That is the law of nature and the reason one creature devours another. And with few exceptions, that is what I

see, lots of meat in our stores and supermarkets raised for that purpose.

'I would hate to think that the Fisheries and Wildlife Department, apprehensive because of loss of revenue from out-of-state hunters due to shortage of deer, would promote the slaughter of moose to make up this deficit.'"

I have been loyal to the Fish and Game Department for a good many years but I am beginning to waver. Year after year they have promoted a bill to repeal the bobcat bounty, and this has cost the taxpayers thousands and thousands and thousands of dollars. They have done the same thing with the moose.

It seems funny to me that when this bill first came out there was a population of seven moose in the state. Two weeks later it jumped to 12. Now it is 15,000. I don't know; they must propagate like rabbits. I just can't understand it.

The Senator from Cumberland, Senator Moore, doesn't seem to be too consistent on his conservation program. Yesterday he worried about the loss of deer. Today he would throw the moose to the wolves.

I say to you in a few years, if this moose season goes into effect, that the only place you will see a moose in the State of Maine is on that insignia in front of the rostrum and on the State of Maine flag.

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

Mr. CHICK of Kennebec: Mr. President and Members of the Senate: I think that the Fish and game Department have indicated that in some areas there is apparently surplus moose, so I hope that the Senate will go along with this limited hunting.

I have always been interested in history and interested in Indians. And while the good Senator from Hancock, Senator Anderson, was speaking I recalled a clipping that I cut out some time ago and had in my pocket which I think is quite interesting, and I will read it to the group:

"A reporter traveling in the West came across a tumbledown house

in a deserted windswept area. He offered a prize for the best article on land erosion and an Indian won the prize. It read:

" 'White man crazy. Cut down trees. Make big tepee. Plow hill, water wash, wind blow soil. Grass gone. Door gone. No pony.

" 'Indian no plow land. Keep grass. Buffalo eat grass. Indian eat buffalo. Hide make tepee, also moccasin. All time eat. No go hunt job. No work. No hitchhike, Ask no relief. No build dam. No give dam. White man crazy.' "

Now, I think there was a time when the moose probably did have a part in nature here in the use of its meat and hide for other things, but I think there are areas where they are doing damage, their numbers have become so great, so I hope that the Senate will vote for this limited hunting.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I don't want to unduly prolong this debate here, but I think we should try to allow facts and not emotion to rule our judgment. I share every concern of my very good friend from Hancock County, Senator Anderson, with regard to the preservation of this animal, but I fail to see where the passage of this law will in any way, shape or manner even contribute to reducing the numbers that we now have.

Out of an estimated twelve to fifteen thousand estimated moose population 500 permits would be issued, spread over seven districts in the northern part of the state. It is estimated that at the highest about fifty percent of the 500 permits would result in harvest, which means that about 250 at the most would be taken.

Now, the permits are distributed by district based upon the census of the moose population taken by Inland Fisheries and Game. So there would be no concentration of harvest from any one district. Now, over and above that, the Commissioner can close that season at any time during the period that this law is in force. The Commissioner at any time can close

the season if he feels that it is warranted.

This law is for two years only. It expires in two years, and the legislature would have to re-enact legislation in order to continue the harvesting of moose. So that in two years the legislature can take another look at this and make a further decision to see if there is in fact a threatening of the reduction in numbers of harming of the moose herd. Really, in sound reasoning, I see no danger to the possible reduction or possible decrease in numbers by this season, and I think it would even be a benefit conservationwise to this very noble animal itself for its continued preservation in our state. I ask for a division on the motion of the Senator from Hancock, Senator Anderson.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I stated a few moments ago that the only place we would see this was on the State of Maine insignia and on the State of Maine flag. But after the slaughter of these moose we will be perpetrating a fraud on the public and we will soon have to remove it. Mr. President, I ask for a roll call.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: As a signer of the Minority Ought Not to Pass Report, I think I should maybe make a few remarks relative to this document and some of the testimony which has been given.

We have learned from testimony in our hearing that the deer population in the northern area of the state, which would encompass this particular area of open season on moose, is contrary to what the distinguished Senator from Aroostook said. The deer population is tremendous there and they must have a continued harvesting and not, as the gentleman says, a reduction in the deer due to the over-population of the moose. They tell us that we have thousands of deer in the

northern area and we must continue the long hunting season for deer.

Now, it has been said that the moose are sick. If the moose are sick, then these sick moose are reproducing quite rapidly, according to the reports of an increase from 6,000 population to somewhere between 12,000 and 15,000, so maybe we should let the sick moose continue to breed and propagate and we will have more and more of these so-called sick moose. I believe the moose population is in a healthy condition.

It has been reported that there have been 21 killed illegally. I would raise the question of how many have been killed that there is no report on. There are many, many moose that are killed, and there is no report whatsoever.

As a matter of fact, I would point out a situation down in the coastal area where I come from where they have had in the little town of St. George a population of some eight or nine moose last summer. A party suggested to me that if I would come down in the town of St. George, and if I could find more than two moose at the present time in St. George they would treat me to a good feed, due to the fact that these moose have been illegally slaughtered. Now, if we are going through the illegal slaughter of moose and the legal killing of moose by passing this legislation, I share the concern of the Senator from Hancock, Senator Anderson, that the moose population is going to be depleted to the point of extinction.

I think perhaps another matter which we should seriously consider is the manner in which these permits to hunt will be issued. It has been reported, and rightly so, that the only way that you are going to issue these licenses is on a lottery method whereby this one will be the lucky winner of a permit and ten others will not be so lucky. The question in my mind is raised: What is going to be the attitude of these ten unlucky people who do not receive a permit? Also, we will go on further by remarks and comments that this one has acquired a permit because he knew someone here and he knew some-

one there. I feel certain that although, if we were to have a lottery, it would be legal and above board. However, the public attitude would be just the opposite and they would accuse the department of things which definitely would not be true, but it would leave a bad taste in the mouths of the public as to the department itself.

I would hope that you would go along with the Senator's motion, that we can have these stately animals to be shot by a camera and not by a lethal weapon.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: There are very few things in life that we can be sure of. But I can stand here this morning and tell you that I am sure that I will never be arrested for impaired driving and I am sure that I will never be arrested for illegal hunting. And I would just like to make a few comments about cars going across the toll bridge in Ports-mouth, on which I am a tolltaker in my off-season from the legislature.

Several of these cars come across in the fall with mooseheads on top of the car or in the back, and I have often asked the drivers where the rest of the moose was. They said, "Who in the dickens cares about the rest of the moose; all we want are the antlers to exhibit to our friends that we got one." Apparently somewhere in the woods in New Brunswick, or illegally in the woods of Maine, there is a carcass of a moose left to rot.

The hunters in my area, the fish and game clubs, have all instructed me that they are much in disfavor of any moose bill and so, accordingly, with their wishes I would urge you to support the Ought Not to Pass Report.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: The moose bill would call for an open season for 500 permits north of the Canadian Pacific Railroad and Route 95 up to a little

bit north of Houlton. There would be 180 permits in the northern part of Aroostook, 160 in Piscataquis and the northern part of Somerset, and 160 in parts of Piscataquis, Penobscot and Aroostook Counties. This would total 500 permits.

I would like to bring to the attention of this body that this comprises the area in the northwestern part of this state which borders Canada. I think possibly you are all aware that our moose in that area are already being poached, mostly by Canadian hunters. I was fortunate enough two years ago to take a trip up to one section of that area and talk with two game wardens of the province of Quebec, and they assured me that they had knowledge of this fact, that the moose were being slaughtered. They even had knowledge of the number of moose being slaughtered and illegally killed by Canadians.

I feel that an open season on moose would help eliminate this problem, and I certainly will go along with the bill, against the motion to indefinitely postpone.

I would like to bring to the attention of this body also the fact that the opponents of this measure all appear to come from Hancock County and the southern part of the state. This is kind of interesting to me because I am sure that if they were living in this section, in Piscataquis and Aroostook County, where the moose are plentiful, that possibly their opinions would change relative to the taking of moose. This is a trial effort and I strongly hope that this body would approve it and go along with passing this bill.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I have hunted moose for many years in Newfoundland, and I can assure you that it isn't just the same as shooting a cow. In fact, last fall I had to hunt five days before I got one. A moose becomes just as shy of a human as a deer does after he has been hunted.

I want to emphasize again that a lot of this argument is based on emotion here this morning. If they were acquainted with this

area that we are discussing they would know the situation and how plentiful the moose are.

One thing about this bill which I think is a good feature in it—it is as restrictive as everyone mentioned—but they would be hunting moose before the deer season starts, and a lot of these moose that are killed illegally by these so-called sportsmen wouldn't be there to be killed and left beside the road to rot, and which means tons of meat. It is a ridiculous thing, but I feel that these moose, a lot of them that are just used as a target and shot by hunters who want to say they have killed a moose, they wouldn't be there.

There is no place here where they can take over 185 in any section or in these areas.

Now, in reference to the moose-horns coming down on cars from Newfoundland and Quebec, you couldn't very well put them in a vehicle because they are too large. But it is in the law and, believe me, they enforce the law, that all of the moose has to come out. You don't want to be caught by the Royal Canadian Mounted police without bringing out the whole moose, I can assure you of that. Also, in this bill here, you want to bring it all out. But they do have to put the horns on top of the car if they are going to take them home.

I hope that you would go along with this bill and try it for the two years.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senaor Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: Senator Martin from Piscataquis prompted me to rise today because that no Representative or Senator from the northern tier of counties would be opposed to moose hunting. I probably represent more deer, moose and trees in northern Franklin and northern Somerset than people.

I can assure the Senator that I enjoy fishing in First, Second and Third West Branch Pond, where the moose can enjoy feeding on aquatic foods while you are fishing. It is a great pleasure for camera fans to snap pictures of them. But if

this bill were passed there would be no moose there any longer because it is north of the C.P. tracks and these animals can be easily shot.

I have enjoyed hunting deer for many years, but I can assure the Senator and this body that I would not apply for a license to hunt moose if this bill became law, nor do I intend to vote for anybody else to do so.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: What I have to say won't have too much effect on the passage or the defeat of this bill.

I am going to support the Senator from Hancock, Senator Anderson, but if I had my way I would like to amend this bill by striking out the word "moose" and inserting the word "caribou".

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Establishing an Open Season on Moose", be indefinitely postponed.

A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted. Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I would just like to make an observation that it seems that two speakers mentioned that the male moose is more easily killed than the female. So in protection of the male moose I think I shall vote for this.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Establishing an Open Season on Moose", be indefinitely post-

poned. A "Yes" vote will be in favor of indefinite postponement of the bill; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Carswell, Graham, Greeley, Hichens, Hoffses, Johnson, Minkowsky, Peabody, Quinn, Shute, Wyman, and President MacLeod.

NAYS: Senators Chick, Clifford, Conley, Danton, Dunn, Fortier, Harding, Katz, Kellam, Levine, Marcotte, Martin, Moore, Schulten, and Violette.

ABSENT: Senators Bernard, Sewall, and Tanous.

A roll call was had. Fourteen Senators having voted in the affirmative, and fifteen Senators voting in the negative, with three Senators absent, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence. House Amendment "B" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Search by Coastal Wardens." (H. P. 743) (L. D. 1005)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1291) (L. D. 1690)

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

WHEELER of Portland
WHITE of Guilford
HEWES of Cape Elizabeth
ORESTIS of Lewiston
BAKER of Orrington
PAGE of Fryeburg
LUND of Augusta
KELLEY of Caribou
CARRIER of Westbrook

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

Signed:

Senator:

QUINN of Penobscot

Representative:

HENLEY of Norway

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

Which reports were Read, and the Majority Ought to Pass in New Draft Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Prohibiting Personal Liability of School Board Members." (H. P. 6) (L. D. 6)

Reported that the same Ought to Pass in New Draft Under New Title, "An Act to Indemnify Public Officials and Employees of the State of Maine." (H. P. 1252) (L. D. 1578)

Signed:

Senators:

TANOUS of Penobscot
HARDING of Aroostook

Representatives:

WHITE of Guilford
LUND of Augusta
BAKER of Orrington
HENLEY of Norway
WHEELER of Portland
ORESTIS of Lewiston

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth
CARRIER of Westbrook
KELLEY of Caribou
PAGE of Fryeburg

Comes from the House, the Reports and Bill Indefinitely Postponed.

Which reports were read.

On motion by Mr. Quinn of Penobscot, the Minority Ought Not to Pass Report of the Committee was Accepted.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act

Providing for Records of Sales of Used Merchandise." (H. P. 490) (L. D. 631)

Reported that the same Ought Not to Pass.

Signed:
Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

WHEELER of Portland
HENLEY of Norway
HEWES of Cape Elizabeth
CARRIER of Westbrook
WHITE of Guilford
KELLEY of Caribou
ORESTIS of Lewiston

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-115).

Signed:
Representatives:

LUND of Augusta
BAKER of Orrington
PAGE of Fryeburg

Comes from the House, the Minority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-171).

Which reports were Read.

On motion by Mr. Conley of Cumberland, tabled and specially assigned for May 4, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 187) (L. D. 244)

Reported that the same Ought to Pass.

Signed:
Senators:

SHUTE of Franklin
MOORE of Cumberland

Representatives:

ROSS of Bath
BROWN of York
BUNKER of Gouldsboro
WOOD of Castine
MARSTALLER

of Freeport

The Minority of the same Committee on the same subject matter

reported that the same Ought Not to Pass.

Signed:
Senator:

MARTIN of Piscataquis

Representatives:

BOUDREAU of Portland
BINNETTE of Old Town
VINCENT of Portland
HANCOCK of Casco

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Harding of Aroostook moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

Mr. Shute of Franklin then requested a division.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I will only speak briefly on this bill. I am here at the sufferance of my wife, and family. There are very few bills that they have ever expressed any interest that I have taken part in. One is the abortion bill, and I can't tell the people here how I am going to vote on that but my wife has expressed a very, very firm conviction that abortions ought not to be, and so I will be very mysterious to the rest of you as to how I will vote on the abortion bill.

On this particular bill, my wife is very enthusiastic about this bill that it ought to be defeated, because under the provisions of the law which this bill seeks to repeal, in our area we have been able to have some 3,000 people take part in the electoral process of this state and nation, that otherwise would not have been able to do so. Some will suggest that this ought not to be, that if they came before the registration bureau that they would do a better job but, nevertheless, the forms are brought in and it is possible for the bureau to check this out. So, this is very good, I think. We sometimes criticize people for not taking part in electoral process, and this enables more people to take a part in it. So I would hope

that the Senate would go along and leave this law on the books for the benefit of so many people.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would agree with Senator Harding that his wife would be opposed to the elimination of Section 102A, that is what we are talking about, of title 21. It is easy to remember the section because it was adopted by the 102nd Legislature.

The provision of the law makes it possible for a person to register to vote by completing an application designed by the Secretary of State, and it goes through several provisions such as the name, address, and so forth. It permits a notary, the letter K under Section 102A, Subsection 1, says "A certification that all information is correct, sworn before a notary or justice of the peace." This is the crux of the whole matter about which we are talking. The good Senator's wife is most proficient in securing registrations and enrollments in the Presque Isle area. I believe that she has established a new record up there, Senator, in getting enrollments. This is good. As long as we have a law that provides an opportunity, I believe that one should take advantage of it, and I have chided the Republicans for not taking advantage of Section 102A to a greater extent.

However, during the first few months of 1969 when I occupied a seat downstairs that related to elections, a survey was conducted among town officials and registration officials across the state taking typical municipalities, large communities, medium and small communities, to inquire what their feeling was about Section 102A what their experience had been relating to registration of voters and enrollment of voters. The response was gratifying. The returns indicated that over seventy percent of those people who are responsible for registering voters were in favor of returning the law to where it was before the 102nd Legislature

came into being, and that is to return some aura of dignity to the process of registering as a voter, coming before the city officials, coming before the registrar and registering to vote.

Section 102A provides the opportunity for a person to register as a voter and a stand at a fair-ground. I see nothing wrong with this. I see nothing wrong with a person registering to vote at a party headquarters or on the street, however, it is the mis-handling of registrations that can be criticized. People are not careful about who is a legal and qualified citizen, and prior to the striking down of the literacy test they weren't careful about whether a person was able to read from the Constitution. In other words, they have made it so simple that they have over-simplified it, and the problems that have been caused for the registrars have been in many cases overwhelming. They have to backtrack, they have to check on the accuracy of the reports that have been turned in, and in many instances a violation of the law has been evident where a person has been enrolled at the same time he has been registered, and this is a violation of the law. So for all of these reasons, and many more, I would object to the acceptance of the Ought Not to Pass Report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In response to one of the remarks which my good friend, the Senator from Franklin, Senator Shute, has made about the boards of registration opposing this law, I bet they do oppose it and I bet they would like to see it repealed, because I know our own board tells me that they never had to work so hard in their life as they have during the past four years getting all these new registered voters on the rolls. So, I can understand why they would like to go back to the old days when only the favored few who could take the time from their work went down to register, and this made their work a lot easier for them.

As far as these errors are concerned, if there are errors, I don't believe that the boards of registration in our area would say that there are too many errors on these registrations which were brought in. As far as the registrations are concerned, if there are errors, that is what the board is for. The address of the individual is put down, the phone number, and they can call and clear it up very nicely.

I don't remember if it was four years ago or not, but I recall the State of Maine was ranked with the South in relation to the number of its population who went to vote. This was deplorable because we have many in our population, and we who speak the English language can be kind of uppity about it, and we will say that they are illiterate. But they are not illiterate; they speak another language, and they read another language. Many of those people, because of the embarrassment of appearing before a board, they have not done so and they haven't registered to vote. This has enabled them to register to vote.

There is another classification of people who have not registered to vote because the registration hours are limited, and they are not well notified, and these are the working men and women of Maine. They have been deprived of their franchise to vote because of these limitations.

There is another area of people who have not been able to vote, and this is the old people and the disabled people. Again, because they had no way to get to the board to register and because of the limited time. So, what we are really talking about here, I mean really we can put this down to hypocrisy and say we want to have all of our records right, but as between that tiny objective, which is a very small objective, and the objective of giving all of our people, whether they are old, whether they are sick, whether they speak English or French, to give all of our people a chance to vote, this is what this bill does. Now it is attempted to be repealed. Maybe then we will move back into the area of South Carolina, Missis-

sippi, and Georgia in relation to the number of our people who are registered and go to vote.

I have a feeling, a small surmise, that I know what may happen in this Senate this morning in relation to this bill because of the way it is aligned. I do hope that if I don't have any influence in any place in Augusta that my good wife may have some influence, and that this law finally will stay as it is.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senator from Aroostook, Senator Harding, is looking into the future. I think, quite accurately when he tries to anticipate what is going to happen to this this morning. But also looking into the future, I think we have had the benefit of some very good words that we may very well see in a veto message very shortly.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: It was brought out at that hearing that day that in Portland the day that the registrars closed before the election there were fifteen hundred of these applications brought in at one time, fifteen hundred of them. And they certainly had no time to check them out as to whether they belonged in Portland or whatever. They have had to work nights in order to get this made up for the rolls and that is what has happened. When they pick up a few they seem to hold them and hold them to make an impression of bringing in a thousand or more of these at one time.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Repealing Certain Procedure for Registrations of Voters."

A division has been requested. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Harding, to

accept the Minority Ought Not to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Fourteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to accept the Minority Ought Not to Pass Report of the Committee did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Katz.

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

Senate Ought to Pass

Mr. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act Relating to the Size Limit on Herring." (S. P. 540) (L. D. 1645)

Reported that the same Ought to Pass.

Mr. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act to Amend the Law on Sale or Packing of Herring." (S. P. 531) (L. D. 1581)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Manufacturer's Warranty Concerning Ability of Passenger Motor Vehicles to Sustain Shock." (S. P. 323) (L. D. 937)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

WOOD of Brooks
CROSBY of Kennebunk
HALL of Windham
LEE of Albion
BARNES of Alton
McNALLY of Ellsworth

LEBEL of Van Buren
KEYTE of Dexter
FRASER of Mexico
DUDLEY of Enfield

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-120).

Signed:

Senators:

GREELEY of Waldo
JOHNSON of Somerset
KELLAM of Cumberland

Which reports were Read.

On motion by Mr. Greeley of Waldo, the Minority Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to the Form of Ballots of General Elections." (I.B. 2)

Considered the petitions and asks leave to report that 380 petitions were filed with the Secretary of State on February 20, 1971 at 1:00 p.m., that petitions are in the form required by Article IV, Part Third, Section 18 and Section 20 of the Constitution and that said petitions contain the valid signatures of 37,633 electors and the invalid signatures of 8,301 electors. twenty-three petitions were found to be invalid and 357 petitions were found to be valid.

The Committee further reports that the petitions contain a sufficient number of signatures which are valid and that said bill is properly initiated before the Legislature under the provisions of Article IV, Part Third, Section 18 of the Constitution.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot

Representatives:

LUND of Augusta
BAKER of Orrington
WHITE of Guilford
PAGE of Fryeburg
HENLEY of Norway
HEWES of Cape Elizabeth

The Minority of the same Committee on the same subject matter reported that of the petitions submitted, 119 containing 32,059 signatures consisting of two or more petitions bound together, only one petition among each respective group was signed and verified by a petitioner. We believe this renders invalid the other respective petitions in each respective group of the 119 which were not signed and verified by one of the petitioners. This would render invalid over 30,000 of the signatures submitted. Therefore, the minimum number of signatures required by Article IV, Part 3, Section 17 of the Constitution of Maine was not complied with.

Signed:

Senator:

HARDING of Aroostook

Representatives:

WHEELER of Portland

CARRIER of Westbrook

KELLEY of Caribou

ORESTIS of Lewiston

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Second Readers

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

House

Bill, "An Act to Increase Fees for Junkyards and Auto Graveyards." (H. P. 616) (L. D. 827)

Bill, "An Act Relating to Fees of Municipal Police Officers as Witnesses." (H. P. 709) (L. D. 955)

Bill, "An Act Relating to Weight Tolerance for Vehicles Loaded with Road Salt." (H. P. 726) (L. D. 971)

Bill, "An Act Relating to Political Designations on Nomination Petitions." (H. P. 806) (L. D. 1079)

Bill, "An Act Relating to Transcript in Hearings in Cases Where a Person is Acquitted of Murder by Reason of Mental Disease." (H. P. 884) (L. D. 1205)

Bill, "An Act to Correct Inconsistencies in the Town Election Law." (H. P. 1049) (L. D. 1439)

Bill, "An Act Relating to the Retail Sale of Wine in Department Stores." (H. P. 1171) (L. D. 1630)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed).

Bill, "An Act to Provide Funds for the Construction and Equipping of a Maine Information Center at Kittery." (H. P. 1290) (L. D. 1689)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed, in concurrence.

House As Amended

Bill, "An Act Relating to Regional Facility for Mentally Retarded Children in Aroostook County." (H. P. 487) (L. D. 628)

RESOLUTION, Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts." (H. P. 1238) (L. D. 1524)

Bill, "An Act Authorizing the Bureau of Public Improvements to Assist Administrative Districts in the Construction of School Buildings." (H. P. 1115) (L. D. 1534)

Bill, "An Act to Permit Camp Counselors to Supervise Canoeing." (H. P. 1286) (L. D. 1685)

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

Senate

Bill, "An Act Regulating the Operation of Snowmobiles in Unorganized Territory During Deer Season." (S. P. 24) (L. D. 52)

Bill, "An Act Relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities." (S. P. 23) (L. D. 754)

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1971." (S. P. 556) (L. D. 1694)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examination." (S. P. 178) (L. D. 530)

Which were Read a Second Time.

Mr. Harding of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-121, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Increasing Minimum Wages. (S. P. 16) (L. D. 44)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for May 4, 1971, pending Enactment.)

An Act Relating to Schedule of Rates of Motor Vehicles for Hire by Holders of Certificates of Public Convenience and Necessity from Public Utilities Commission. (S. P. 254) (L. D. 761)

An Act Relating to Installation of Sprinkler Systems in New Hotels. (S. P. 329) (L. D. 977)

An Act Relating to Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officials. (S. P. 384) (L. D. 1140)

An Act Relating to the Wearing of Fluorescent Clothing When Hunting in the Southern Zone for Two Years. (H. P. 64) (L. D. 105)

An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse Without Parental Consent. (H. P. 391) (L. D. 506)

An Act Requiring Public Hearings by the Park and Recreation Commission Prior to the Exercise of Eminent Domain. (L. D. 825) (L. D. 1115)

An Act to Create a Crime Laboratory. (H. P. 919) (L. D. 1271)

(On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

An Act Relating to the Transition to the Somerset County Commissioner Districts. (H. P. 1114) (L. D. 1533)

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 Insurance on State-owned Property. (S. P. 135) (L. D. 347)

This being an emergency measure and having received the affirmative votes of 27 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 Relating to the Maine Law Enforcement and Criminal Justice Academy. (S. P. 426) (L. D. 1246)

This being an emergency measure and having received the affirmative votes of 27 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 Prohibiting Dragging for Fish in Spruce Creek, York County. (H. P. 264) (L. D. 353)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates. (H. P. 1097) (L. D. 1485)

This being an emergency measure and having received the affirmative votes of 27 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 Incorporate the Andover Water District. (H. P. 1098) (L. D. 1504)

This being an emergency measure and having received the affirmative votes of 27 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 an specially assigned matter:

Bill, "An Act Creating an Advisory Commission for the Study of Public Support for Post-secondary Education in Maine." (S. P. 473) (L. D. 1492)

Tabled — April 27, 1971 by Senator Hoffses of Knox.

Pending—Enactment.

Mr. Dunn of Oxford moved that the Bill be placed on the Special Appropriations Table.

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

Mr. KATZ of Kennebec: Mr. President, might I place an inquiry to the Chair? It was my impression that this failed of enactment at the other end of the corridor. Is that correct?

The PRESIDENT: The Senator is correct.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I wonder if the Senator from Oxford, Senator Dunn, would withdraw his motion?

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

Mr. Dunn of Oxford then withdrew his motion.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

SENATE REPORTS—from the Committee on Legal Affairs on Bill, "An Act Creating the Maine Litter Control Act." (S. P. 262) (L. D. 768) Report "A" Ought to Pass; Report "B" Ought Not To Pass.

Tabled—April 28, 1971 by Senator Clifford of Androscoggin.

Pending—Motion by Senator Quinn of Penobscot to Accept Report "A" Ought to Pass.

Mr. Clifford of Androscoggin then moved the pending question.

Thereupon, the Ought to Pass Report "A" of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law." (H. P. 898) (L. D. 1218)

Tabled—April 28, 1971 by Senator Martin of Piscataquis.

Pending — Passage to be Engrossed.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I would just like to acquaint this body with just what this bill would do. It would do nothing else but create an exemption for one company that is involved in the electrolytic process. This bill appeared before us two years ago and was defeated. I won't belabor it. I will move for indefinite postponement, Mr. President.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I think there has been a great deal of misunderstanding in regards to this bill. It has been called discrimination if we pass this bill; rather, I think it is discrimination at the present time.

Our sales tax law says that any product which loses its identity in the process of manufacture shall not be subject to the sales tax. As far as I know, this is the only manufacturing plant in the State of Maine that uses electricity for an electrolysis process.

Those of you who may not be familiar with this process, the only raw material which this concern uses is salt and water. They are merged in a tank and an electric current is sent through this tank separating chlorine gas and caustic, which is shipped mostly to our paper mills. I understand, it is also used by tanneries and possibly a few others. Now, electricity is a raw material. It certainly loses its

identity. A paper mill does not pay a sales tax on its wood, on its chemicals, on any other item which goes into the process of making paper because it loses its identity. In this particular case, this company is not seeking exemption on all of the electricity used. They would continue to pay the sales tax on any power used for either lights, heat, or power but they do claim that a large part, and this I understand approximates six thousand dollars a day, of the electric current which is used in the process of these two items, caustic and chlorine.

There is also a very great advantage to our industry in Maine by having this firm operate in Maine. I understand it is the policy of the industry that shipping charges, regardless of where you buy the product from, it saves only on the distance from the nearest manufacturing plant. In other words, as long as we have this industry in Maine, this one is located at Orrington, our paper mills or any other buyer using these products could buy anywhere in the world. For example, there is a plant in Wisconsin producing this merchandise. Our paper mills could buy chlorine gas from Wisconsin, but as long as we have this plant in Maine they would only pay shipping charges from Orrington to their plant. This saves hundreds of thousands of dollars to our manufacturing plant. This bill would simply make them competitive. Their power rates, I understand, have more than tripled since they have built a few years ago in Orrington. So I hope you will respectfully vote against indefinite postponement.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: In this case the power is electricity which is lost in the process of manufacturing during a period of twelve months. This applies the same with oil, coke and coal, and those are subject to sales tax.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law", be indefinitely postponed.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I would ask for a division. I would just point out to the members of this body that this would cost the state in loss of revenue \$100,000 a year; \$192,000 for the next two years.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Piscataquis, Senator Martin, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

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

Bill, "An Act Relating to Fees for Recording Marriage Intentions and Issuing License." (H. P. 812) (L. D. 1085)

Tabled — April 28, 1971 by Senator Bernard of Androscoggin.

Pending — Enactment.

On motion by Mr. Fortier of Oxford, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act to Amend the Municipal Public Employees Labor Relations Law." (H. P. 420) (L. D. 547)

Tabled — April 28, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for May 3, 1971, pending Further Consideration.

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

Bill, "An Act to Authorize Cumberland County to Raise Money for a Bridge at Harpswell." (S. P. 172) (L. D. 524)

Tabled — April 28, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Graham of Cumberland, a division was had. Twenty-eight Senators having voted in the affirmative, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Mr. GRAHAM of Cumberland: Mr. President, I move we reconsider the question and I hope all will vote against me.

The PRESIDENT: The Senator from Cumberland, Senator Graham, now moves the Senate reconsider its action whereby the Bill was Passed to be Enacted. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

A viva voce vote being taken, the motion to reconsider did not prevail.

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

Bill, "An Act Relating to Sale Price of Liquor." (H. P. 856) (L. D. 1181)

Tabled — April 28, 1971 by Senator Shute of Franklin.

Pending — Consideration.

Mr. Shute of Franklin then moved the pending question.

Thereupon, the Senate voted to Recede and Concur.

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

Bill, "An Act Increasing Compensation for Members of the State Board of Barbers." (H. P. 907) (L. D. 1251)

Tabled — April 28, 1971 by Senator Johnson of Somerset.

Pending — Consideration.

On motion by Mr. Johnson of Somerset, and under suspension of the rules, the Senate voted to recede from its prior action where-

by the Bill was Passed to be En-grossed.

On further motion by Mr. Johnson of Somerset, and under suspension of the rules, the Senate voted to reconsider its previous action whereby Senate Amendment "A" was Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This particular amendment gives the Hairdressing Board the same fee as the Barber Board. I know there are some people that have been to their barbers, one gentleman in particular, the good Senator for Kennebec, Senator Chick, and his barber doesn't know anything about it. However, I have checked with a barber in an area quite nearby here and he is all in favor of both of these amendments being on this bill. And especially in view of the fact that it is their money that we are spending, and this is the way they want it to be spent. The revenue does not come from the tax dollar it comes from their own assessments, union-wise or associationwise. So, I move adoption of this amendment.

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 En-grossed in non-concurrence.

Sent down for concurrence.

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

SENATE REPORTS — from the Committee on Judiciary on Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-92.

Tabled — April 28, 1971 by Senator Tanous of Penobscot.

Pending — Motion by Senator Tanous of Penobscot to Reconsider Acceptance of the Majority Ought Not to Pass Report.

On motion by Mr. Berry of Cumberland retabled and Tomorrow Assigned, pending the motion by Mr. Tanous of Penobscot to Reconsider.

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

HOUSE REPORTS — from the Committee on Education on Bill, "An Act to Create a School Administrative District for the Town of Orono." (H. P. 804) (L. D. 1077) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 28, 1971 by Senator Quinn of Penobscot.

Pending — Motion by Senator Quinn of Penobscot to Reconsider Acceptance of the Majority Ought Not to Pass Report.

On motion by Mr. Quinn of Penobscot, retabled and specially assigned for May 5, 1971, pending the motion by that Senator to Reconsider.

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

JOINT ORDER — Relative to Joint Interim Committee to study the Financial Impact of Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court and the Superior Court by the State." (S. P. 524) (L. D. 1519)

Tabled — April 28, 1971 by Senator Clifford of Androscoggin.

Pending — Passage.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage.

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

SENATE REPORTS — from the Committee on Education on Bill, "An Act to Provide Transportation for Blind Adults Attending Educational Facilities." (S. P. 472) (L. D. 1493) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 28, 1971 by Senator Carswell of Cumberland.

Pending — Motion by Senator Katz of Kennebec to Indefinitely Postpone.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I do hope that this bill is not indefinitely postponed. I presented this at the request of a special education teacher at Portland High School, Adult Evening Education Classes. The legislation would help a few blind persons who refuse to accept defeat and who refuse to be classed as hopeless cases. They are the few who do show up at Portland High School and they are asking for a second chance. They also show up at other education facilities.

There are special education teachers who make a judgment on the individual, and if they feel that there is a potential for human development within this individual then they make a special effort to do the best they can for him.

There would not be a large number of blind persons asking for this transportation; it would be only a few. What the bill would do is remove a road block which is placed in front of these people at present. As it is now volunteers transport these people, and at times there is valuable time wasted by the volunteer waiting sometimes for these individuals, and on the other end the individual waiting for the volunteer for reasons beyond their control.

At present on the law books it states that education shall be provided for blind children, and I am only asking that the law books state that education will be provided for blind adults who are just asking for a second chance at being educated to their greatest potential so that they can participate in community life. Thank you.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate I will gladly yield to anybody else who would like to defend the Committee's position on this.

This bill, I think, probably shouldn't have gone before the Committee on Education because the educational implications are

not very obvious. There should be an appropriation on the bill.

Presently the State of Maine has an ever-expanding program on behalf of the blind. It is possible for any blind person who is being aided by the Vocational Rehabilitation Program to get transportation to attend educational programs at institutions. This is outside of the state's program, and it has nothing to do with rehabilitation. What Senator Carswell says, of course, is literally true, that it would permit them to get transportation at state expense to any enrichment courses they wished quite outside of rehabilitative programs.

The reason the majority of the Committee opposed it was — well, I think I should point out that this is a completely state program, and if we took the equivalent money and we put it in any other of the blind programs we would probably generate three-to-one federal money.

The people of whom the Senator from Cumberland, Senator Carswell, speaks are presently being transported on a volunteer basis, with some difficulty I must admit. I have always felt that in rehabilitation or working on people problems that there should be a mixture of government and private effort. It is not an easy position to defend, but I do not think that the state should try and step in in every case where there are volunteer efforts, or where there should be volunteer efforts, and try to do it based completely on a program by the taxpayers.

I do not feel comfortable in my position, but the committee overwhelmingly felt that if indeed the Department wanted this, it would have had some kind of high priority. The Department has not assigned any priority, and the position of the Department is that if there are to be additional appropriations by the legislature on a cost-benefit ratio they should generate federal funds in the process. This generates no federal funds. The people are presently being transported, if with difficulty, and that explains the Committee's position and why I made

a motion the other day to indefinitely postpone this bill.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: As I said, there would be just a few persons who would be asking for this second chance. The principal of Portland High School said that there would be approximately six persons.

As I said before, these people are just asking for a second chance. They have perhaps been turned down by Vocational Rehabilitation because, let's face it, the state must think in large numbers and it must take those persons who really seem to be most acceptable to rehabilitation purposes. However, there are very dedicated teachers in these special education classes, adult evening classes, and if they see a great potential in a person that the state has not seen this potential in, and they are willing to give up their time and work overtime to help this blind person, then I think a few dollars that the State Health and Welfare Department has refused would go a long way in helping the teacher to help these people so that they can get out, as I said, into the mainstream.

Now, some of these people are learning to type. This will be valuable and maybe they can take part-time jobs. I don't say that everybody that the State Department of Health and Welfare turns down is just a case you have got to forget; I just don't believe that. Again I will say, and maybe I shouldn't bring this into it, but I believe in saying what I think, if the State Department of Health and Welfare can find money for abortions, \$500 or so, and can find money to run around having people advertise fluoridation, then I think a few bucks for a blind person would be gladly and wonderfully spent.

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

Mr. MINKOWSKY or Androscoggin: Mr. President and Members of the Senate: I cannot significantly add anything new to

what Senator Carswell has said in reference to this L. D. As the lone signer on the Education Committee, I would sincerely urge the members of the Senate to vote against the indefinite postponement of this bill, and do accept the Minority Ought to Pass Report.

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

Mr. HARDING of Aroostook: Mr. President, if a division has not been asked, I would like to ask for a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act to Provide Transportation for Blind Adults Attending Educational Facilities", be indefinitely postponed.

As many Senators as are in favor of the motion of the Senator from Kennebec, Senator Katz, that this Bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

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

Bill, "An Act Relating to Payment of Expenses of Supreme Judicial Court by the State." (S. P. 524) (L. D. 1519)

Tabled — April 2, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 17) (L. D. 244)

Pending — Acceptance of Either Report.

Mr. Katz of Kennebec then moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

On motion by Mr. Violette of Aroostook, a division was had. Fourteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Reconsidered Matter

On motion by Mr. Moore of Cumberland, and under suspension of the rules, the Senate voted to reconsider its previous action whereby An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission, (S. P. 20) (L. D. 4, was Passed to be Enacted.

On further motion by Mr. Moore of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby this Bill was Passed to be Engrossed.

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

Senate Amendment "B", Filing No. S-122, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1 o'clock tomorrow afternoon.