

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 18, 1973

Senate called to order by the President.

Prayer by Father Arthur St. Pierre of Camden.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act." (H. P. 770) (L. D. 1004)

In the House May 9, 1973, Passed to be Engrossed.

In the Senate May 15, 1973, Passed to be Engrossed as Amended by Senate Amendment "A" (S-125), in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Tanous of Penobscot, then moved that the Senate Recede and Concur.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: I would oppose the motion of the Senator from Penobscot, Senator Tanous. This is the bill which we argued the other day concerning an undesirable precedent of giving the Attorney General and the courts in litigation the power to assess against an individual, a citizen of Maine, the costs of attorneys' fees of the Attorney General's Office and the costs of investigation in matters under the Unfair Trade Practices Act.

I think that this is an undesirable precedent because the Attorney General in the future could use this as a club to force compliance to laws or to actions desired by the Attorney General which the individual didn't feel were right and proper.

I would urge that you vote against this motion, and after this motion is defeated the Senate could insist. This is not killing the entire bill; we are talking about striking merely an amendment to the bill and leaving the rest of the bill alone.

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

Mr. TANOUS: Mr. President and Members of the Senate: I feel that a motion to insist would probably end up in killing the entire bill. It is a good bill and I think it is needed legislation.

This was a unanimous report out of the Judiciary Committee. There was no opposition to this bill at all in the Judiciary Committee. It was highly recommended by the sponsor of the bill, as well as the Attorney General's Office.

Again, I repeat, this bill does not make anything compulsory. It doesn't mandate anything. It is upon the discretion of the Superior Court Judge. Attorneys, as well as my good friend Senator Clifford from Androscoggin, have always argued against mandatory sentences; to leave the discretion to the court, and here again we are involved in an area of the law which leaves the discretion up to the court, so I would hope that you would join me in my motion to recede and concur. Thank you.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede and concur with the House will please say "Yes"; those opposed "No".

The Chair recognizes the Senator from Cumberland Senator Berry.

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

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede and concur with the House will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion did not prevail.

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

Mr. BERRY: Mr. President, I would question the count.

The **PRESIDENT**: As many Senators as are in favor of the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede and concur with the House will please rise and remain standing until counted.

Those opposed will please rise and remain standing until counted.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I would request a roll call.

The **PRESIDENT**: 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 at least 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 motion before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that the Senate recede and concur with the House on Bill, "An Act Relating to Temporary Restraining Order and Cost of Litigation by the Attorney General under Unfair Trade Practices Act". A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators, Anderson, Berry, Brennan, Cox, Cummings, Graffam, Greeley, Hichens, Huber, Katz, Olfene, Peabody, Richardson Shute, Tanous.

NAYS: Senators, Aldrich, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Joly, Kelley, Marcotte, Minkowsky, Morrell, Roberts, Schulten, Speers, MacLeod.

ABSENT: Senators, Sewall, Wyman.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

Thereupon, the Senate voted to Insist.

Non-concurrent Matter

Bill, "An Act Relating to the Advertising of Drug Prices." (S. P. 506) (L. D. 1590)

In the Senate May 15, 1973, the Majority Ought Not to Pass report Read and Accepted.

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-123), in non-concurrence.

Mr. Conley of Cumberland moved that the matter be tabled and Tomorrow Assigned, pending Consideration.

On motion by Mr. Hichens of York, a division was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

ORDERED, the Senate concurring, that the Joint Standing Committee of the 106th Legislature on Health and Institutional Services report out a bill to prohibit liens to recover state aid under Aid to the Blind and Disabled Program. (H. P. 1516)

Comes from the House, Read and Passed.

Which was Read.

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

State of Maine

House of Representatives

Augusta, Maine 04330

May 17, 1973

Hon. Harry N. Starbranch

Secretary of the Senate
106th Legislature

Dear Mr. Secretary:

On May 17 the House voted to Adhere to its action whereby on May 14 it indefinitely postponed H. P. 771, L. D. 1005, Bill "An Act to Provide for Use of the Courts by Poor Persons"

Respectfully,

E. Louise Lincoln, Clerk
House of Representatives

ELL-cmf

Which was Read and Ordered
Placed on File.

State of Maine

State Treasurer

Augusta, Maine 04330

June 30, 1972

To the Honorable Senate and House of Representatives:

As required by the Constitution of the State of Maine, I have the honor to submit herewith the biennial report of the financial transactions of the Treasury Department of the State of Maine for the two years ended June 30, 1972.

Most Respectfully submitted,

Norman K. Ferguson

Treasurer of State

(S. P. 626)

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

Sent down for concurrence.

Order

On motion by Mrs. Cummings of Penobscot,

WHEREAS, the environment of the State of Maine is of great scenic beauty, unsurpassed recreational, cultural and historical value of present and future benefits to the citizens of the State of Maine and these unique characteristics of the State of Maine are of no intrinsic value to the citizens of the State of Maine unless they have the economic well - being to enjoy the environment; and

WHEREAS, the Maine Legislature and the United States Congress have declared it to be in the public interest of the citizens of the State of Maine that they be able to have healthful water and air as well as an aesthetic, pleasing environment; and

WHEREAS, the Maine statutory time schedules for water and air pollution abatement facilities now in effect are creating a demand for corporate funds, and industries must obtain State and Federal approval of waste water effluents and air emissions; and

WHEREAS, the Maine Department of Environmental Protection is charged with the responsibility of administering the environmental protection laws of the State of Maine and the Maine Department of Commerce and Industry is charged with the responsibility to enhance the economic and social well - being of the citizens of the State of Maine; and

WHEREAS, the activities of the Department of Environmental Pro-

tection and the Department of Commerce and Industry are intended to complement each other; now, therefore, be it

ORDERED, that the Department of Environmental Protection make known its willingness to advise industry now located in the State as to methods of complying with environmental laws; that the Department of Commerce and Industry consult and advise industry now located in the State of Maine as to potential markets for their products, sources of raw materials, by-product markets and availability of financial assistance; that the Department of Environmental Protection and the Department of Commerce and Industry jointly notify industry with an effluent or emission problem now located in the State of Maine, that said departments are prepared to assist said industry to the limits of their resources; and be it further

ORDERED, whenever the Department of Commerce and Industry contacts a potential new industry that may have environmental concern, that said department immediately arrange for a conference between said industry and representatives of the Department of Environmental Protection; and whenever the Department of Commerce and Industry believes that a potential new industry is reluctant to locate in Maine because of its environmental laws, it conveys this fact to the Department of Environmental Protection; and whenever the Department of Environmental Protection is alerted to the fact that a potential new industry or an existing industry has technical or financial problems relating to the environmental laws of the State of Maine, it shall immediately arrange for a conference between said industry, the Department of Commerce and Industry and representatives of the Department of Environmental Protection; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to said departments as notice of such purposes.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from

Penobscot, Senator Cummings.

Mrs. CUMMINGS: Mr. President and Members of the Senate: I would speak briefly on this. you will be glad to hear. Actually, I think this is the cementing of the relationship between the environmentalists, so-called, and those who are on the side of industry. It is a feud that I highly disapprove of, and I think that this order, which I will not take the time to have anyone read to you today, but I sincerely hope that you will take it home with you and read it when you can absorb the message, which is that we hope that the feud, not necessarily feuding, but non-communicating departments, will begin to communicate in more ways than one and work together to create the future for Maine we want. Thank you.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: With all due deference to the lady Senator from Penobscot County, I think any order or any bill that would tend to make our departments and department heads more closely cooperate would be of vital interest to all of us. If there is no serious objection, I, for one, would like to have the order read as of right now.

The PRESIDENT: The Secretary will read the order.

Thereupon, the Order was Read in its entirety.

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

Mr. JOLY: Mr. President and Members of the Senate: I would like to commend the good Senator from Penobscot, Senator Cummings, and say that that is probably one of the finest pieces of paper I have had on my desk since I came here in January.

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

Thereupon, the Order received Passage.

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 to Require Public Hearings Prior to Certain Actions of Regional Planning Commissions and Council of Governments." (H. P. 558) (L. D. 737)

Bill, "An Act Exempting Sales of Fishing Vessels and Equipment Therefor from the Sales Tax." (H. P. 61) (L. D. 73)

Bill, "An Act Relating to Municipal Excise Taxes on Boats and Motors." (H. P. 1278) (L. D. 1665)

Bill, "An Act Relating to Exemptions from Taxation of Institutions and Organizations." (H. P. 796) (L. D. 1068)

Bill, "An Act Allowing Trade in Credit on Sales Tax for Construction Machinery." (H. P. 877) (L. D. 1165)

Bill, "An Act Exempting Electricity for Cooking and Heating in Homes from Sales Tax." (H. P. 1194) (L. D. 1533)

Bill, "An Act Exempting from the Sales Tax Utility Services Used in the Home." (H. P. 1355) (L. D. 1786)

Bill, "An Act Exempting Gas and Electricity Used for Domestic Heating and Cooking from the Sales Tax." (H. P. 1371) (L. D. 1828)

Leave to Withdraw

The Committee on Education on, Bill, "An Act Relating to Raising Funds for the Support of Public Schools by Administrative Units." (H. P. 781) (L. D. 1013)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Relating to Duties of Officers who Enforce the Liquor Laws." (H. P. 996) (L. D. 1315)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Corporate Names." (H. P. 241) (L. D. 322)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Relating to

Elevator Mechanics." (H. P. 1134) (L. D. 1469)

Reported that the same be granted Leave to Withdraw.

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

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Labor on, Bill, "An Act to Exempt Hairdressers who Hold Booth Licenses from Eligibility for Unemployment Compensation." (H. P. 1014) (L. D. 1333)

Reported that the same "Ought to Pass."

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading."

The Committee on Business Legislation on, Bill, "An Act to Authorize the Investment by Savings Banks in Real Estate for Purpose of Historic Preservation." (H. P. 1408) (L. D. 1848)

Reported that the same Ought to Pass.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-402).

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

Ought to Pass - As Amended

The Committee on Labor on, Bill, "An Act Relating to Minimum Wages." (H. P. 706) (L. D. 911)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-385).

The Committee on State Government on, Bill, "An Act Relating to Fees Received by State Officials and Employees." (H. P. 95) (L. D. 116)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-383).

The Committee on Judiciary on, Bill, "An Act Relating to Valuation of Shares of Joint Owners of Property and to the Disposition of

Joint Property on Death of a Joint Owner." (H. P. 1277) (L. D. 1664)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-368).

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

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

The Committee on Judiciary on, Bill, "An Act Relating to the Appointment of Active Retired Judges of the District Court." (H. P. 566) (L. D. 745)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-365).

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-388).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read.

On motion by Mr. Tanous of Penobscot, Committee Amendment "A" was Indefinitely Postponed in concurrence.

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

Ought to Pass in New Draft

The Committee on State Government on, Bill, "An Act Relating to Deposit of State Funds." (H. P. 779) (L. D. 1011)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1503) (L. D. 1932)

The Committee on State Government on, Bill, "An Act to Make the Maine Human Rights Act Substantially Equivalent to Federal Statutes." (H. P. 1140) (L. D. 1475)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1506) (L. D. 1937)

Comes from the House the Bills in New Draft Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Hours of Work and Minimum Wages for Taxicab Drivers." (H. P. 1035) (L. D. 1356)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-387).

Signed:

Senator:

KELLEY of Aroostook

Representatives:

CHONKO of Topsham

FLYNN of South Portland

McHENRY of Madawaska

FARLEY of Biddeford

HOBBINS of Saco

BINETTE of Old Town

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

Signed:

Senators:

HUBER of Knox

TANOUS of Penobscot

Representatives:

McNALLY of Ellsworth

ROLLINS of Dixfield

GARSOE of Cumberland

BROWN of Augusta

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

Which reports were Read.

On motion by Mr. Tanous of Penobscot, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Increasing Minimum Wages and Providing for Overtime." (H. P. 1164) (L. D. 1499)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

Representatives:

McNALLY of Ellsworth

FLYNN of So. Portland

FARLEY of Biddeford

BROWN of Augusta

GARSOE of Cumberland

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-394).

Signed:

Senator:

KELLEY of Aroostook

Representatives:

McHENRY of Madawaska

CHONKO of Topsham

ROLLINS of Dixfield

BINETTE of Old Town

HOBBINS of Saco

Comes from the House, the Majority report Read and Accepted.

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to License for Manufacturers Selling Motor Vehicles in Maine." (H. P. 1418) (L. D. 1856)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOLY of Kennebec

ALDRICH of Oxford

ROBERTS of York

Representatives:

EMERY of Rockland

SHUTE

of Stockton Springs

SHAW of Chelsea

BRAWN of Oakland

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

Signed:

Representatives:

DUDLEY of Enfield

FAUCHER of Solon

COTE of Lewiston

CAREY of Waterville

FECTION of Biddeford
CONNOLLY of Portland
Comes from the House, the
Majority report Read and
Accepted.

Which reports were Read.

On motion of Mr. Minkowsky of
Androscoggin, the Minority Ought
to Pass Report of the Committee
was Accepted in non-concurrence,
the Bill Read Once and Tomorrow
Assigned for Second Reading.

Divided Report

The Majority of the Committee
on State Government on, Bill, "An
Act Providing for a State Lottery."
(H. P. 945) L. D. 1242)

Reported that the same Ought
to Pass in a new Draft under Same
Title (H. P. 1507) (L. D. 1938)

Signed:

Sentors:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

GAHAGAN of Caribou

GOODWIN of Bath

NAJARIAN of Portland

BUSTIN of Augusta

COONEY of Sabattus

CROMMETT

of Millinocket

The Minority of the same Com-
mittee on the same subject matter
reported that the same Ought not
to Pass.

Signed:

Senator:

WYMAN of Washington

Representatives:

FARNHAM of Hampden

CURTIS of Orono

STILLINGS of Berwick

SILVERMAN of Calais

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

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

The PRESIDENT: The Chair
recognizes the Senator from An-
droscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President
and Members of the Senate: I am
a member of the State Government
Committee, which heard the bill
presented for a state lottery. It
is a good bill in the sense that

the procedure set out is good, and
I think that all of the members of
the committee — I didn't actually
hear the testimony but was in on
the discussion of the bill — all the
people on the committee, it seems
to me, agreed that the bill was
in good form and that if a lottery
were to pass this was a good
vehicle.

The funds would go to municipal
revenue sharing, which I think
most would agree is a fair method
of distribution for those funds. I
think the most important principle
involved, Mr. President, is that this
is a state lottery, which other
states have gone into with varying
degrees of success, and many have
been very successful. People like
to play with small amounts in
games of chance, and it seems to
me that it is an awful lot better
to have them playing in something
which is legal and the money is
going toward a good cause, that
is, relief of the local property tax,
than into the hands of the under-
world where it ends up now when
people play games of chance.

You can't eliminate desire of
people to do this, and this legalizes
it, controls it, and I think we all
realize the mistake now, Mr. Presi-
dent, that this country made many
years ago with prohibition, how
that financed the underworld and
got the underworld started, and the
fact that the underworld now gets
most of its funding from gambling.
I think this will do a little bit to
take that away, to legalize it, and
to give that money to people who
could use it, which is the property
taxpayers of the State of Maine.
Thank you. I hope you vote against
the motion.

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

Mr. KATZ: Mr. President and
Members of the Senate: This bill
contains the best of two worlds.
It lets you have the implication
that maybe you will be lucky
enough to get a fast buck or, if
you are not interested, it means
that the other guy is going to help
pay your taxes. These are pri-
marily the benefits of this bill
which I oppose.

The fact that the funds are dedi-
cated puts an additional burden on,

as far as I am concerned. The dedication of funds, whether it is to revenue sharing, education, or highway matters, certainly doesn't sit well with me.

We are always anxious to let the other guy pay our taxes. We have a constitutional provision against taxing goods in interstate commerce; otherwise, I am confident that this legislature would be scheming of ways to put the pickle to goods coming in from other states, or passing through the state border.

It would create jobs. I guess that is good, because it would create a lot of jobs administering the program. And the fact that New Hampshire has it, Massachusetts has it, and a few other states have it, certainly is a recommendation that why shouldn't Maine have it. But if we want to go all the way, I think we should take a look at the State of Nevada, which has gambling. Nevada has a very attractive tax structure, and if it is taxable income that we want, I think we ought to consider going all the way. The rotunda for example would be an excellent place, because it is so spacious, to put a bank of slot machines. The rotunda would be a carefully controlled section with no possible misconduct, and we would raise revenue perhaps enough to pay for the legislative session, and I recognize in this body enough bad impulses so that some of the best customers would come from the Senate.

The fact that there is a public demand for it is interesting, but I would point out to the Senate that there is also a public demand for legalized gambling, prostitution, and other little yummies. But a responsible legislature pursues a different path.

I really don't like anything about a lottery. I don't like the idea of a society pursuing a get rich quick scheme, and I don't like the idea of government participating in the avarices of human beings. I hope that you support the motion of the Senator from York, Senator Hichens, to accept the Minority Ought Not to Pass Report.

(Off Record Remarks)

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

Mr. SPEERS: Mr. President and Members of the Senate: I thank the President for those very illuminating remarks. I would like to say, in answer to the good Senator from Kennebec, Senator Katz, that it is hard to address one's remarks to the full gambit of illegal activities from placing slot machines in the rotunda of the State House to prostitution, but finally the good Senator did get down to discussing the lottery bill, and that is what we have before us today, establishment of a state lottery.

I concur with the remarks of the good Senator from Androscoggin, Senator Clifford, when he mentioned that the Committee on State Government has done a good deal of work on this particular bill, and that I think even those who signed the Minority Ought Not to Pass Report on this bill participated in this discussion and contributed very well to putting together a good bill, and if we are to adopt the idea of a lottery that the entire committee on State Government does feel that this particular bill is the vehicle which should be adopted.

We really haven't had any discussion in opposition to this bill here this morning that gets into the meat of objections to the bill other than it is a state lottery. State lotteries have been conducted in a number of other states, as the good Senator from Androscoggin, Senator Clifford, pointed out, with varying degrees of success. But as they are conducted, and as they are studied and looked at more carefully, they are changed, improved and, I feel, for states that are coming along after these initial states have started lotteries, that these states and certainly the State of Maine will get the benefit of the mistakes that have been made in setting up lotteries originally, and get the benefit of the improvements that have been made in those lotteries. These improvements are written into these bills.

The President in his remarks mentioned very large prizes to very few people, and that is the first mistake that other states have made in setting up lotteries, and perhaps is one reason why originally the lotteries were not very successful in some of these states. After having the lottery system studied very extensively by studying lotteries worldwide, not only in the United States but around the world, a corporation in Princeton, New Jersey, Mathematics, Incorporated, made several recommendations to the State of New Hampshire, and one of the primary recommendations that it made was to reduce the size of the prizes and to increase the number of drawings so that you have, instead of large prizes going to a very few people you have smaller prizes going to a great many people, and in so doing you would increase the income in the number of tickets that are sold and the income to the state.

Now, one of the basic objections to a lottery that has not been raised here this morning, but I am sure that is in the minds of many of you because it was in my mind when this bill was presented to the State Government Committee, and it triggered a question which I asked of the individuals, who had made a study of lotteries, and that is it will fall most heavily on the low income people, that these are the individuals who are most prone to buying tickets. Well, frankly, that argument had a very telling effect on me, and if I thought that it was true at the moment I may have signed a different report. But it was very much impressed upon me that those who should know and who have done studies on lotteries, intensive studies, have indicated that that simply is not the case.

The average income of the purchaser of a lottery ticket is \$11,500. That is the average income. The purchase of tickets falls off sharply with those making anywhere below \$6,000, and again it falls off sharply for anyone making an income over \$25,000. So it is the middle class, the average individual with an average income of \$11,500 who is

most involved in making this kind of a purchase.

I would commend to the Senate that it is also this very same group of individuals who are paying the bulk of property taxes. And if the state can remove some of the burden of the property taxes by having these individuals participate in a lottery, and have the income from that lottery returned to the towns and cities through the revenue sharing programs, then I don't think that we are creating a burden on another class of individuals.

I don't want to bore the Senate with a lot of figures, but I think this one was very interesting as well, that the average person spends less than \$1.00 a week buying a ticket, and I already mentioned the income. There is no difference between male and female purchasers of tickets; they both tend to buy them equally, and the same is true of ethnic groups.

I think the question really comes down to very simply whether or not the state feels that it is faced with an opportunity here to increase the income to the state. We are very fortunate in this particular legislature in that we are not faced with the crushing decisions, and the crises that have been faced in the past as to where are we going to get a massive increase of funds in order to meet the increased number of programs or simply to have the state continue in its governmental functions over the next two years. We are not faced with that problem in this legislature. But I don't think that there is a person here who does not understand and realize that we are certainly going to be faced with that problem in the future.

I signed the Ought to Pass Report on this bill because I feel that the objections to a state lottery are simply not valid, because I feel that the state is going to be in dire need of income in the future, and that this would represent a substantial income to the State of Maine and, therefore, commend it to your attention for passage.

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

Mr. BRENNAN: Mr. President and Members of the Senate: First I would like to say that I think one of the principal functions of government is to do for the people what they cannot do for themselves. Now, I think presently people can gamble until their hearts' content 'all by their own.

I really don't believe this is going to raise any meaningful amount of money. If we want to raise money we have got a broad-base tax on the books, the income tax. I don't think we should try to do it with gimmickry, frankly. I think presently government is not held in as high esteem or regard as I would like to think it should be, and I do not think passing some gambling measure to get the state into this business is going to enhance that image. Again, if we want to raise money, I think we ought to face it honestly, intellectually, and take advantage of the vehicles that are on the books right now. To try to do it this way, I really don't think we are being honest with ourselves.

So for that reason, I have to support my very good friend, the distinguished Senator from York, Senator Hichens, who always supports me, but I must support him on acceptance of the Minority Report.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: To add to the parade of what my good friend from Kennebec, Senator Speers, has referred to as invalid argument, I would like to say, first of all, that I don't consider imitation of the Commonwealth of Massachusetts and the State of New Hampshire to be something that we should pursue with blind fidelity.

No. 2, I today view, as the good Senator from Cumberland, Senator Brennan does, this whole business as gimmick financing. It preys on the gullibility of those who think that there really is something for nothing in this world. I think that history teaches us that lotteries have a substantial tendency to corrupt government. The history of

that I am not going to bore you with, but I think it is very clear that that is the case.

I would also suggest to you that nobody in this Senate chamber, at least that I have heard — and I listened very attentively to the debate, as I did to the public hearing on this bill — nobody has come up with any really good hard numbers to justify a \$10 million estimate of revenue for this bill. Finally, no one is talking about the administrative cost of administering this program, this new gimmick financing program.

Now, I share with the Senator from Kennebec, Senator Speers, his concern about necessary funding for the future. I don't agree that it is as far away as he seems to think it is, because if we are going to do anything about tax reform in this session of the legislature — and it seems to be becoming less and less a possibility — but if we are going to do anything about it we are going to have to confront increasing some of our existing taxes.

This, the state lottery, I don't quarrel with the right of any of you to come up to the Cumberland Fairgrounds and wager on a horse — and I would encourage you to do that — and not vote to pass this lottery.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Brennan, is correct when he says that people are going to gamble anyway, and he referred to letting it be handled by private enterprise. Well, I would say that private enterprise in this case is not really private enterprise; it is the underworld. They are the ones who prey on the citizens of Maine, on the gullible citizens of Maine.

I would say, Mr. President and Members of the Senate, that this bill is really an offer we can't refuse, and the issue really is whether the money that people are going to spend anyway is going to go to Don Corlione or the property taxpayers of the State of Maine. Thank you, Mr. President.

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

Mr. TANOUS: Mr. President and Members of the Senate: I recall a couple of years ago during the gubernatorial election that a candidate for governor that year in his public speeches seemed to try to indicate that we had the underground here in Maine, and I recall the opposition party questioning him about his knowledge and information relative to this. I wonder at this time if there is new evidence that has been introduced before the State Government Committee relative to underground gambling operations being conducted in Maine. I think perhaps the Attorney General's office might want to have some knowledge about this. I feel that probably we don't have, but maybe we do, according to some of the statements that have been made here this morning.

In any event, I hope that in the tradition of this body, which has been so well recognized this session as being the wisdom body of the Maine Legislature, that we soundly defeat this measure. Thank you.

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

Mr. GREELEY: Mr. President, I move that when the vote is taken that it be taken by the yeas and nays.

The PRESIDENT: The Senator from Waldo, Senator Greeley, requests a roll call.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I would like to thank my good friend from Cumberland, Senator Richardson, for pointing out that perhaps we are going to be faced in this session with a question of increasing revenues for the state in order to improve the property tax situation that we are faced with at the present time. I would like to thank him because I am very much in favor of and support a property tax reform.

I would like to clear up just one or two other suggestions that have

been made, and that is that no one has talked about the cost of administering this particular program. The costs are written right into the bill and are to be administered from the proceeds of the program. And the estimates that were given to us indicate that the state, after all of the costs are paid, and after all of the prizes are paid, will net between eight and ten million dollars a year from this program.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Providing for a State Lottery." 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 at least 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 motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought Not to Pass Report of the Committee on bill, "An Act Providing for a State Lottery." A "Yes" vote will be in favor of accepting the Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators, Anderson, Berry, Brennan, Conley, Cummings, Fortier, Greeley, Hichens, Huber, Joly, Katz, Kelley, Minkowsky, Olfene, Richardson, Roberts, Schulten, Shute, Tanous, MacLeod.

NAYS: Senators, Aldrich, Cianchette, Clifford, Cox, Cyr, Danton, Graffam, Marcotte, Morrell, Peabody, Sewall, Speers.

ABSENT: Senator Wyman.

A roll call was had. 20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with one Senator being absent, the Minority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Relating to Reports of Bureau of Labor and Industry." (H. P. 1156) (L. D. 1489)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-386).

Signed: Senators:

TANOUS of Penobscot

KELLEY of Aroostook

Representatives:

FARLEY of Biddeford

BINNETTE of Old Town

ROLLINS of Dixfield

CHONKO of Topsham

McNALLY of Ellsworth

FLYNN of So. Portland

McHENRY of Madawaska

HOBBINS of Saco

BROWN of Augusta

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

Signed:

Senator:

HUBER of Knox

Representative:

GARSOE of Cumberland

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

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 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 Benefits Payable under Workmen's Compensation Law When Employer or Supervisory Employee Violates Safety Statutes." (H. P. 1258) (L. D. 1633)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

HUBER of Knox

KELLEY of Aroostook

Representatives:

BINNETTE of Old Town

CHONKO of Topsham

McNALLY of Ellsworth

FLYNN of So. Portland

ROLLINS of Dixfield

GARSOE of Cumberland

FARLEY of Biddeford

BROWN of Augusta

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

Signed:

Representatives:

HOBBINS of Saco

McHENRY of Madawaska

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-399).

Which reports were Read.

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

**Senate
Ought to Pass
in New Draft**

Mr. Marcotte for the Committee on Natural Resources on, Bill, "An Act to Amend Maine Water Pollution Control Laws to Conform with Requirements of Federal Water Pollution Control Act Amendments of 1972." (S. P. 355) (L. D. 1019)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 624) (L. D. 1945)

Which report was Read.

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

Second Readers

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

House

Bill, "An Act Providing Funds for Shoreland Zoning Assistance to Municipalities through Regional Planning Commissions." (H. P. 1262) (L. D. 1635)

Bill, "An Act Relating to Amendments to Charters of Certain Corporations Without Capital Stock." (H. P. 1505) (L. D. 1933)

Which were Read a Second Time

and Passed to be Engrossed in concurrence.

House - As Amended

Bill, "An Act Relating to Administration of Funds for Social Services." (H. P. 434) (L. D. 583)

Bill, "An Act to Amend the Minimum Lot Size Law." (H. P. 630) (L. D. 844)

Bill, "An Act Relating to Location of the Women's Correctional Center and Operation of the Half-way House Program." (H. P. 1201) (L. D. 1541)

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

Bill, "An Act to Amend the Site Location of Development Act." (H. P. 1375) (L. D. 1831)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, tabled and Specially Assigned for May 22, 1973, pending Passage to be Engrossed.

Senate - As Amended

Bill, "An Act Relating to State Parole Board Composition and Compensation." (S. P. 155) (L. D. 389)

Bill, "An Act Relating to Release of Patients at Pineland Hospital and Training Center." (S. P. 2) (L. D. 29)

Bill, "An Act Relating to Improved Property Tax Administration." (S. P. 221) (L. D. 637)

Bill, "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs." (S. P. 205) (L. D. 550)

Bill, "An Act to Establish the Saco River Corridor." (S. P. 469) (L. D. 1545)

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

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

Sent down for concurrence.

Enactors

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

An Act to Modify the Test for Determining Coverage of Injuries under the Workmen's Compensation Act. (S. P. 404) (L. D. 1206)

An Act to Clarify Certain Provisions of the Personnel Law. (S. P. 524) (L. D. 1655)

An Act to Simplify the Procedures on Municipal Charter Amendment Elections. (S. P. 611) (L. D. 1914)

An Act Increasing Compensation of Full-time Deputy Sheriffs in all Counties. (H. P. 415) (L. D. 564)

An Act Recognizing the College Status of the Glen Cove Bible School and Relating to Conferring Degrees. (H. P. 589) (L. D. 780)

An Act Revising the Laws Relating to Oil Burner Men's Licensing. (H. P. 652) (L. D. 915)

An Act Relating to Compensation and Specific Periods for Injuries under Workmen's Compensation Act. (H. P. 1173) (L. D. 1510)

(On motion by Mr. Richardson of Cumberland, tabled and Tomorrow Assigned, pending Enactment.)

An Act Prohibiting the Acceptance of Money for Enrollment of Voters. (H. P. 1270) (L. D. 1645)

An Act Relating to State Aid for School Construction. (H. P. 1370) (L. D. 1827)

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

An Act Relating to Solid Waste Disposal. (H. P. 1478) (L. D. 1903)

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.

An Act Establishing an Office of Early Childhood Development in Maine. (S. P. 515) (L. D. 1639)

Comes from the House, Indefinitely Postponed.

(On motion by Mr. Katz of Kennebec, Tabled and Tomorrow Assigned pending Enactment.)

An Act to Create a Commission to Study the Workmen's Compensation Law. (S. P. 541) (L. D. 1693)

Comes from the House, Indefinitely Postponed.

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

An Act to Create a Commission to Name Public Buildings, Bridges, Highways and Other Public Works. (H. P. 1178) (L. D. 1517)

Comes from the House, Indefinitely Postponed.

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

Resolve, Authorizing Berkshire Mutual Insurance Company to Bring Civil Action against the State of Maine. (H. P. 353) (L. D. 468)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Procedures Applicable to the Use of Federal Revenue Sharing Funds by Counties. (H. P. 1470) (L. D. 1895)

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 Authorizing a Business Manager for the Department of the Attorney General. (H. P. 1297) (L. D. 1683)

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

Orders of the Day

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

Bill, "An Act Relating to Venue of Personal and Transitory Actions Involving the Residents of Brunswick and Harpswell." (H. P. 1169) (L. D. 1508)

Tabled — May 17, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. BERRY: Mr. President and Members of the Senate: I am extremely reluctant to discuss this piece of legislation, knowing that the very capable Judiciary Committee under Senator Tanous as Chairman has reported out a unanimous Ought to Pass Report. However, the title of the bill attracted my interest, and the content of the bill attracted my attention even more. During the tabling process, I have taken the advantage of this period to discuss the matter with some attorneys and a judge in whom I have a great deal of confidence.

The facts that I have gleaned are these: that the bill is definitely tied to the change of Brunswick to Sagadahoc County, which is the subject, of course, of legislation now in the process of going back and forth between the two bodies; this has not been determined officially yet. The facts certainly are correct that Cumberland County has a large case load, and justice is certainly slow, if not sure, in Cumberland County because of this. Any move to improve this should be looked upon with approval.

In this particular regard, I would point out that everybody in Cumberland County, regardless of the town where they are resident, is interested in improving the court case load in Cumberland County. I think that everybody in Cumberland County is entitled to this relief, if it is possible, and not single out a particular town that should benefit from it. If we live in Scarborough, why there is no reason why they shouldn't be able to go to the York County court for relief, and if they live in Bridgton there is no reason why they shouldn't be able to go to Paris to get relief from the unloaded Oxford County court system. This applies to any county in which anybody lives. We certainly can accomplish this relief in the court system, if we want to, by piecemeal allocation of towns to other unloaded courts, but I don't think that this is the way to solve the problem.

The way to solve a problem is to redistribute the workload in the courts. There is legislation pending

before this legislature to do this, as has been attempted several times in the past. Certainly piecemeal solutions to the problem are not a good, intelligent and sound way to handle the problem.

Now, Senator Tanous will tell you, quite correctly, that this bill only applies to civil cases. Civil cases frequently can involve criminal cases, the same involvement, and we could have a case here where civil action might be decided in Bath and the criminal accompanying case or resulting case could be tried in Portland. I think for all these reasons this is very, very poor legislation. It would set an unfortunate precedent.

If the bill annexing Brunswick to Sagadahoc County goes through, this problem will be straightened out. There would be no question; it would be clear cut. But I think this involves all of us and our responsibilities to our communities, so I would hope — I am not going to move for indefinite postponement — but I would hope you would vote against enactment of this bill for the reasons that I have given you.

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

Thereupon, on motion by Mr. Joly of Kennebec, retabled and Tomorrow Assigned, pending Enactment.

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

HOUSE REPORTS — from the Committee on Agriculture — Bill, "An Act Authorizing the Commissioner of Agriculture to Investigate Certain Farming Practices. (H. P. 1207) (L. D. 1559) Majority Report — Ought to Pass in New Draft (H. P. 1497) (L. D. 1924); Minority Report — Ought Not to Pass.

Tabled — May 17, 1973 by Senator Fortier of Oxford.

Pending — Motion of same Senator to Reconsider Acceptance of Minority Ought not to Pass Report.

On motion by Mr. Hichens of York, a division was had. 11

Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Reconsidered Matter

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its action whereby Bill, "An Act to Authorize the Creation of the Maine Inland Fisheries and Game Acquisition Fund and the Issuance of Not Exceeding \$2,000,000 for the Financing Thereof" (H. P. 288) (L. D. 362), was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-142, was Read.

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

Mr. SPEERS: Mr. President, I haven't had a chance to find this, but I wonder if the Senator would enlighten us as to what this amendment does.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed an inquiry through the Chair to the Senator from Cumberland, Senator Berry.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: There had been left off the bill the usual clause directing the Secretary of the State to prepare ballots for the referendum.

The PRESIDENT: Is the Senate ready for the question?

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

Sent down for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Reducing Tax on Pari-Mutuel Pools. (H. P. 898) (L. D. 1186)

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

Mr. SEWALL: Mr. President and Members of the Senate: This bill,

very briefly, would reduce the state's percentage of the pari-mutuel take at the harness racing tracks from six percent to five percent. The matter of cost on this bill is an item of discussion: the proponents say there will be no cost because the increased interest in harness racing and the better purses that they will be able to provide at the racing tracks will attract more business, therefore, the five percent of the state's share will more than offset the six percent they are now receiving. Therefore, Mr. President, I move the pending question.

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

Mr. KATZ: Mr. President and Members of the Senate: As I understand this bill, it is problematical whether or not a reduction of from six percent to five percent will result in a net loss of revenue. I have watched this bill with interest and, in the light of state needs, I can't begin to understand why we are considering reducing the tax on horse racing at a time when many of us are sincerely debating the need for a state lottery to increase income, so I move this bill be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec Senator Katz, now moves that Bill, "An Act Reducing Tax on Pari-Mutuel Pools," be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I rise to oppose the motion to indefinitely postpone this. Perhaps I might shed a little light to the Senators on the probability of income to the state changing.

There is an overall program change in harness racing in Maine. This is probably the key issue of the whole program. There is no question but what this is an investment to an upgraded harness racing industry in the State of Maine. There are several bills that have gone through the legislature that pertain to these various changes to upgrade the quality of harness

racing in the State of Maine; upgrade the drivers, upgrade the horses and upgrade the whole sport, and I think at this time to indefinitely postpone this bill would really be setting us back.

I have been a little bit close to this whole project of revising the racing program in the state. I can personally tell you that my experience and my interest in the sport tells me that this is good business for the state. It is upgrading a recreational activity in the best interest of all, and it is doggoned shortsighted to kill the key bill in this whole program. I strongly urge you to vote against the motion to indefinitely postpone and to support the bill.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would rise to support the Senator from Kennebec, Senator Katz, on his motion. The Senate has already voted to allow Sunday harness racing, they have approved a \$50,000 stud program which is on the appropriations table, and I think that is just about enough for this year.

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

Mr. KATZ: Mr. President and Members of the Senate: In the interest of harmony, I withdraw my motion, because I am a good guy basically and also I understand it is an emergency measure, and it would be more advantageous to fight the enactment which requires a two-thirds vote. I would urge the Senate to vote against enactment, and request a division.

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

Mr. Cianchette of Somerset then moved that the Bill be tabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Berry of Cumberland, a division was had. 13 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: The Chair recognizes the Senator from

Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I don't wish to take a position on this bill as Majority Floor Leader of the Senate, but I do feel that some of the words that Senator Cianchette has said we should pay attention to.

We have seen the racing program here in Maine go reasonably steadily downhill, both as to gate and attendance and general public interest. The running races are a thing of the past here in the state now, and we are now reduced, for instance the Scarboroughs, merely to the trotting races. This could be an example of over-taxing an industry, and I think the principle here applies to many things.

As Senator Cianchette has said, this is an attempt to upgrade what we do have left. I am no advocate of horse racing or betting at the track or anything like this, but it is legal in the State of Maine, and I think we are going to make it better for the people of the State of Maine by passing this legislation. I hope you will vote with that in mind.

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

Mr. SCHULTEN: Mr. President, is the motion that we just voted on by a standing vote still before us, or has that been settled? I believe Senator Cianchette requested another vote; that he questioned the vote?

The PRESIDENT: The Senator from Somerset, Senator Cianchette, questioned the vote before the Chair had announced the vote and before the vote was taken. The Senator did not object to the vote after the vote was announced. The motion before the Senate is the enactment of this piece of legislation.

Mr. SCHULTEN: Well, may I ask for reconsideration of the vote? Is it permissible at this time to ask for it? And I will give my reason at this point, if you wish.

The PRESIDENT: If the Senator wishes to ask for a roll call on the tabling motion, the Senator may ask for a roll call, but the vote was not questioned when it was announced by the Chair, and the Chair will rule that is the vote of the Senate.

Mr. SCHULTEN: Then may I just say a word explanation and then ask for a roll call?

The PRESIDENT: The Chair would answer in the negative.

Mr. SCHULTEN: I ask for a roll call, Mr. President.

The PRESIDENT: The Chair would inform the Senator that the Chair was in error. You cannot ask for a roll call on the tabling motion unless a new tabling motion is made, because there has been intervening debate since the vote was announced on the tabling motion.

Any Senator may ask that this matter be tabled and, if the Senator from Sagadahoc, Senator Schulten, requests a roll call on that motion then, if the Senate desires, a roll call will be held. A motion to table is always in order.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I move that this item lay on the table until Monday.

The PRESIDENT: The Senator from York, Senator Danton, now moves that this bill be tabled and specially assigned for one legislative day, pending enactment. As many Senators as are in favor of the motion to table will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 22 Senators having voted in the affirmative, and eight Senators having voted in the negative, the Bill was tabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Sewall of Penobscot,

Adjourned until Monday, May 21, 1973, at ten o'clock in the morning.