

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth  
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, May 6, 1971

Senate called to order by the President.

Prayer by the Rev. Robert W. Gunn of Gardiner.

Reading of the Journal of yesterday.

**Non-concurrent Matter**

Bill, "An Act Relating to Acquisition of Land by Conservation Commission." (H. P. 714) (L. D. 959)

In the Senate April 28, 1971, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-228), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

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

In the House April 13, 1971, the Minority Ought to Pass as amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by House Amendment "A" (H-135).

In the Senate May 4, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Hichens of York, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed on the part of the Senate the following Conferees:  
Senators:

HICHENS of York  
JOHNSON of Somerset  
KELLAM of Cumberland

**Non-concurrent Matter**

Bill, "An Act Providing Professional Immunity to Certain Persons in Emergency Cases." (H. P. 149) (L. D. 204)

In the House April 29, 1971, the Minority Ought to Pass report Read and Accepted and subsequently the Bill was Passed to

be Engrossed as amended by House Amendment "B" (H-215).

In the Senate May 4, 1971, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Harding of Aroostook, the Senate voted to Insist and Join in a Committee of Conference.

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

Senators:  
TANOUS of Penobscot  
HARDING of Aroostook  
CONLEY of Cumberland

**Non-concurrent Matter**

Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759)

In the Senate May 3, 1971, the Minority Ought to Pass as amended report Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-92).

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

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

**Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of bills: AN ACT Prohibiting the Use of Certain Non-refundable Beverage Containers, House Paper 940, Legislative Document No. 1299; AN ACT Relating to Sales of Beverages in Non-returnable Bottles, House Paper 76, Legislative Document No. 149; and AN ACT Creating the Maine Litter Control Act, Senate Paper 262, Legislative Document 768, to determine whether or not the best interests of the State would be served by the adoption of such legislation; and be it further

ORDERED, that the Environmental Improvement, Park and Recreation and State Highway

Commissions be directed to provide the Committee with such technical information and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that, the Committee report the results of its study at the next regular session of the Legislature; and be it further

ORDERED, that copies of this Order be transmitted forthwith to said commissions upon joint passage as notice of the pending study.

(H. P. 1303)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

#### Joint Resolution IN MEMORIAM

WHEREAS, the members of this Legislature are saddened to learn of the death of a longtime friend and associate, Howard E. Kyes of Wilton; and

WHEREAS, Howard Kyes possessed in great abundance many rare qualities, some of which, including civic mindedness and promotion of community, marked him a leader among men; and

WHEREAS, he has won, on the basis of many years of outstanding service, the affection, gratitude and admiration of all who knew him and whose lives he enriched; and

WHEREAS, May 3, 1971 marked the termination of his remarkable earthly career but retracts not from the place he holds in the hearts of those he served so industriously, efficiently and unselfishly during his lifetime; now, therefore, be it

RESOLVED, that the members of the One Hundred and Fifth Legislature, now assembled in regular session, speaking personally and on behalf of this Legislature and the citizens of Wilton and the State of Maine, join in expressing heartfelt sympathy to the family of the late Howard E. Kyes and our deep understanding to others who share in the loss; and be it further

RESOLVED, that a suitable copy of this resolution be transmitted forthwith to said family in honor of his memory.

(H. P. 1304)

Comes from the House, Read and Adopted.

Which was Read and Adopted in 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 Revising the Laws Relating to Electricians." (H. P. 496) (L. D. 637)

Bill, "An Act Relating to State Retirement for Participating Local Districts." (H. P. 1205) (L. D. 1656)

#### Leave to Withdraw

The Committee on State Government on, Bill, "An Act to Create a Commission to Prepare a Revision of the Motor Vehicle Laws." (H. P. 1182) (L. D. 1636)

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.

#### Leave to Withdraw-Covered by Other Legislation

The Committee on Legal Affairs on, Bill, "An Act Relating to Bond, License Fee and Penalty for Misrepresentation as a Private Detective." (H. P. 913) (L. D. 1259)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought to Pass - As Amended

The Committee on State Government on, Bill, "An Act Creating the Maine Health Facilities Authority." (H. P. 1189) (L. D. 1664)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-216).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-216) and House Amendment "A" (H-224).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence. House 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 Legal Affairs on, Bill, "An Act to Incorporate the Town of Ogunquit." (H. P. 1091) (L. D. 1498)

Reported that the same Ought to Pass.

Signed:

Senator:

KELLAM of Cumberland

Representatives:

BRAWN of Oakland

NORRIS of Brewer

GAUTHIER of Sanford

CURTIS of Bowdoinham

COTE of Lewiston

CROSBY of Kennebunk

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

Signed:

Senators:

QUINN of Penobscot

CLIFFORD

of Androscoggin

Representatives:

EMERY of Rockland

SMITH of Dover-Foxcroft

FECTEAU of Biddeford

SILVERMAN of Calais

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

Which reports were Read.

Mr. Quinn of Penobscot moved that the Senate Accept the Minority Ought Not to Pass Report of the Committee.

On motion by Mr. Harding of Aroostook, tabled and specially assigned for May 11, 1971, pending the motion by Mr. Quinn of Penobscot to Accept the Minority Ought Not to Pass Report of the Committee.

### Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Relating to Alternative Methods of Nominating Candidates." (H. P. 934) (L. D. 1288)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-206).

Signed:

Senators:

SHUTE of Franklin

MOORE of Cumberland

MARTIN of Piscataquis

Representatives:

ROSS of Bath

HANCOCK of Casco

BINNETTE of Old Town

WOOD of Castine

BOUDREAU of Portland

BUNKER of Gouldsboro

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

Signed:

Representatives:

VINCENT of Portland

MARSTALLER

of Freeport

BROWN of York

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

Which reports were Read.

On motion by Mr. Shute of Franklin, the Majority Ought to Pass as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once.

Committee Amendment "A" was Read and Adopted in non-concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Apprentices Preference to Maine Workmen and Contractors." (H. P. 853) (L. D. 1166)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot

MARCOTTE of York

LEVINE of Kennebec

**Representatives:**

McTEAGUE of Brunswick  
 SIMPSON of Millinocket  
 GENEST of Waterville  
 GOOD of Westfield  
 BUSTIN of Augusta

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

Signed:

**Representatives:**

KELLEY of Machias  
 LINCOLN of Bethel  
 LEE of Albion  
 ROLLINS of Dixfield  
 BEDARD of Saco

Comes from the House, the Reports and Bill Recommended to the Committee on Labor.

Which reports were Read.

On motion by Mr. Tanous of Penobscot, the Bill was substituted for the Committee Report.

On further motion by Mr. Tanous of Penobscot, the Bill was Recommended to the Committee on Labor in concurrence.

**Divided Report**

The Majority of the Committee on Labor on, Bill, "An Act Relating to Definition of Construction Under Board of Construction Safety Rules and Regulations." (H. P. 152) (L. D. 207)

Reported that the same Ought to Pass.

Signed:

**Senators:**

TANOUS of Penobscot  
 MARCOTTE of York  
 LEVINE of Kennebec

**Representatives:**

BEDARD of Saco  
 McTEAGUE of Brunswick  
 BUSTIN of Augusta  
 GENEST of Waterville  
 SIMPSON of Millinocket

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

Signed:

**Representatives:**

HOOD of Westfield  
 LEE of Albion  
 ROLLINS of Dixfield  
 LINCOLN of Bethel  
 KELLEY of Machias

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

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

**Divided Report**

The Committee on State Government on,

RESOLUTION, Proposing a n Amendment to the Constitution to Provide for an Environmental Bill of Rights. (H. P. 751) (L. D. 1020)

Reported in Report "A" that the same Ought to Pass in New Draft Under Same Title. (H. P. 1300) (L. D. 1705)

Signed:

**Representatives:**

CURTIS of Orono  
 GOODWIN of Bath  
 HODGDON of Kittery  
 FARRINGTON  
     of Old Orchard Beach  
 COONEY of Webster  
 MARSTALLER

of Freeport  
 The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft Under New Title: "An Act Providing for a Declaration of Policy Concerning the State's Environment" (H. P. 1301) (L. D. 1706)

Signed:

**Senators:**

JOHNSON of Somerset  
 WYMAN of Washington  
 CLIFFORD  
     of Androscoggin

**Representatives:**

STARBIRD  
     of Kingman Township  
 STILLINGS of Berwick  
 DONAGHY of Lubec

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

Which reports were Read.

On motion by Mr. Wyman of Washington, the Ought to Pass Report "B" of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

**Senate  
Ought to Pass**

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act to Make Allocations from the Department of Inland Fisheries

and Game Receipts for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 569) (L. D. 1710)

Reported pursuant to Joint Order (S. P. 563) that the same Ought to Pass.

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Resolve Appropriating Moneys for the Acquisition of Property at Meddybemps by the Atlantic Sea Run Salmon Commission. (S. P. 198) (L. D. 583)

Reported that the same Ought to Pass.

Mr. Minkowsky for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Board of Visitors for Each State Institution Under the Department of Mental Health and Corrections." (S. P. 431) (L. D. 1245)

Reported that the same Ought to Pass.

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

#### **Ought to Pass - As Amended**

The Committee on Health and Institutional Services on, Bill, "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics." (S. P. 3) (L. D. 17)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-142).

Which report was Read and 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 Veterans and Retirement on, Bill, "An Act Relating to Disability Retirement and Retirement Allowances under State Retirement System." (S. P. 243) (L. D. 704)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

ANDERSON of Hancock  
CARSWELL

of Cumberland

Representatives:

DOW of West Gardiner  
THERIAULT of Rumford

CURTIS of Bowdoinham  
JUTRAS of Sanford  
SIMPSON of Millinocket  
PRATT of Parsonsfield  
LEWIN of Augusta

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

Signed:

Sensor:

BERNARD

of Androscoggin

Representatives:

LINCOLN of Bethel  
HAYES of Windsor  
VINCENT of Portland

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted.

Sent down for concurrence.

(Subsequently, on motion by Mrs. Carswell of Cumberland, the Senate voted to reconsider Acceptance of the Ought Not to Pass Report of the Committee and, on further motion by the same Senator, tabled and Tomorrow Assigned, pending Acceptance of Either Report.)

#### **Divided Report**

The Majority of the Committee on State Government on,

RESOLUTION, Proposing a n Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises and the Preservation of Certain Business Enterprises. (S. P. 495) (L. D. 1383)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

JOHNSON of Somerset  
WYMAN of Washington

Representatives:

DONAGHY of Lubec  
HODGDON of Kittery  
MARSTALLER

of Freeport

CURTIS of Orono  
STILLINGS of Berwick

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

Signed:

Sensor:

CLIFFORD

of Androscoggin

**Representatives:**

COONEY of Webster  
 FARRINGTON  
     of Old Orchard Beach  
 GOODWIN of Bath  
 STARBIRD  
     of Kingman Township

Which reports were Read.

Mr. Clifford of Androscoggin moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

On motion by Mr. Martin of Piscataquis tabled and Tomorrow Assigned, pending the motion by Mr. Clifford of Androscoggin to Accept the Minority Ought to Pass Report of the Committee.

**Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act Establishing a Maine Liquor Control Board." (S. P. 300) (L. D. 857)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset  
 WYMAN of Washington  
 CLIFFORD  
     of Androscoggin

Representatives:

STILLINGS of Berwick  
 CURTIS of Orono  
 FARRINGTON  
     of Old Orchard Beach  
 HODGDON of Kittery  
 COONEY of Webster  
 GOODWIN of Bath

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

Signed:

Representatives:

DONAGHY of Lubec  
 MARSTALLER  
     of Freeport  
 STARBIRD  
     of Kingman Township

Which reports were Read.

Mr. Hichens of York then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending the motion by Mr. Hichens of York to Accept the Minority Ought to Pass Report of the Committee.

**Second Readers**

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

**House**

Bill, "An Act Relating to Requirement of Schools of Barbering and Training for Registration as a Barber." (H. P. 740) (L. D. 1002)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

**House - As Amended**

Bill, "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75 and 77." (H. P. 646) (L. D. 876)

Bill, "An Act Appropriating Funds to Establish Kidney Disease Treatment Services." (H. P. 731) (L. D. 993)

Bill, "An Act Creating the Cobbossee-Annabessacook Authority." (H. P. 786) (L. D. 1062)

Bill, "An Act to Clarify the Law Regulating the Alteration of Coastal Wetlands." (H. P. 944) (L. D. 1303)

Bill, "An Act to Increase the Compensation of Members of Legislative Research Committee." (H. P. 1099) (L. D. 1505)

Bill, "An Act Relating to Hunting from Vehicles, Aircraft, Boats and Snowmobiles." (H. P. 1147) (L. D. 1588)

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

Bill, "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of November." (H. P. 906) (L. D. 1250)

Which was Read a Second Time.

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

Mr. SHUTE of Franklin: Mr. President, I move that we reconsider our action whereby the Senate adopted House Amendment "B" for the purpose of offering an amendment.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that the Senate reconsider its action whereby it adopted House Amendment "B". Is this the pleasure of the Senate?



The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would ask for a division on that motion and I would like to speak briefly to it.

The PRESIDENT: The Senator has the floor.

Mr. HOFFSES: Mr. President and Members of the Senate: I rise this morning with a great deal of reluctance to oppose this motion for reconsideration because I realize that if we do that there is not one but several proposed amendments to this particular document.

I am most hesitant because I realize that the sponsors of these proposed amendments are all very good friends of mine. My Committee on Fisheries and Wildlife has done a horrendous job on some of the bills which these very distinguished gentlemen, gentlemen whom I have the highest respect for, have presented, but we have in this state a serious situation relative to our deer herd.

Now, it was with a great deal of reluctance that I moved the adoption of House Amendment "B" yesterday. I was not happy with the amendment. I felt that we should restrict our deer hunting much more than this amendment would do. However, there was the consideration that we would be giving the department the authority and the power to close seasons when and where the department deemed it necessary for the preservation of our deer herd. That was the one and only reason that I did move the adoption of House Amendment "B".

Now, if we fool around, so to speak, with this bill too much we are going to lose the whole bill, and I believe, I sincerely believe, that we do not want this to happen, because our deer herd is valuable to each and every one of us in the State of Maine. We want to preserve it. It is in trouble, it is a known fact that it is in trouble, and I do feel that we must make every effort to preserve that herd.

I have read the proposed amendment which my good friend, the Senator from Franklin, has offered, and it brings to mind the situation which we had in the state when

I first came into these chambers. We had four zones in the state. It was a very confusing situation, not only to our resident hunters but to our non-residents in particular. We have over the years reduced that to the two zones which we now have, which are quite well recognized. I realize the gentleman from Franklin does have a problem with his constituents up in the Jackman area, but as I read his amendment I feel that this, although it may solve a problem which exists there, it is not going to be of any great benefit to the state as a whole. So I will object to his amendment, if you do reconsider the engrossment of this bill I shall object to that, and I must object to the other proposed amendments. I am hopeful that we can engross this bill in concurrence with the other body at the other end of the hall and that we can salvage this very, very needed legislation. I, therefore, Mr. President, would ask for a division on the reconsideration.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: This morning I indeed am touched by the feeling of affection as declared by the Senator from Knox. This affection, I assure him, should be extended to the Senator from Hancock and the Senator from Penobscot because both of these Senators plan to join me in offering an amendment to House Amendment "B" if we are successful this morning.

I further submit to the Senator from Knox that had he accepted the deer management unit proposal which we offered his committee we wouldn't be in this bind in the first place, everything would be serene and the deer herd would be well protected. But because you have come out with the type of report that you have, and because it has been sufficiently messed up in the other body, we are offering this amendment to House Amendment "B" in the hopes of following through with a commitment which we made to the people in the Jackman area after the election of last November.

I was amazed as I traveled through this section of Somerset County to learn that the people up there, including the motel operators, store operators, and the people who depended for their livelihood on the numbers of hunters from outside the Jackman-Moose River area and outside of state, that they were so bitterly opposed to the split season, as so many other communities have been during the years when we did have a 4-zone season. Farmington for many years could hunt on one side of Main Street for two weeks and couldn't hunt on the other side of Main Street until the first of November. This has occurred in many communities. Skowhegan and all along Route 2 have gone through the same problem. Rangely had this problem when the Appalachian Trail was the dividing line. Well, it happens now that there are very few large communities, or communities of any substantial size, where the Canadian Pacific track is the dividing line and where it is a distinct inconvenience. Perhaps Greenville is the largest community in this area.

But I have here a group of petitions signed by residents of the Jackman-Moose River area who object to this dividing line. As a matter of fact, their petition reads that they would like to see a statewide open season on deer during the month of November only. They, of course, are not taking into consideration their neighbors to the north of them, but they are concerned about what is happening in their area. And it is for this reason that we are offering Senate Amendment "A" to House Amendment "B", which would change the line of demarcation.

If you travel westerly from Greenville, instead of following the Canadian Pacific railroad tracks through the wilderness to Jackman, you would go up to the east outlet of Moosehead Lake and follow from there, leaving the tracks and following the shore of Moosehead Lake, the western shore, up to the Seboomook Road, over to Seboomook Lake, the south shore of Seboomook Lake to the south

branch of the Penobscot River. These are easily defined areas of demarcation—to the south branch of the Penobscot River to Routes 201 and 6, which is the main route from Jackman through to the Canadian border, and follow this to Sandy Bay, which is at the border. This is a simple line. It is a few miles north of Jackman, and it removes the problem these folks experience with the shooting off of all their lambs and does in the early part of their season by out-of-state hunters. This is why we offer Senate Amendment "A" to House Amendment "B", and we hope you will join us in this effort. Thank you.

**THE PRESIDENT:** The pending question before the Senate is that the Senate reconsider its action whereby it adopted House Amendment "B". A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Moore.

**MR. MOORE** of Cumberland: Mr. President and Members of the Senate: I am sure that none of us are quite happy with the deer bill the way it is. With reference to the one month open season, that was my bill which I introduced that Senator Shute from Franklin mentioned, and it got a very unfavorable report out of the committee.

Regardless of that, I don't know of anyone who is happy with this bill, but maybe that makes it a good bill. I think we all have to compromise some. It isn't just what I want. It isn't just what the people in the south want, and it apparently isn't just what they want in the north, but it is a move toward conservation and I think that we should leave the bill in its present form with that House Amendment on it because I think we can all live with it. I would be opposed to reconsideration.

**THE PRESIDENT:** The chair recognizes the Senator from Penobscot, Senator Tanous.

**MR. TANOUS** of Penobscot: Mr. President and Members of the Senate: Yesterday I mentioned that I spent some time studying these two amendments that are presently on this bill and, if you will check them, you will note that the com-

mittee amendment, for instance, strikes out certain parts of the bill itself and inserts new language in it. But you come in with House Amendment "B" and you strike out everything by striking out all of the title and inserting in place thereof a new title, and then you strike everything out of the bill. So there is no question in my mind that House Amendment "B" and Committee Amendment "A" are contradictory to each other, and it would be my feeling that we would indefinitely postpone Committee Amendment "A" in order to have some semblance of unity in this particular bill. I join Senator Shute in his motion for reconsideration so that we can do this. I understand that Committee Amendment "A" is still on the bill itself. The number on Committee Amendment "A" is H-153, and the House Amendment is under Filing H-169.

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

Mr. CLIFFORD of Androscoggin: Mr. President, I would like to pose a question through the Chair. I would like to have somebody who is knowledgeable on this bill and who is knowledgeable in these deer affairs to very clearly explain this bill to the members of the Senate, because I am thoroughly confused. I can find the bill all right, but I can't find the amendments and I can't piece this thing together. I think it would be very helpful if somebody could explain the original bill and what has happened to it up to this point. I would like to know what I am voting for. So I would like through the Chair to ask someone to do this.

The PRESIDENT: The Senator from Androscoggin, Senator Clifford, has asked for help through the Chair of any Senator who may wish to explain the bill.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel like a hatchet man here this morning on this particular L. D., with the thought in mind that I am going to have to oppose all

of these proposed amendments if they are offered.

I am really disturbed because I feel now that I am at an extreme disadvantage, not having a birthday today myself, and I really feel that the distinguished gentleman from Franklin may have me outpointed here. However, perhaps well knowing that I am quite his senior in years, perhaps you will give my advancing age some consideration to offset the gentleman's tender years of being with us in the world.

Now, to try to answer, and I say I try to answer the question of the distinguished gentleman from Androscoggin, Senator Clifford, we will refer to Committee Amendment "A", which is House Filing 153. This amendment is an amendment to the original bill, or rather to L.D. 1250, "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of November. Now, I would point out to you that this particular amendment, takes into consideration and adopts the very acceptable and very worthwhile, in fact the most acceptable and worthwhile language in the bill presented by the Senator from Franklin, Senator Shute, which was his bill of a statewide management of our deer herd. We have incorporated through this committee amendment that language in his bill which authorized the Commissioner to limit the hunting season whenever and wherever he deems it is necessary for the preservation of our deer herd.

Now, we have several states which do have this same philosophy of permitting and authorizing the commissioners to regulate our deer herds, and I believe that these states to have very healthy deer herds. I think this is a step in the right direction to have the department manage our deer herd here in the State of Maine. If in future years we find this is not satisfactory it can be changed back to the system which we have had over the years.

The House Amendment does take into consideration this matter I have just spoken about, allowing the department to manage the deer herd.

The other amendments, let us review those, if we will.

The PRESIDENT: The Chair would inform the Senator that the only amendments that are on the bill are Committee Amendment "A", Filing H-153, and House Amendment "B", Filing H-169.

Mr. HOFFSES: House-169 is the only other amendment that is on the bill? Well, if you will recall, I tabled this bill the other day prior to the adoption of House Amendment "B". I had a great deal of reservations about this particular amendment because of more especially the hunting season in the southern area of the state, which permitted a full 24 hunting days in the southern section of the state. Personally, I believe this is too much time to allow for hunting in the southern area of the state, due to the condition which we all know exists. However, to move this bill on, and to be assured that we will have a document, and one containing the very desirable language which I have already mentioned relative to the management, I did move for the adoption of House Amendment "B". Now, I feel that this will give the northern area of the state ample time for deer hunting, and with the management by the department that they can limit the hunting in the southern area of the state so that we will be able to control our deer herd.

Going back to the change of the zones, I am most reluctant to see this matter go into effect because of the struggle that we have had to have definite lines between the northern zone and the southern zone. So I would hope that you would oppose the motion for reconsideration.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Franklin, Senator Shute, that the Senate reconsider its action whereby it adopted House Amendment "B".

A division has been requested. As many Senators as are in favor of the motion of the Senator from Franklin, Senator Shute, that the Senate reconsider its action whereby it adopted House Amendment "B" will please rise and remain standing until counted. All those

opposed will please rise and remain standing until counted.

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

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: If you have not had an opportunity to study Committee Amendment "A" and House Amendment "B", I will explain briefly what Committee Amendment "A" does. It amends various parts of the bill itself, as you will notice, by shifting around the during the first three weeks of November, etc. Now House Amendment "B" strikes out everything in the bill, including the enacting clause, and everything after it. So, definitely if you have Committee Amendment "A" to the bill, and then everything is struck out in House Amendment "B", there is no question that Committee Amendment "A" is in conflict with House Amendment "B", and I therefore move indefinite postponement of Committee Amendment "A".

The PRESIDENT: The Chair would inform the Senator that the pending question before the Senate is the adoption of House Amendment "B". The Senate has just reconsidered its action whereby it was adopted yesterday.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. Shute of Franklin then presented Senate Amendment "A" to House Amendment "B" and moved its Adoption.

Senate Amendment "A", Filing No. S-139 to House Amendment "B" 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 think the Senator from Penobscot, Senator Tanous, has raised a valid question, and I think the farther we go the worse off we will be in these amendments. Amendment "A" amends the bill, Amendment "B" amends the bill and if it amended the amendment

it would be all right, but at the present time they have two different dates, two different seasons, one in one amendment and one in the other. I think there is a conflict here, and I think it should be straightened out before we go to far with this.

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

Mr. **ANDERSON** of Hancock: Mr. President and Members of the Senate: Relative to the same bill we are discussing, Legislative Document 1250, I present Senate Amendment "B" to House Amendment "B", under Filing No. S-141.

The **PRESIDENT**: The Chair would ask the Senator to defer offering this amendment until Senate Amendment "A" to House Amendment "B" has been disposed of.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Thereupon, on motion by Mr. Hoffses of Knox, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A" to House Amendment "B".

#### Senate

Bill, "An Act Relating to Electrical Inspection." (S. P. 567) (L. D. 1708)

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

Sent down for concurrence.

#### Enactors

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

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)

An Act Creating Oxford County Commissioner Districts. (S. P. 270) (L. D. 798)

An Act Creating the Cumberland County Recreation Center. (S. P. 404) (L. D. 1221)

An Act to Adopt a State of Maine Code of Military Justice. (S. P. 441) (L. D. 1279)

An Act to Require Notice to Public Utilities of Certain Excavations. (S. P. 549) (L. D. 1688)

An Act to Revise the Pharmacy Laws. (H. P. 453) (L. D. 608)

An Act Creating York County Commissioner Districts. (H. P. 553) (L. D. 729)

An Act Relating to Increases in School Assessments in School Administrative Districts. (H. P. 702) (L. D. 945)

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

An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements and New Construction. (H. P. 735) (L. D. 997)

An Act to Provide Retirement Benefits for Certain State Employees. (H. P. 832) (L. D. 1123)

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

(On motion by Mr. Martin of Piscataquis, temporarily set aside.)

An Act Increasing Certain Fees for Deputy Sheriffs. (H. P. 1070) (L. D. 1462)

An Act to Provide for Thirty Days' Notice When a Nursing Home is Being Voluntarily Closed. (H. P. 1116) (L. D. 1535)

An Act Relating to the Retail Sale of Wine in Department Stores. (H. P. 1117) (L. D. 1630)

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.

The President laid before the Senate the matter temporarily set aside by Mr. Martin of Piscataquis. An Act Relating to Definition of Retail Sales under Sales and Use Tax Law. (H. P. 898) (L. D. 1218)

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

Mr. **MARTIN** of Piscataquis: Mr. President and Members of the Senate: I won't belabor this very much today because I spoke about it the other day and got a terrific beating. I expect I will probably get the same thing today.

I have heard the comment that this might die on the Special Appropriations Table, however, this is an item that gives tax concession or tax relief in the form

of sales tax to one certain industry within the state. This particular bill is going to cost the state a loss of revenue to the tune of \$100,000 a year; almost \$200,000 in the biennium. But this is not the important issue on this matter.

The important issue is that this opens the door to others in a similar category that will eventually come in for the same type of treatment. It will open the door to a loss of revenue to the state to the tune of \$2,000,000 a year. This is the important factor in my book.

This bill, as you all know, was killed two years ago, and it would be my hope that the same thing would happen to it this year. I therefore request that this bill be indefinitely postponed, and I would request a division.

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

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: It has been claimed by the opponent of this bill that this would be discrimination in that it would exempt one concern from paying a sales tax where others have to pay it. I claim that the opposite is true. Through some inadvertency in writing the original sales tax law, we have taxed continually one concern contrary to all other industrial and commercial establishments in the state. This is the only manufacturing process where an ingredient that goes into the process is being taxed.

I also maintain that this is almost a moral issue in that it tells the people of the world that we in Maine here, to get \$115,000, are going to deliberately, knowingly, after it has been called to our attention, tax an industry contrary to other statutes on our books.

I think the fact that it could lead to exemptions of millions of dollars is a little misleading. I know that the opponents have told a story that it would apply, for example, possibly to electricity used in certain instances in making bricks. Well now bricks were made long before electricity was discovered. Pottery and bricks were made by the ancients without any electricity, and I don't believe that

it ever could be conceived or interpreted that electricity is in direct part an ingredient which goes into the making of bricks. When we get to the point that we will exclude the electricity for making bricks, I think we will also exclude electricity to operate your coffee perculator and to operate your toaster. So that what we are talking now are not millions of dollars.

The only other industry, I believe, which could be included in this, which we haven't got in Maine, would be electroplating, and if the changing of this law would invite another industry such as electroplating to the State of Maine it would simply be one more strong argument to pass the bill. So, in view of these arguments, and almost as a moral obligation, I would beg of you to vote against the indefinite postponement.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I can well see that my good friend, Senator Fortier from Oxford, has misunderstood my statement when I said electricity in the manufacturing of bricks. What I meant about the manufacturing of bricks was the fuel used in the kiln in drying the bricks. At this present time that fuel in most cases, I believe, would be coal or oil which is a taxable item. The coal or oil is used in the process of manufacturing and lost within the period of twelve months in the process of manufacture of kiln-drying bricks and, by the same token, the kiln-drying of lumber. You have very many comparable items. I just wanted to clear the record that my good friend, Senator Fortier, misunderstood when I said the manufacture of bricks. The fuel in the manufacture and the drying of bricks is now taxable, and drying of wood and other similar instances.

The PRESIDENT: 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.

A division has been requested. As many Senators as are in favor of the motion to indefinitely postpone this Bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Indefinitely Postpone the Bill did not prevail.

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

### **Emergency**

An Act to Authorize the Hallowell Water District to Collect and Treat Sewage. (S. P. 452) (L. D. 1375)

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.

### **Emergency**

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

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.

### **Emergency**

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

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 Relating to Change of Name of the Arthritis Foundation, Pine Tree Chapter, Inc. (H. P. 959) (L. D. 1320)

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.

### **Reconsidered Matter**

Mr. Minkowsky of Androscoggin moved that the Senate reconsider its action of yesterday whereby on Bill, "An Act Relating to Selling Certain Drugs", (H. P. 116) (L. D. 160), the Senate voted to Recede and Concur.

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

Mr. BERRY of Cumberland: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I signed the eight to five Majority Ought Not to Pass Report on this bill because I felt it was unnecessary legislation.

I felt it wholly failed to do what the proponents intended it to do and because I could see no reason for making it more difficult and expensive for the people of the State of Maine to purchase a perfectly safe cold remedy which no one has proved to be very harmful.

This bill would require that any non-prescription medication, if it contains any beladonna whatsoever, no matter how little, would be sold only in drug stores by licensed pharmacists. There are four medicines involved in this legislation, namely: Contac, Somnex, Sleep-eze and Quiet World. Each of them have been tested by the Food and Drug Administration and found to be perfectly safe for general sale in stores of any kind. In spite of this, the proponents argue that our young people would be buying them

and using them for experimental use. I am sure that a very few of them do, and I am also sure that the results are a disappointment. Belladonna, like any other drug, can produce harmful effects if you take enough of it. So can aspirin, cough medicine, mouthwash, or even peanut butter, for that particular matter.

A Contac pill contains two-tenths of a milligram of beladonna. If you take ten, fifteen, or twenty in one dose you are going to get sick and be very uncomfortable, but you won't hallucinate and you won't die.

In 1970 the Department of Health Education and Welfare reported that out of a population of 206,000,000 people, thirty-three over age five were hospitalized for overdose of Contac, none of which died.

The Food and Drug Administration has complete power over the sale of these medicines. They can take them off the market, restrict them to prescription by a doctor, and in any other way limit their sale. If this is not enough, we have a State Pharmacy Board here in the State of Maine which can, at any time after hearing, restrict the sale of any drug, including these, if it finds that they are a present potential hazard to our Maine citizens. Incidentally, the Maine Pharmacy Board appeared at the hearing in opposition to this particular bill.

I like the state's motto, "Dirigo". I would not like to see us lead the nation in passing a ridiculous piece of legislation of this nature.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I join my friend, Senator Minkowsky from Androscoggin, in this matter. Those of you who haven't perhaps read the bill or are familiar with the legislation this is a chestnut like we had around here the last session. What this seeks to do, this particular bill, is to take out of your store your cold tablets, for instance, as has been mentioned.

In my particular district I have three pharmacists in thirty-nine different towns. In every town that

hasn't got a pharmacist, for instance, a man couldn't be able to get a cold pill if he needed one. So, they would have to travel anywhere, in some areas, from forty to fifty miles to get a cold pill, which is ridiculous.

We are not making it a matter to be obtained by prescription, so I don't see what you are doing except giving it to the pharmacist to sell by himself personally. It seems to me you are creating a hardship on a lot of people for no reason at all. If you are going to do anything you should make it a matter to be handled by prescription rather than just sale by the pharmacist.

I am certainly opposed to this. There are many, many stores in my district, approximately sixty-five stores, that it would affect, where they wouldn't be able to sell a cold pill. This is silly, really. All you are doing is giving it to three pharmacists in my entire district to sell. I am certainly opposed to this. I think I would be doing an injustice to my people to vote for enactment of this bill. Thank you.

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

Mr. HICHENS of York: Mr. President and Members of the Senate: I was not prepared to argue on this this morning because I figured it had gone from us yesterday.

We are talking about one particular cold remedy, a remedy which I have used frequently, and I have found that it does not have too much effect on me as far as my own reactions. Maybe my family can justify other reasons. I also find that other cold remedies have the same effect. In fact, this week, when I came in Monday, I was suffering from a cold and I took Dristan which does not contain beladonna. It apparently has taken care of my cold for me. We were told at our committee hearing that if this law was passed that the makers of Contac would put in another ingredient that would have the same effect and be able to sell their product just the same out over the counters. So, I feel that if this is a precautionary



measure that we should go along with it.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action of yesterday whereby it receded and concurred with the House on Bill, "An Act Relating to Selling Certain Drugs".

As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-five Senators having voted in the affirmative, and six Senators having voted in the negative, the motion to reconsider prevailed.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, the Senate voted to Adhere.

#### Reconsidered Matter

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

Under suspension of the rules, the Senate reconsidered its action of May 5, 1971, whereby it passed the Bill to be Engrossed.

House Amendment "A" (H-146) was read.

On motion by Senator Berry of Cumberland, House Amendment "A" was indefinitely postponed, in non-concurrence and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-120) and Senate Amendment "A" (S-132), in non-concurrence.

Sent down for concurrence.

#### Orders of the Day

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

Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Speeding Violation." (H. P. 1151) (L. D. 1602)

Tabled — May 5, 1971 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Mr. Wyman of Washington then moved that the Senate Indefinitely Postpone the Bill.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is the bill that we gave favorable consideration to. And to refresh the memory of the Senate this is the bill that says after conviction of two speeding violations within a single year where the allegation is that the speed exceeded the posted limit by more than ten miles an hour the bill would come into play. I think it was debated thoroughly the other day. I would oppose the motion to indefinitely postpone and ask for a division.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This bill seems a bit ridiculous to me. How many people can say that they have not been thirty-seven miles in a twenty-five mile zone or something of that nature? And you can't argue with radar. If a police officer happens to pick you up and say you are going thirty-seven miles in a twenty-five mile zone, that would be it.

Now, I don't think any of us can say that we have not done this. It could easily be a working man that was late to work with dry weather and good conditions, and what we are doing is equating this very closely with the penalty for driving under the influence, which is only ninety days, and at least there is some opportunity there with certain tests for the driver brought into court under that provision.

Now, this allows no leeway. It could even result in judges not convicting cases for the reason of the absurdity of the law. I hope you will support my motion to indefinitely postpone.

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 Washington, Senator Wyman, has given a pretty

good reason why we should enact this bill ultimately: That there is an attitude in the State of Maine that posted speed limits are a guide, and we don't pass attention to them. We do speed, you do and I do. We are all in favor of highway safety and we are all against the slaughter on the highways, and we are all aware of the fact that tragedy within the State of Maine is enormous. We are all aware of the fact that if you add up all the casualties in Vietnam since the beginning of our involvement there, including Cambodia and all Indochina, that we have killed more in one year on our highways than all those tragic accidents of the soldiers and military combined.

Highway safety legislation does not come easy because it requires a sacrifice, and this will require a sacrifice. Hopefully it will cause a change in the attitude of the individual members of the Senate and the public at large that we must slow down, and that we must save lives. It is not an easy bill to support, but then no highway safety legislation is.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If my good friend from Kennebec, Senator Katz, continues to introduce bills here and support these bills in the name of highway safety to take your license away without a hearing, which this latest measure that he speaks about does, I wonder how many of us will be driving.

The bill which he introduced which was before the Judiciary Committee, and which is going to be enacted pretty much as he proposed, has now, one, two, three, four, five, six, seven, eight particular situations where your license will be taken away from you without a hearing. It seems to me that it is pretty comprehensive, and it is all the way from being an incompetent driver to accumulating too many points under this comprehensive bill that he has proposed, which now with a very minor amendment is about to be enacted. I think that we have done quite a job on highway safety in relation to that. Then I notice by

the paper that he even has another bill which is supposed to change people's attitude about driving which he proposes. So, it seems to me that we have gone quite a long ways on this thing this time, and I do support the motion which the Senator from Washington, Senator Wyman, has made for the indefinite postponement of this bill because it does not do what it is proposed to do.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I hope the Senate will forgive me if I speak a third time because I feel so very deeply. I have sat in this legislature since the 101st session, and I saw how long it took us to get the implied consent bill. I think I could quote from memory how many Maine people were killed on our highways while the Maine Legislature was agonizing whether or not implied consent was an effective tool or not.

The fact is that the public really doesn't give a damn, if you will excuse the expression, about highway safety. The fact is that the public doesn't care about the slaughter on the highways. The fact is that I have received two letters this session concerning highway safety, and I have received dozens and dozens of letters and phone calls, as have you, about the dog leash law. Now, if this doesn't put highway safety in the unique situation as far as our responsibility is concerned, I don't know what does.

Until we change the public's attitude, until we change the attitude of drivers when they get behind the wheel of a car, we will continue killing people.

This morning the Kennebec Journal regretfully told us about the death of a 19-year old girl from Augusta, a girl who had done so wonderfully in high school and was doing successfully in college, and she was killed yesterday. She is a statistic. Our attitude is that is too darn bad, but let's not interfere with our rights and our prerogatives to speed and to go above the posted speed limit, when you

know that your chances of getting into an accident are substantially increased by speeding.

There isn't any easy answer, and this bill is not the answer-all, but it is a tool, and I ask the Senate to adopt this one more tool.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to support the Senator from Kennebec, Senator Katz, in his effort to attack the highway safety problem.

Within the past two years I have had occasion to be exposed to the carnage on the highway. In fact, I kept a daily record of all of the fatal reports that came in from the State Police, and I am sorry to say that a good fifty percent of these were attributed to liquor, although it couldn't have been proven in court. But the report from the State Police indicated that liquor was involved in fifty percent of the accidents.

Currently the Secretary of State has the authority to suspend the license of any individual who is convicted of speeding over 30 miles an hour. I think that when the Secretary of State makes a move in this direction he is supporting highway safety.

This bill would provide the opportunity for the Secretary of State to suspend the license without a hearing of a person who is convicted on two occasions of speeding 10 miles an hour over the limit. I maintain and I submit that a sufficient hearing has been held when this individual has been found guilty in a court of law in the State of Maine, and that no further hearing is necessary to prove his guilt.

Just last Friday as I was coming to Augusta from Farmington over Route 27, I was moving along without looking at my speedometer, and pretty soon I noticed a blue light flashing at my rear. And the good trooper, by the name of Lillianthal from New Sharon, stopped me. This was my first offense in a number of years and, as a consequence, I was given a warning. But the warning said 55 in a 45 zone. He said, "I suggest,

Senator, that you keep this on your vizor to remind you of the fact that you can easily go over the speed limit." I thanked him for his warning. This is the type of thing that is going on all over our state. I suggest that I have broken the law on many occasions coming from Farmington to Augusta without thinking about it. This is one of our faults, that we don't concentrate enough on our driving.

I believe that if a person is convicted twice in a court in the State of Maine that this is sufficient hearing, and if he is convicted a third time, I believe we should enact a law where we would enable the Secretary of State to have a public burning of such license.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I don't want to belabor this question, but I am in full accord with the Senator from Kennebec, Senator Katz, and the Senator from Franklin, Senator Shute.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Speeding Violation", be indefinitely postponed. A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, in view of the gravity which I place on this, I request a roll call.

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

The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Speeding Violation", be indefinitely postponed. A

"Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

**YEAS:** Senators Bernard, Berry, Clifford, Danton, Graham, Harding, Hoffses, Johnson, Kellam, Martin, Minkowsky, Schulten, Tanous, Violette, and Wyman.

**NAYS:** Senators Anderson, Carswell, Chick, Conley, Dunn, Fortier, Greeley, Hichens, Katz, Marcotte, Moore, Peabody, Quinn, Sewall, Shute, and President MacLeod.

**ABSENT:** Senator Levine.

A roll call was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Bill as Amended was passed to be engrossed in concurrence.

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

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 187) (L. D. 244)

Tabled — May 5, 1971 by Senator Wyman of Washington.

Pending — ENACTMENT.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Enactment.

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

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

Tabled — May 5, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: You know, when I got up yesterday morning I looked at the newspaper that had been published in Portland the night before and I thought I was dreaming, so I went back to bed again and then got up, and I wasn't. I mean, it was a beautiful article that came out in the paper which said that the minimum wage goes to Curtis,

and the content of it was that this was my bill and it increased the minimum wage from \$1.60 to \$1.80, starting in October of this year, and then to \$2.00 in October of '72. I had been here the day before and I hadn't recalled it, but I was mighty pleased to see this.

That sort of started off my day pretty well, but later on that morning I went jogging and got all wet, and came back and had difficulty shaving, and then came in here and really lost some close battles with my good friend from Cumberland, Senator Berry. Everything I proposed, I guess, went down the drain. We had some public hearings in Judiciary yesterday that lasted until about 8:30, and in between I found some more bad news, but when we ended the evening last night, there was one speaker who spoke about 8:30, I guess it was, and it sort of brightened up the day, and I would like to read it to you. It was something that appeared in the Rockland Courier Gazette on Saturday, May 1, 1971. We had hearings there yesterday concerning a raise for judges and also a bill removing intoxication from the law. In our public advertisement for Judiciary this is the way it came out: "An Act Relating to Public Intoxication of the Supreme Judicial Court and the Superior Court and Judges of the District Court." This sort of lightened up the evening somewhat. Well, I guess we have got to get to the matter at hand.

In all seriousness, when I started school, we were told we had to go to school to learn about reading, riting and rithmetic. I was a poor reader, my writing has n't improved since the first grade, but you know, my arithmetic is pretty good, and it always has been. And when I get up to 16, and I can't seem to get over that, I know when I have got to throw the towel in. So, in view of this, I move that under suspension of the rules we reconsider engrossment so that I may offer Senate Amendment "C" to L.D. 44.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, under suspension of the rules, moves that the Senate reconsider its action whereby Legislative Document 44 was passed to be

engrossed. Is this the pleasure of the Senate?

The motion prevailed.

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

Senate Amendment "C", Filing No. S-144, was Read.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President, would the Senator from Penobscot, Senator Tanous, perhaps explain how this changes the bill which is now before us?

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: The proposed amendment raises the minimum wage from \$1.60 to \$1.80 ninety days after the Legislature adjourns, which will be in October, I assume. After that it goes to \$2.00 per hour at such times as the federal minimum wage standards rise to that level, so that when the federal minimum wage goes to \$2.00, under this particular bill ours would rise at the same time, under this proposal.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Sometimes in the legislative process the public is confused by our use of the word "compromise", and this morning I would like to compliment the Senator from Penobscot, Senator Tanous, for his evaluation of the situation and the very effective compromise he has offered.

Senator Tanous has struggled almost all alone on this, and his influence on this legislation has remained the dominant influence from start to finish. I think this is a meaningful compromise which will accomplish essentially that which he wants. I want to compliment him again, and say that I am particularly proud to say in this particular case it was a Republican Senator who from start

to finish has identified the problem and pursued it, I hope, to its ultimate conclusion.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: This is Senator Tanous's bill and I guess I respect his wishes on this, but I must say that I probably would have hoped that he would have stayed with the original bill.

I know that our party didn't initiate this bill, but I think that when there is legislation introduced to improve the working conditions of our working people, I know my party normally looks at it very, very well. We agreed to support this bill the way it was, and it sailed along in the Legislature here without ruffling too many feathers until it almost got to the enactment point, and then some people started objecting to it. Now we have this compromise here.

I guess a lot of people have had problems or have had considerations about this bill, perhaps it was too drastic. I know in our caucus in considering whether we should support this bill we gave consideration to the situation of our working people and also certainly the situations that our business people were faced with. I think the determining factor in going along with the bill as it was undoubtedly was that when wage increases do go into effect they do affect some businesses, some businesses more than others, and there is always some disruption of the businesses and it creates problems for them. I personally take no pleasure in that.

But I thought this legislation was good because it raises the minimum wage to \$1.80 and to \$2.00. And I am not always terribly impressed with some of the price raises that are going on in many industries regarding wages, and also the price wages carried on by industry with regard to increasing the price of their product. Now, we see where the major steel companies are announcing significant increases in the price of their products. We see this in the paper this morning. As I say, I am not

always that impressed about the spiralling battles that have gone on with regards to wage increases action taken by our federal government to try to slow that up. I have never noticed any significant work at the federal level to try to stop the spiralling increases on either side. But I do notice this morning it is indicated that President Nixon would undoubtedly veto a bill increasing the minimum wage to \$2.00 if it was passed by the Senate. So, I don't know how good this bill is here this morning, in view of that, as to people saying they are willing to go along with the \$2.00 minimum wage when it becomes effective at the federal level if the President will in fact veto it.

But my real concern is that the people who are at the low range of our salary scales generally are not represented by labor unions, and so they don't have a binding power to speak for them. Another element which certainly influenced me to go along with the original bill was the minimum wage of \$1.60, and taking into account the spiralling inflation which has gone on for the last three or four years, and what effect this has had on the purchasing power of our people who must support families at these low wage scales, and what this has done to affect even what they can buy for their families at \$1.60. So, as I say, these are all considerations which have to be given, and I felt that if I was going to pass my vote here this morning I was going to pass it in favor of that worker on the low rung of the wage scale who has nobody to talk for him. I wish I could have voted for it, but I certainly see that it will not be enacted here.

As I say, we didn't initiate this, but looking at it very, very carefully, I thought this was a good thing for many of our people, particularly because those people are the ones who are so badly hurt by inflation and they are the ones with nobody to speak for them, and who have such low earning power that I don't see how they can live and get along at \$1.60, or even the \$1.80 for that matter, with the tremendous increases in prices we have seen in the last few years. This

person has nobody to speak for him in stopping the spiralling cost of goods, and he has got nobody to speak for him in keeping his earning power up to meet the spiralling costs of what he has to buy. I guess I will just leave it at that.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to express my disappointment that what we will be voting on today is this bill as amended only to the \$1.80 per hour.

I would like to compliment my good friend whom I admire so very much, the Senator from Kennebec, Senator Katz, for his diplomacy. I recall when the Chiropractor bill was enacted, which my good friend voted against, he went promptly over and congratulated the Chiropractors. They were all so deeply moved, and they said "Thank you, Senator", and afterwards they told me how much they appreciated Senator Katz's help, and I was unable to convince them that he had voted in the contrary. And I was much struck by his complimenting the good Senator from Penobscot, Senator Tanous. I would say this: I know that my good friend is Republican, but if my good friend, Senator Tanous had had the same percentage of support among the Republican Party that he had among the Democratic Party for this particular measure we would not be considering \$1.80 an hour, we would be enacting a \$2.00 an hour wage.

I am also disappointed that we missed an opportunity by this amendment. We could have, instead of saying "not less than \$2.00 an hour at such time as the minimum level wage standards rise to \$2.00 an hour later," at least we could have tied it in with the minimum wage at the federal level, so that if the federal level rose to above \$2.00 an hour that it would automatically go to that figure, but we didn't. So, this is an immense disappointment to me, and I am sure that it is an immense disappointment to the overwhelming number of Democrats here, and I regret very much

that this is all we are going to do here today.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous. I don't want to belabor this labor bill. In response to Senator Harding from Aroostook, the way the amendment reads, and perhaps I should have said it when I spoke earlier, that if the federal level goes to greater than \$2.00 an hour, of course, under this amendment we would also go along with the greater amount. If you will read the latter part of the amendment, it says "\$2.00 per hour or greater", so we will escalate with the federal government if they do go higher than \$2.00 per hour. But that isn't the purpose for which I got up here to speak.

I do want to thank Senator Violette from Aroostook for his able support that he has given me on this particular bill, he and the members of his party, and those Republicans who did support me. I certainly did appreciate the support that they have given me, their confidence and their help, and also those Republicans who attempted to guide me in not raising the minimum wage away out of hand where we would have caused problems. My sentiments are those of Senator Violette from Aroostook. I mentioned that when I originally spoke on this bill, and his sentiments that he expressed here today have been my sentiments and I highly concur with his statement. Thank you.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I hope that the good Senator from Penobscot, Senator Tanous, has noticed that without any debate whatsoever the Minority Party did allow the good Senator to reconsider this bill in the engrossment stage.

I am opposed to the amendment that is before us today because I think really that it is a sell-out on the little people throughout our state who earn less than \$1.60 an hour now. This morning as I was getting prepared to come down to the Senate Chamber I was listening

to the television where one of our major steel companies has gone up to 6 percent on the cost of steel. We know that any time the steel industry takes an increase in their cost of production that the little fellow right down the line from top to bottom is affected by it. Yet our people who are earning under our present minimum wage are going to feel really the strongest blunt of this.

In Portland, for example, our rents continue to climb daily. Rents that used to be \$50 a month now are somewhere in the neighborhood of \$90 to \$125 a month. Yet the little guy who is not working at a skilled trade is making what we consider today our minimum wage in the state.

So I am going to vote against the amendment that is before us. Perhaps the feeling is that we allowed reconsideration of the bill because perhaps it was just being sensible because apparently we don't have the votes to pass a \$2.00 minimum wage here today. But at least I am willing to hang around and stick it out to see if perhaps between now and next week we could get those votes. So I would ask for a roll call on the adoption of the amendment.

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 had intended fully to keep quiet on this matter because it was being handled very much on a non-partisan basis, but when I see the three big guns of the Democratic Party get up and let go, of course, I cannot back down.

I was quite amazed when Senator Tanous of Penobscot called attention to the fact that Senator Harding of Aroostook has missed one of the very important points in the proposed amendment. By permitting the \$2.00 wage to go above \$2.00, of course, he is exceeding the original bill as presented, so that we are doing more this way for the people in the low wage brackets than the original bill provided.

This also refutes the statement of Senator Conley from Cumberland that we weren't doing what we should by the low paid people.

I would like to point out that we are at this point because there has been good compromise on everybody's part, and I regret very much that Senator Conley is going to find it necessary to vote against the proposal. I would point out that Brunswick had a bill in, and part of the features of that bill are incorporated in this, tying the \$2.00 to the federal standards. Representative McTeague's bill would have tied both to the federal standards. We are going beyond that. We are saying it will go to \$1.80 ninety days after we adjourn. Representative McTeague's bill might not have gone to \$1.80 for the foreseeable future if the federal government did not act. So in this way I think we have a very good compromise here.

Now, I am the first one to admit that a \$2.00 minimum right now is starvation wages. For some time now the federal minimum for qualifying for assistance has been \$4,000. I am sure by the time we get to the \$2.00 minimum wage, which is tantamount to a \$4,000 yearly scale, that the \$4,000 will be increased.

We certainly cannot try to break this inflationary spiral by taking the people at the lower end of the wage scale and saying that you are going to be the ones that are going to break it.

I would be far more interested if some of the gentlemen down at Wiscasset who are out on strike now, I would be quite happy if they were the ones to break the spiral, but certainly we shouldn't ask the people we are talking about today, who are away, way, way down at the bottom of the scale, to do it. I hope we do accept this amendment, and I urge everybody here on a non-partisan basis to do it. I think we have banged out a very good arrangement and everybody, Democrats and Republicans alike, has contributed to the progress which has been made, and we find ourselves at the point now where we can move ahead.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: Last week, or sometime within the last two weeks, when this bill came before us in the enactment stage or the engrossment stage, the good Senator from Penobscot, Senator Tanous, did mention in debate the extreme or tremendous pressure that was being put on the members of this Senate in relationship to the present minimum wage bill before us. I honestly at the time thought that the good Senator was having hallucinations because honestly, and it is no discredit to the Senator, no one had spoken to me at all about being in opposition to this bill. I can honestly say that only last Monday—and it was strange to me because I am one of the little fellows around Portland, and I have never got involved in what they call today a conference telephone call—and I had three or four people on different phones around the state who were all talking to me at once in opposition to the present bill before us. That was the first time that anyone had contacted me in regard to this. And mainly it affects a certain industry in the state, the shoe industry. But it is my understanding really that these people who do work in these factories make more than the minimum wage now, so what it boils down to really is that the apprentice stage is where this bill apparently affects the industry.

But I noticed that the bill got here to us in the enactment stage, and then on a roll call vote in the other body is passed tremendously, and there was never an utterance or certainly any organized effort to defeat that bill over there, and it is now before us. Now, I am sorry to see that all of a sudden today, after it has been tabled from day to day over the last week and a half, I just think it is really unfortunate that we can't enact it in its present form. I think that we can if we sit back and try to consider the guy who has got a large family and doesn't have that skilled trade,



and really needs not even \$2.00 or \$1.80 a week, but anything we can consider a living wage.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I do not feel that I can support this amendment this morning. All the newspaper releases out of Washington this week are to the effect that the administration is not in favor of increasing the minimum wage on the federal basis. The minimum wage on the federal basis right now is \$1.60 an hour, the same as it is here in the state.

Many of my constituents have written to me and want to know what is wrong with us here in this Legislature, are we trying to beat the federal government in raising the minimum wage.

Now, many of our activities here in Maine are going to be greatly hurt if we increase the minimum wage before the federal government does, so I cannot support the amendment.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: My interpretation of this amendment is just like I said, that this goes to two dollars an hour when the federal minimum wage rises to two dollars an hour or greater. I think this could have been made very clear. If it is the intention that we will match the federal minimum wage when it rises to two dollars an hour or greater, then those who so contend I hope will table this so that they can rewrite this amendment so it will be very clear that you intend to tie it in, because it does not do so now, I believe.

I would hope that everyone here would vote against this amendment, if you would like to have a vote on the two dollar minimum. That is the only way we are going to get a chance to see how many here would vote for the two dollar minimum. I hope that you would vote against it, and then we will have a chance to vote for the two dollar minimum.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I want to apologize and retract a statement that I made a moment ago about going to two dollars or greater if the federal does. This amendment doesn't do that, and I have just found out the reason that we can't do it is because it has been termed unconstitutional or illegal. We can tie in for a definite amount, but we can't tie in for an indefinite amount. So that whenever the federal government does go to a two dollars an hour ours will escalate along with the federal government. But if the federal government should go higher than two, of course, ours wouldn't because we can't tie in on an indefinite amount. It has got to be a definite figure stipulated in our laws when we try to tie in with the federal government.

I would hope also that my support in the Democratic Party would stick with me on this amendment. Really I don't have the support for the two dollars in the original form of the bill, and it is my sincere interest and attempt to do something for the man at the bottom of the ladder. I fear if I lose my support from my Democratic friends at this time that we may end up losing the whole thing, and I don't want that to happen. I wish you would join in a non-partisan manner this morning and support this amendment, and give a raise to \$1.80 per hour where it is really needed and very desperately needed. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I reluctantly rise to debate labor issues.

Over the past week I have been contacted by quite a number of people in this matter. Now, first of all, let me point out that I come from a low income area. We do not have many industries that are unionized. I was approached by one

company union and they urged the support of the two dollar minimum wage. I had a nice discussion with their leader. And we pointed out some of the circumstances surrounding this bill in relation to the low income people who are not unionized. This gentleman said, "I hope that you could vote for the two dollar minimum but I fully realize that you have to represent all of the people as well as those of us who are in the labor unions."

Incidentally, I might say that we discussed the possibility of an amendment to tie this minimum in with the federal minimum, and this gentleman said, "I do realize this situation and I know that you will vote for the best interest of all of the people of this area which you represent." And the reason for his saying that was the fact that I had pointed out to him that we do have in the coastal area a great deal of low income industries, people that are receiving only the minimum wage.

There have been a number of those people that have approached me and they are concerned about their individual jobs if the minimum wage is raised to two dollars an hour. They feel this way: that their employer is going to reappraise his business practices and his employment, and that it could and would undoubtedly mean that some of these minimum wage people will lose their jobs and they will be required to go onto relief. I can honestly say that a lot of these people, even though they are earning the minimum wage, and it is not enough, I know it, we all know it, they are proud people and they do not want to go onto relief and won't go on relief unless they are forced to by elimination of their jobs. They have approached me and have raised the question that if this minimum wage should go to two dollars is it ultimately going to work in the reverse and hurt them rather than to help them. I pointed out the possibility of this proposed amendment by the distinguished Senator from Penobscot, and they seemed to be quite happy and they felt that a compromise would be acceptable to their employers and they

themselves would be quite happy with such a proposal. I would hope that you would go along with this amendment offered by Senator Tanous.

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment "C" to Bill, "An Act Increasing Minimum Wages."

A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of 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.

The pending question before the Senate is the Adoption of Senate Amendment "C" to Bill, "An Act Increasing Minimum Wages". A "Yes" vote will be in favor of the adoption of Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Fortier, Greeley, Hichens, Hoffses, Johnson, Katz, Moore, Peabody, Schulten, Sewall, Shute, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Graham, Harding, Kellam, Marcotte, Martin, Minkowsky, Quinn, and Violette.

ABSENT: Senator Levine.

Mr. Johnson of Somerset was granted permission to change his vote from "No" to "Yes".

A roll call was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, Senate Amendment "C" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move reconsideration of our action and hope you vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry,

now moves that the Senate reconsider its action whereby Bill, "An Act Increasing Minimum Wages", was Passed to be Engrossed.

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.

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(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1 o'clock tomorrow afternoon.