

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Tuesday, June 26, 1973

Senate called to order by the President.

Prayer by the Honorable Wakine G. Tanous of East Millinocket.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Joint Standing Committees of the Legislature." (S. P. 560) (L. D. 1731)

In the Senate June 13, 1973, the Leave to Withdraw. Covered by Other Legislation report Read and Accepted.

Comes from the House, the Bill substituted for the report and subsequently the Bill Passed to be Engrossed, as Amended by House Amendment "A" (H-584), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

**Non-concurrent Matter**

Bill, "An Act to Provide a Subsidy to Communities with Private School Enrollments." (S. P. 685) (L. D. 2047)

In the Senate June 21, 1973, referred to the Committee on Education and Ordered Printed.

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

Mr. Clifford of Androscoggin then moved that the Senate Recede from its previous action whereby the bill was referred to the Committee on Education.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: The bill, 1994, which recently passed this legislature, I think, passed with reservations on the part of many people because it was said by the proponents that it was not the perfect bill, that it didn't do much for certain communities, and that there were certain inequities in the formula which many of the proponents, as well as the opponents, recognized, and most of those

indicated that they would be favorably disposed to doing something about those inequities, the way that money was distributed.

I would hope that we could recede from our action whereby we referred this to the Committee on Education, that we could give this bill its first reading, and I would be prepared to offer an amendment which would limit this bill to reimbursement of communities for transportation costs for the transportation of students in private schools. This would do a little bit to help those communities which didn't fare too well under L. D. 1994; those communities with generally low income, those whose non-school tax effort is not counted, and those communities that do have some private schools.

This would also eliminate the constitutional problem. Part of the bill provided for direct aid to private schools. After yesterday's Supreme Court decision, certainly that now would be constitutionally suspect, but there is no constitutional problem of reimbursing communities for transportation. The cities now pay for the transportation of the private schools, and this would merely reimburse the cities for those tax efforts. This would be a little bit, I think, to make this tax reform package a little more equitable. The price tag has also been reduced substantially to \$645,000.

So I hope, Mr. President, that we could recede from our former action and go on to pass this bill with the amendment on it, and then send it down to the other body to see what they would do with it. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that the Senate recede from its action whereby Bill, "An Act to Provide a Subsidy to Communities with Private School Enrollments", was referred to the Committee on Education?

The motion prevailed.

On motion by Mr. Clifford of Androscoggin, the Bill was Read Once and, under suspension of the rules, given its Second Reading.

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

Senate Amendment "A", Filing No. S-260, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Joint Order

WHEREAS, the coveted honor of state champion is awarded to that team whose performance is marked by the highest standard of excellence; and

WHEREAS, the Bulldogs of Hall-Dale High have earned that noble distinction in Class C Baseball for 1973 for the first time; and

WHEREAS, the people, parents and participants from communities of Hallowell and Farmingdale are joined in pride with all citizens of Maine on that special accomplishment, now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Hall-Dale High School baseball team on their outstanding honor and accomplishment in the field of sports and offer the best wishes of a proud Legislature to the new state champions; and be it further

ORDERED, that a suitable copy of this order be transmitted forthwith to the principal and coach of Hall-Dale High School in honor of the occasion. (H. P. 1610)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, the talented Rams of Bangor High School ran head-on into the victorious Purple Rams of Deering High School in Class A baseball last Saturday; and

WHEREAS, it was a fight to a dramatic finish as Coach Harlow's Purple Rams come from behind to win their second consecutive State title; and

WHEREAS the citizens of Maine share the pride and sense of accomplishment of these hard fought champions and recognize the hard work and dedication to purpose that these accomplish-

ments represent; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the great and sovereign State of Maine salute the members and coach of Deering High School baseball team on their outstanding honor and accomplishment in the field of sports and extend to our New State Champions the best wishes of a proud Legislature; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of Deering High School in honor of the occasion. (H. P. 1611)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Joint Order

WHEREAS, an Act to insure permanent funding of the Maine Law Enforcement and Criminal Justice Academy has been indefinitely postponed in both Houses of the Legislature; and

WHEREAS, federal funding for the operation of the academy is scheduled to run out January 1, 1975; and

WHEREAS, the academy has proven itself to be of great benefit to all areas of law enforcement in the State; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the subject matter of the bill: "AN ACT to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy," H. P. 1575, L. D. 2004, as introduced at the regular session of the 106th Legislature in order to determine different possibilities of funding the operation of the said academy; and be it further

ORDERED, that the office of the Attorney General and such other agencies or departments as may be determined by the Legislative Research Committee, be authorized and respectfully directed to provide the Committee with such information, technical advice and assistance as the Committee deems

necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings with any proposed legislation or proposed amendment to the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to said agency specified herein as notice of the pending study. (H. P. 1636)

Comes from the House, Read and Passed.

Which was Read.

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

#### Joint Order

WHEREAS, the continued existence of the Maine Milk Commission, as established by Maine Revised Statutes, Title 7, chapter 603, is being challenged; and

WHEREAS, it is questionable whether harm will result should the Commission's price supports be eliminated; and

WHEREAS, there is no adequate proof among other charges, that the current price of milk to Maine consumers is just and equitable; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to examine the function and purpose of the Maine Milk Commission in the light of all facts surrounding the marketing and distributing of milk to determine whether or not the Commission is fulfilling its obligations under the law and should be permitted to continue in its present form, and more specifically the committee is directed to determine:

Why milk is shipped from Maine to Boston and sold at the same rate as Boston milk, if that is the case, in view of the fact that the schedule for rates should apply in prices in either direction;

Why prices out of state such as New Hampshire are as low as 98 cents per gallon when the producer in some of those states still gets the same price;

Whether the tax on the producer and dealer, which is approximately 12 percent is justified in that it is used to support running the Commission since without that tax the price of milk to the consumer could be considerably reduced and whether such expense for the Commission is justified or can the Commission's functions be fulfilled by other existing state departments;

Why the Maine farmer is charged the Maine milk tax on milk shipped to Boston;

How the Wisconsin-Boston-North Formula is affected by minimum retail price supports. How is this justified by costs of grain, etc?

How such formula is established. Whether it is based on solid "cost-analysis" data or simply for convenience of the milk dealers (dairies). How it is affected by price supports or does it justify same;

How controlled areas are determined. Whether such control is constitutional or justified by hard data.

Legislation setting up the Milk Commission (Maine Revised Statutes, Title 7, chapter 603, section 2953, Powers and duties) states "The commission in administering this chapter shall adopt such policies as are consistent with the promotion of marketing programs which progressively eliminate those conditions in the milk industry necessitating the present law." Has the Commission done so? If not specifically determined that it has, why continue with a Commission that has proven that it cannot do the job it was legislated into existence to do?

At the present time, the dairies apparently do not have to justify their rates on a "cost-effective" or reasonable profit basis. They simply have to say how much milk moved in a given time period. This allows them to shoot for any profit they feel like. Should there be an audit of the dairy books to determine whether their profit margin is acceptable and if they are operating on a "cost-effective" basis for the good of the consumer, the farmer, and others?

The milk dealer may establish whether he buys milk from the producer as "Fluid Milk" or "Class II", the latter bringing less of a price to the farmer. How is this designation justified by the dairy? Is the classification abused to give the farmer less? Is the lower rate really justified or does that Class II, when converted into high priced cheeses, butter, cream, etc., worth every bit as much, if not more, to the dairy as "Fluid"? Is there any way the dealer can take advantage of higher profits at the producer's (farmer's) expense; and be it further

ORDERED, that said Commission and the State Department of Agriculture be directed to provide the committee with such technical advice and assistance as the committee feels necessary or appropriate to carry out the purposes of this Order; and be it further

ORDERED, that the committee report its findings at the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage, a copy of this Order be transmitted forthwith to said agencies as notice of the pending study. (H. P. 1641)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. CYR: Mr. President and Members of the Senate: I see no valid reason whatsoever for this order. The Maine Milk Commission has been in the past under attack and, in fact, the matter was brought to court and the State of Maine Supreme Court ruled that it was constitutional. In fact, in the ruling on Maine Milk Commission versus Cumberland Farms Northern, Inc., in the opinion of December 4, 1964, it was ruled "We therefore hold that the Maine Milk Commission Law does not violate the due process clause of the Constitution of the State of Maine or the due process clause of the Constitution of the United States."

Now, dairymen view this order with great concern, particularly at this time when the dairy industry

is in a most severe cost-price squeeze, because the shortage of protein feed has forced the production cost close to or above income from the product due to the fact that the retail price of the product has been frozen, while the price of grain has not.

This is a confused and trying time for both the producer and the consumer. The most critical consideration may well be the continued production of an adequate supply of pure and wholesome milk.

So far as the Milk Commission is concerned, it has been studied to death over the years, and it is hard to believe that there would be sufficient useful information resulting to justify the substantial time and expense required of the industry in the State of Maine.

For these reasons, Mr. President, I move the indefinite postponement of this joint order.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, now moves that Joint Order, House Paper 1641, be indefinitely postponed in non-concurrence.

Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

### Joint Order

WHEREAS, Title II of the Federal Revenue Sharing Program authorizes the collection of Maine individual income taxes; and

WHEREAS, Federal collections would not only save the State \$100,000 annually, but prevent duplication of effort, free State courts and 350,000 individuals from filing; and

WHEREAS, its affirmative action is necessary by at least 5 per cent of federal taxpayers in order to put the program into effect; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is authorized and directed to study the subject matter of the Resolution proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement, to Collect Maine

Individual Income Tax, House Paper 1369, Legislative Document 1826, as introduced at the regular session of the 106th Legislature to determine whether or not the best interests of the State would be served by enactment of such legislation; and be it further

ORDERED, that the State Tax Assessor be respectfully directed to provide the committee with such technical advice and assistance as the committee feels necessary or appropriate to carry out the purposes of this Order; and be it further

ORDERED, that the committee report its findings at the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage, a copy of this Order be transmitted forthwith to said Bureau of Taxation as notice of the pending study. (H. P. 1637)

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 Order

WHEREAS, the services of central data processing are available to all departments and agencies of government; and

WHEREAS, the Director of Central Computer Services should be empowered to make appropriate charges for such services; and

WHEREAS, personnel position count for Central Computer Services should be among other matters to be controlled and regulated; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee study the existing operation of Central Computer Services for possible changes and improvements with specific emphasis on the feasibility of providing a special revenue account for Central Computer Services, to limit its personnel position count and of providing the Legislature appropriate control over the structure and creation of accounts; and be it further

ORDERED, that the Departments of Finance and Administra-

tion and such other agencies or departments as may be determined by the Legislative Research Committee, be authorized and respectfully directed to provide the Committee with such information, technical advice and assistance as the Committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings with any proposed legislation or proposed amendments to the next special or regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to said department specified herein as notice of the pending study. (H. P. 1638)

Comes from the House, Read and Passed.

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

#### Joint Order

ORDERED, the Senate concurring, that the President of the Senate and not exceeding 4 members of the Senate designated by him and the Speaker of the House and not exceeding 4 members of the House designated by him and one full-time staff person to be selected by both the President of the Senate and the Speaker of the House, be and hereby are authorized during the current biennium to attend the conference of the National Conference and National Conference of Commissioners on Uniform State Laws; and be it further

ORDERED, that the necessary expenses of the President of the Senate and the Speaker of the House of Representatives and the members appointed respectively by them be paid from the Legislative Account; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House of Representatives are authorized during the current biennium to attend the National Legislative Conference and meetings of any committee thereof on

which they may serve; and be it further

ORDERED, that the Secretary of the Senate and the Clerk of the House of Representatives be reimbursed for their necessary expenses. (H. P. 1640)

Comes from the House, Read and Passed, as Amended by House Amendment "A" (H-605).

Which was Read and Passed, as Amended by House Amendment "A", in concurrence.

#### Orders

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out to the House a bill providing funds to make effective the Acts which have been passed to be enacted and the resolves which have already been finally passed and Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973. (S. P. 692)

Which was Read and Passed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Tanous of Penobscot,

WHEREAS, the Legislature has determined that Initiated Bill 1, entitled "AN ACT Creating the Power Authority of Maine" has been validly initiated pursuant to Article IV, Part Third, Section 18, and

WHEREAS, the Legislature proposes to neither enact or reject the Initiated Bill and proposes that the measure be referred to the people without a competing measure at the earliest possible date; and

WHEREAS, the Legislature is satisfied with the report of the Committee on Judiciary; and

WHEREAS, the 106th Legislature desires to fulfill its constitutional duties under Article IV, Part Third, Section 1, during this regular session: now, therefore, be it

ORDERED, the House concurring, that the measure be referred to the people at a special

election ordered by proclamation of the Governor, to be held not less than 4 nor more than 6 months after such proclamation, on passage of this Order. The referendum shall be conducted pursuant to the requirements of the Revised Statutes, Title 21, section 1, et seq. Pursuant to the Constitution, Article IV, Part Third, Section 20, the Legislature hereby orders that the question on the ballot shall appear in such form as the Secretary of State may direct. (S. P. 691)

Which was Read and Passed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

#### Committee Reports House

##### Ought to Pass

The Committee on Election Laws on, Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation." (H. P. 1630) (L. D. 2045)

Reported pursuant to Joint Order (H. P. 1583) that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading.

Thereupon, on motion by Mr. Brennan of Cumberland, tabled until later in today's session, pending Passage to be Engrossed.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Increase the Salaries of County Attorneys and Assistant County Attorneys." (H. P. 957) (L. D. 1267)

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 and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading and Passed to be Engrossed in concurrence.

#### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act to

Provide Property Tax Reduction, Rent Relief and Equalization of Municipal Revenues." (H. P. 1620) (L. D. 2038)

Reported pursuant to Joint Order (H. P. 582) that the same Ought Not to Pass.

Signed:

Senators:

COX of Penobscot

WYMAN of Washington

Representatives:

MORTON of Farmington

MAXWELL of Jay

DOW of West Gardiner

DAM of Skowhegan

MERRILL of Bowdoinham

DRIGOTAS of Auburn

SUSI of Pittsfield

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

Signed:

Representatives:

FINEMORE

of Bridgewater

COTTRELL of Portland

IMMONEN of West Paris

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and, on motion by Mr. Wyman of Washington, the Majority Ought Not to Pass Report of the Committee Accepted in non-concurrence.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

### Divided Report

The Majority of the Committee on Taxation on, Bill, "An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax." (H. P. 1384) (L. D. 1862)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-575).

Signed:

Senators:

WYMAN of Washington

COX of Penobscot

Representatives:

MORTON of Farmington

FINEMORE

of Bridgewater

COTTRELL of Portland

DOW of West Gardiner

MERRILL of Bowdoinham

MAXWELL of Jay

DRIGOTAS of Auburn

SUSI of Pittsfield

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

Signed:

Senator:

FORTIER of Oxford

Representatives:

DAM of Skowhegan

IMMONEN of West Paris

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

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted and the Bill Read Once.

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

Mr. FORTIER: Mr. President, I would like to ask the Chair: Is the bill before the Senate now with Committee Amendment "A", or is it in its original form?

The PRESIDENT: The Chair would inform the Senator that Committee Amendment "A" was not adopted by the House, and the Bill is in its original form.

Mr. FORTIER: Mr. President and Members of the Senate. I think this is a bill that should receive very serious consideration. There is one thing that the proponents and the opponents agree on in regard to this bill, and that is the fact that the purpose of the bill was to create a better business atmosphere in this state to attract business. This would automatically eliminate from our tax base \$450 million of taxable property.

Now, I have been told by one legislature is: Will the bill accomplish what we are trying to do, which is create a better business atmosphere and, if so, are we willing to pay the price for it? I would like to remind you that this involves a 2 percent increase on all corporate taxes. It also involves a 4 percent surcharge on any corporate income tax over \$25,000.

You will recall that we have on the Appropriations Table now another bill, just short of enactment, which added another 2 percent to corporate returns over \$25,000 for the exemption of sales taxes on machinery and equipment. Now, you add this all together, and for corporations making over \$25,000 it gives them a 12 percent corporate income tax, or three times what the tax is now, which would be the highest state corporation tax in the whole country. There are only two other states that have a similar tax: One is Pennsylvania and the other is Minnesota.

I have been told that there are very serious rumors in regard to one of the largest corporations in the country being on the verge of moving out of Minnesota for that very reason. This, Members of the Senate, is what we are getting into. Are we creating a better atmosphere for business?

I would like to cite more particular cases. For example, in the case of my own Town of Rumford, I have made these computations after the fifth year because there are gradual adjustments for a five-year period, but based on 1972 assessment figures, the Town of Rumford would lose \$226,313. After the fifth year, Rumford's share of revenue sharing, which is intended to replace this loss, would be \$120,750, or a loss for a municipality of less than 10,000 people of \$105,563 every year. But this is far from being the entire picture.

I have been told by the Oxford Paper Company that this bill means an increase in their overall tax of approximately half a million dollars a year. So one corporation loses half a million, and the town loses over \$100,000 every year.

Now, I have been told by one individual, when I cited these figures, that I was rather parochial, that I was thinking only of my little nucleus. Well, I don't know just exactly what dictionary that gentleman went to to interpret the word "parochial", but I would like to state some of the places which would be affected. Off-hand, we can say every paper mill town in the state. But beyond that, it

would affect every municipality in the state that has a shopping center of any size. It would affect towns like Sanford, Biddeford, Portland, South Portland, Brunswick, Bath, Rumford, Augusta, Bangor, Old Town, Presque Isle, Madawaska, and a lot of others. I don't believe that this is very parochial.

These losses could not possibly be recuperated except at the expense of a lot of people who would get no help at all from the relief of the inventory tax. I believe that we are getting into a can of worms. How can we possibly say that we are creating a better aroma for business when we are going to triple their corporate income tax? We might as well put up an iron fence and put a big sign on it saying "Keep Out".

So, for these reasons, I hope that you will support my motion of indefinite postponement of this bill.

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

Mr. KATZ: Mr. President and Members of the Senate: I have always felt that it was worth the price of admission for me to have the opportunity to sit and listen to my favorite tax expert, the Senator from Oxford, Senator Fortier, and I can't find any fault with the criticisms that he raises.

On the other hand, I would like to talk to you about my view of what has been going on here this session in this question of what are we going to do about inventory taxes, and what are we going to do about building a better climate. Well, the first thing that happened this session was that we got a bill — it is on the Appropriations Table — to which some of us objected all by itself, which would give exemptions for sales taxes paid on machinery installed for manufacturing. Not that we objected to it, but we felt there were other problems in the state and that, if the problem was the improving of the business climate in the state, to look at the whole problem altogether.

I have never seen such milling around, such confusion, such indecision, by a group of men of

good faith who really want to do something, and who have been unable to come up with an answer.

Well, the Senator from Oxford, Senator Fortier, I think put things in context insofar as manufacturing and shopping centers are concerned. But let me tell you a little something about the "mama and papa" businesses of this state because it is they who are involved too. And when you think about Maine business you think about small business. Think about the variety store that you use on a Sunday to stop in to pick up potato chips and things that you forgot during the week at the supermarket. These stores pay property taxes on their inventory. And if it were an equitable tax, or if it bore any relationship at all to their ability to pay, or the amount of profit they are making, it would be a good tax, but there is no relationship at all between the size of a business's inventory and the profitability of the business.

Now, it is not generally known, but aside from being in the retail business I am also in the liquidation business, and over the past 20 years my brother-in-law, who is associated with me, and I have liquidated about eighty retail businesses in New England, and a good many of them were in Maine. When you go into somebody else's business and you sit down and talk to them about the prospects of translating their assets into cash, you also look at their expenses. And the opportunity for me to look at the personal property taxes that small business in Maine in different communities pay on their inventories, it is a traumatic experience. There is no relationship between what a business pays in Town A and Town B. As a matter of fact, if there is one tax in the state which actually penalizes the honest person, it is a tax on inventory. There may be some communities where this is professionally arrived at, but most of the time it is a negotiated figure or, if you will excuse the expression, very frequently it is a fictitious figure, and the more honest a retailer is the more he gets

penalized. There is no way to cure this except getting rid of the tax.

I shall oppose the motion to indefinitely postpone, not because I disagree at all with what the Senator from Oxford says, but in the last few remaining days perhaps, just perhaps, there is enough wisdom within this legislature to straighten out something that should have been straightened out a long time ago. I call to your attention that it is a serious problem and it is an inequitable problem. We have done some good things establishing equity in the State of Maine, and I just don't want to throw up the sponge this quickly and say that we cannot do it with respect to inventories.

The PRESIDENT: The Chair would inform the Senate that there is no motion before the Senate to indefinitely postpone the bill. It has been given its first reading, and the next order of business would be to read Committee Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I hope that the Senate would go along with passing this bill up to engrossment, and then it would be my intention of putting it on the table. I call your attention to the fact that there are on the unassigned table two items dealing with taxation, and it would be our hope that consideration may be given to all forms of tax relief which are before it in the forms mentioned by the two previous speakers.

None of us want to end up enacting legislation which is going to put onerous taxes on industry. These mean jobs if we can keep them going. We don't want new industries to not come into this state, and we don't want existing industries which carry large inventories moving to New Hampshire to build their warehouses. So I would suggest that this item go along, and that we would table it just prior to engrossment to see if we can come up with something progressive, productive, and helpful in all these measures.

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

Mr. WYMAN: Mr. President I am very much in favor of this bill as it came from the Committee. As I understand it, we will have to pass the bill first and then pass the amendment, or at least vote on the amendment. Otherwise, we don't get a chance to vote on it as it came from the committee. Is this correct?

The PRESIDENT: The Senator is correct.

Mr. WYMAN: Mr. President, I would oppose any motion to indefinitely postpone it.

The PRESIDENT: There is no motion to indefinitely postpone.

The Secretary will read Committee Amendment "A".

Committee Amendment "A" was Read and Adopted in non-concurrence.

Threupon, on motion by Mr. Berry of Cumberland, tabled, pending assignment for Second Reading.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on, Bill, "An Act to Insure Permanent Funding of the Maine Law Enforcement and Criminal Justice Academy." (H. P. 1575) (L. D. 2004) ask leave to report: that the House recede and concur with the Senate in Indefinite Postponement of the Bill.

On the part of the House:

CAREY of Waterville  
CARRIER of Westbrook  
BIRT of East Millinocket

On the part of the Senate:

BERRY of Cumberland  
CLIFFORD

of Androscoggin  
JOLY of Kennebec

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Enactors

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

An Act to Correct Errors and Inconsistencies in the Fish and Game Laws. (S. P. 645) (L. D. 1980)

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

An Act to Create the Maine Guarantee Authority and to Amend the Maine Industrial Building Authority and Maine Recreational Authority Statutes. (S. P. 667) (L. D. 2033)

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

An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crisis. (H. P. 1627) (L. D. 2043)

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

Mr. CYR: Mr. President and Members of the Senate: I move the indefinite postponement of this bill, and my reason is this: First of all, I don't think that the shortage of fuel has been proven to anybody. I think it is an item that has been blown sky high by those who want to increase the price of gas, and that is just about it.

Last week I watched a TV program in Nebraska, where there was a shortage of diesel fuel and the farmers had to go to the black market to be able to get their diesel fuel and pay 10 cents a gallon more than they normally did. Some farmers brought up the question of where do the black marketers get the fuel. If there is a shortage, why should the black market have fuel to sell? I think it is a very good question.

Right next to my motel, for instance, in the past three weeks I have seen the price of gas go from 33.9 cents a gallon for regular gas to 38.9 cents. Now, if there is a shortage, why did they increase it by five cents? I think the same thing applies here, and I don't think that this should go on the statute books at all.

If there is a shortage, then it is up to the Governor and the Civil Defense, the department that I understand is in charge of fuel, to

get into the newspapers and try to get voluntary programs, through and get the public to subscribe to a voluntary program of reducing speed.

It takes me between five and a half and six hours to get home. Now, if this reduction here goes through, it will probably take me eight hours, and for what? To save about two gallons of gas. I think what we are going to do by this action is just add more problems to the State Police and law enforcement, we are going to add more problems for our courts, and we are not going to get anywheres.

If we pass this here, then why not put in also a law for the Governor, the next time that you change cars, that you have to buy a compact car to save on fuel? Why not do like Massachusetts, where they passed a law that the service stations are closed on Sunday? Why not do like Canada, where the filling stations alternate and they have one filling station per community open on Sunday to take care of the emergencies? Why not do that: But this business here of having a reduction throughout the State of Maine — first of all, I don't believe it will work and, secondly, I don't believe we are going to save anything. And in the third place, nobody has proven to me so far that we do have a fuel shortage.

For those reasons, I move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Aroostook, Senator Cyr, moves that Bill, An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crisis, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: For whatever reason and I guess there are a thousand of them, there is a very serious gasoline shortage in this country, and there is a shortage in this state. Beyond that, it is a proven scientific fact that a substantial amount of gasoline could be saved in this state and around the country if a modest reduction in the speed limit was instituted.

There is presently before the United States Senate the so-called Jackson Amendment, which if passed — and it appears there is a good chance of it — would reduce the speed limit a certain amount, and I am not sure what it is, throughout the entire country.

I am not going to defend the gasoline people; I am not in the gasoline business, but I think you only have to drive from here to Brunswick and Bath, and everywhere else, I guess, around the state, to notice a number of stations closed. In other instances, the traveling public cannot fill their car at one stop. So I think to say that there isn't a shortage is to kind of put blinders on. And if somebody tells me that by reducing the speed limit a modest amount, even though it takes us a little longer to go where we are going, we may not only save a certain amount of gas that could be significant, if you add it up around the country, but you might, in addition to that, save an awful lot of lives.

So I hope that we do not indefinitely postpone this suggestion. I think it is a good one, I think it makes some sense, and it would be of benefit to us all.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Cyr, that Bill, An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crises, be indefinitely postponed. The Chair will order a division. 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. 14 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the Bill was indefinitely postponed in non-concurrence.

Sent down for concurrence.

### Emergency

An Act Increasing Indebtedness of Berwick Sewer District. (H. P. 1616) (L. D. 2036)

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 Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1974. (S. P. 677) (L. D. 2042)

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

Mr. KATZ: Mr. President and Members of the Senate: The supplemental budget is somewhere in the area of \$10 million. I would presume that in the second year of the biennium it is reasonable to expect that a supplemental budget will be at least the same and perhaps, if past performance is any indication, something in excess of \$10 million. Over the next ten years the action we are taking here today will very likely result in the spending of some \$150 million of taxpayers' money.

I call to your attention that it is the way of the Maine Legislature that we debate for hours the question of a moose bill, but when it comes to a supplemental budget, that binds the state to so much money, there has been no discussion within my party caucus, there has been absolutely no debate in the session on the floor, there has not been one question asked on the floor of the Senate, nor one question answered on the floor of the Senate. The presumption is that this is a package that is sacrosanct and shouldn't be touched, and should be passed intact. That is the basis on which we have been operating with respect to supplemental budgets.

In previous sessions we have had some real hassles on the supplemental budget; it gets an awful lot of attention and an awful lot of debate. This session, no debate, no discussion.

The thing that bothers me today is that we have been perplexing as to the effect of all other spending measures on our ability to pay within the present tax structure and, as you know, in previous

debates we have asked "How are we going to pay for it?" Mr. President, the logical question I would like to ask today is: How are we going to pay for the Part II Budget? Is there, without any question, enough room within our present spending to pass this budget here today and come into a session in January free and clear of any pressures for additional taxes? May I pose that through the Chair to any member of the Appropriations Committee who would care to answer?

Mr. President, this is the first question that has been asked on the floor of the Senate with respect to a \$10 million bill that has not had any caucus debate or any discussion, and I repeat the question and hope that it is answered by some member of the Committee: Is there adequate funding within our present ability to pay so that we will be protected against a January request for additional tax increases?

The PRESIDENT: Is the Senator still speaking? The Senator has the floor.

Mr. KATZ: Mr. President, I just wanted to call to the Senate's attention that the basic question before us today, as it has been all session, is our sense of priorities. The Senate has said that it attached a substantial priority to measures that have been previously passed. If the Senate feels that the measures within the Part II Budget have a very substantial priority that can be funded within the ability to pay, and that we feel are significant, then the bill should be enacted here this morning. If there is any doubt, then I would like to propose that the doubt be expressed to us here today and we have some notion as to what we are getting into.

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

Mr. RICHARDSON: Mr. President, I don't have the honor of sitting on the Appropriations Committee, but I am a little disturbed by the tenor of the remarks of the Senator from Kennebec, Senator Katz.

We have caucused on several bills, including L. D. 1994 and

others having to do with spending measures, and I am sure that certainly the Republican members of the Senate who attended the Senate caucus on this matter will recall the concern that many of us expressed concerning the scope of L. D. 1994, which called for 50 percent, 55 percent and 60 percent.

Now, I think it is rather ludicrous, frankly, to imply on the floor of this Senate that the boogieman in this case is the Part II Budget, which has been before the Senate for several weeks. It has been discussed, it has been discussed in the House in caucus; the Senator from Penobscot, Senator Sewall, discussed the Part II Budget there, and I don't think it is fair or reasonable to place the responsibility for any necessary tax increase on the Part II Budget when we have passed 1994, having scaled it down to 50 percent because some of us here in the Senate objected to what we viewed as funny money financing.

I can't answer the Senator's question, but I can answer that part of it which seems to imply that the Part II Budget has suddenly become the ogre of state finance, and that other actions we have taken this session bear no responsibility for the problem, if there is one.

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

Mr. BERRY: Mr. President and Members of the Senate: You may recall when we passed 1994 I made the comment that the only way some of us were going to avoid voting for a tax to pay for 1994 would be to resign from our seat.

There is one additional alternative, which I will mention briefly, but I do find it curious that the Senator from Kennebec, Senator Katz, after having worked so hard to pass 1994, now can stand up and say that we can't pass any other money measures because we passed 1994. We passed 1994 and we are going to have to pay for it. That decision is going to be made a little bit later when we see how much money we have got.

The unknown, untried way, which far too many of us in the legislature refuse to face and refuse to

even consider, is a minor attempt to put a modicum of efficiency into state government, and I would suggest to some of the Senators that we give a little consideration to running our state government a little bit more effectively. Measures indicating and directing the operations of state government in that direction have been introduced, and we are looking forward at the special session to seeing some careful analysis of program review and efficiency which is very close to us. But let there be no question about paying for 1994: it was passed with the full knowledge that there probably are inadequate funds to do it.

If anybody wants to go through 2042 and pick anything out, you are going to be stepping on a whole bunch of good projects that need to go through and, as Senator Richardson from Cumberland said, many of us wish that we could have had another \$10 million to do additional good. I am sure there are things missing from here that we all want, but there are in here things that we do want and need.

So I don't think that any continued talk of who is responsible for passing a large spending program, and who is refusing to face up to the responsibilities of paying for it by voting for the supplemental budget — I don't think these are in order at all. Let's give some attention now in the next six months to trying to save perhaps the necessary money, that we would have to otherwise appropriate by a tax measure, by cutting down or increasing and streamlining state government.

Mr. President, I move the pending question.

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

Mr. KATZ: Mr. President, I find the words of the Senator from Cumberland a breath of fresh air when he talks about using the interim to do some things that he has been dreaming about and many of us have been dreaming about for a good many years. It is reassuring, and I shall vote for the Part II Budget on that basis.

The thing that has really bugged me this session is that it has been

my view that there is a demand to transfer some of the burdens of some of the costs of local government from the local government to the state. I think this has been basic to the entire session of this legislature, and the basic question has been whether or not we could assume that additional burden and still do business as usual. You remember I raised the question of doing business as usual earlier on the Part I Budget, and I was told that this was not the proper time to raise the question of doing business as usual. Along came the capital construction budget, and I was told that this was good and this was not the proper time to raise the question of doing business as usual. And along comes the Part II Budget, and I am being told the same thing, that we can transfer this substantial load from the towns and cities to the state and the state can still continue to do business as usual.

Well, there is a very real difference between transferring burdens that don't involve additional spending and continuous spending measures that continue to do business as usual, and continue to guarantee that the next session and the next session and the next session will be faced by expanding budgets and expanding taxes.

I think the Senator from Cumberland, Senator Berry, has put his finger on the only alternative facing us, and I think it is only right to point out that it was he who sponsored the bill that will give us, I hope, a new budgetary system based upon some semblance of order with program review. And if we do not use the interim time to good advantage to review existing programs and to get a handle on the spending that has pushed us into repeated fiscal crises, I think that without any question we are going to have nothing but bad news ahead of us.

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

Mr. SEWALL: Mr. President and Members of the Senate: I would make a couple of remarks for the edification of the Senate as to our current fiscal position as we on

the Appropriations Committee understand it.

If this budget is passed, and if present plans for funding the various L.D.'s which we now have on the Appropriations Table are passed, in the order of five or six or seven million dollars, and if there are no new additional bills that jump out of the bushes at us between now and adjournment, when we leave here according to the figures of the finance office, which we on the Appropriation Committee feel are quite accurate, we will have something on the order of \$14 million left over which can be used, as I understand it, to fund 1994 at the present time, and we will be able to do this without any problem.

However, if the Governor's estimates are correct — and we vary with his estimates by some twelve to thirteen million dollars — there will be no question that 1994 will be funded. I should correct my statement of earlier: if the finance office's estimates are correct, we will be short maybe \$10 million of funds that will be required to fund 1994. If the Governor's estimates are correct, we will have enough money to fund 1994. I can tell the members of the Senate no more than this. This will remain to be seen next January.

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

Mr. BRENNAN: Mr. President and Members of the Senate; I really don't want to get involved in any intra-Republican Party rivalry. I can't say though that honestly I don't enjoy it very much. But in looking at this bill, and talking to members of the Appropriations Committee, whom I have a great deal of respect for, I am satisfied that the programs in this bill are needed. Consequently, I will vote for enactment at this time.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, 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.

### Orders of the Day

The PRESIDENT: The Chair would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon the Sergeant-at-Arms escorted Senator Berry to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: Is the Senate in possession of Bill, "An Act Providing for a State Lottery", L.D. 1938?

The PRESIDENT pro tem: The Chair will answer in the affirmative, the bill having been recalled by Joint Order.

Mr. DANTON: I move we recede from our former action whereby we accepted the Minority Ought Not to Pass Report.

The PRESIDENT pro tem: The Senator from York, Senator Danton, moves that the Senate recede from its action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Providing for a State Lottery". Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

Mr. HICHENS: Mr. President, I would ask for a division on that motion.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: I would hope to have an opportunity this morning to offer as an amendment to L. D. 1938, "An Act to Provide for a State

Lottery", a Senate Amendment. I would therefore ask the Senator's indulgence in permitting us to accept the Majority Report and, at second reading I would like to offer this amendment, as perhaps that might be the appropriate time to dispose of it one way or the other.

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

Mr. HICHENS: Mr. President and Members of the Senate: In all due respect to the request from the Senator from Cumberland, Senator Richardson, I think we have carried this farce far enough. The Senate very decisively defeated the original bill a few weeks ago. For many reasons, which I cannot understand, the Majority of the Senate went along with the recalling of this bill last week, with the promise that when it did come up for final enactment that they would vote to defeat it. I cannot understand that sort of reasoning, but I don't think there is any need now to even pass the bill to allow this amendment to go on, and then take the chance that we might pass it and send it out to the people after that.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: In all deference to the Senator from York, Senator Hichens, the reason I believe the Senate recalled this bill from the legislative files was because there were a significant number of us who felt it was perfectly appropriate to allow the people in Maine to vote on this question. I see a smile of disbelief creeping across my friend from Portland, the Senator from Cumberland, Senator Brennan. Frankly, I think there are substantial reasons why we should permit the people of Maine to vote on this issue. I don't establish myself as a moral arbiter of the State of Maine, and I would urge other members of the Senate to resist any impulse to argue that role.

I think we are talking about very serious funding problems. If the proponents of this legislation are correct, we are talking about revenues somewhere in the area

of \$10 million. I see no objection to allowing the people of Maine to vote at referendum, which we are going to have anyhow on public power, on the issue of whether or not the State of Maine should adopt a state lottery.

I have very serious reservations about lotteries, and I expressed them on the floor of this Senate in debate on the record. I continue to have those reservations, but I don't think that we should be arrogant or self-appointed judges of all that is right and just and moral in the State of Maine. I think we ought to give the people of Maine an opportunity to vote on this legislation. That is the reason why I would hope you would permit this bill to receive an Ought to Pass now and have its first and second readings. At second reading I would propose an amendment to the bill, number one, putting the monies in the general fund. And we need them in the general fund, in my judgment. Number two, it will provide for a statewide referendum on the issue of whether or not Maine should adopt a lottery.

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

Mr. JOLY: Mr. President and Members of the Senate: I don't look at this bill as so much of a moral issue as sound financing, and I don't think it is sound financing. It seems to me that the legislature has to budget and has to anticipate revenue, and a lottery would be the one thing that would be uncertain. If we have a slight recession, this would be the first thing that the people might cut out. They have to keep on paying their income tax, which is taken out of their wages. They have to pay the corporate tax, and on their purchased goods they have to keep on paying the sales tax. So this would be the first thing they would cut down on.

If we have a poor summer and our tourist trade falls down — and we have had years like this in the past — and I am sure that the tourist business would be a big hunk of this lottery business — again, the income from the lottery would be reduced, and this would

throw havoc into the whole state budget. For this purpose, I oppose the bill and agree with Senator Hichens that it should be indefinitely postponed.

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

Mr. SCHULTEN: Mr. President, would you clarify for me please what we are about to vote on, what the motion is?

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from York, Senator Danton, that the Senate accept the Majority Ought to Pass Report of the Committee on Bill, "An Act Providing for a State Lottery".

Mr. SCHULTEN: Mr. President and Members of the Senate: Thank you for the information, and I would like to add my voice in opposition to the acceptance of this report. I feel that the lottery, if you will allow me to go off on a tangent here, perhaps some of the criticism we hear this morning about the Senate having allowed this bill to be recalled in the first place is wrong. I was part of this. I felt that as an individual Senator that there was hardly a person in this room who at one time or another had not favorably considered ideas that I might have wanted to have presented.

When the good Senator from York County asked that this bill be given reconsideration, perhaps brought back from the files, I felt that as a fellow Senator the least I could do was to go along with his request, but also at the same time having told him I didn't believe in the lottery and that, if he were successful in having it brought back, I would oppose it. Perhaps that is wrong thinking; I don't know, but life is pretty short and I feel that if we can't do the gracious thing to people who help us day by day why then we are in the wrong type of business and we need reconsider our life styles ourselves. While I might be criticized for the stand I took, I don't necessarily feel any sense of guilt because I lead my life as I see it, and I hope each of you gentlemen do the same.

As far as a lottery is concerned, I think it is an awful travesty on people. I think it holds out a panacea that doesn't exist, that has never existed in the history of mankind. As you go back through civilization, and you can go back quite a long way, you will find that bankrupt despots, dictators, and people who are unable to control the destinies of people that they should be leading and helping, have turned to lotteries as a panacea, and in many cases these lotteries have worked out for a short time so that everyone gets a feeling of euphoria that this is great. But actually, if you study the history of lotteries, I think you will find that very few of them have ever had any lasting effect, and then the terrible let-down comes that the people, the state, the government, are so completely bankrupt that they go to the point of despair, complete despair.

I don't think it is responsible government. I don't think it is what the people of the State of Maine sent us up here to be doing. They sent us up here because they respect our judgment. They expect us to make hard decisions. And the mere fact that this is something that is appealing, so-called, to the masses, and that all we are asking to be done is that we send it out for a vote by the masses, I think is completely wrong thinking. The lottery will not help state government. It will very definitely open up a way of corruption that is difficult to stem once it starts. To help in tax relief or to fight crime, as it so often said it would do, this is a sham; it never has been proven. This is a very short-range gimmick to take the people — with all due deference to the Junior Senator from Cumberland County; I think he used the word gimmick, I had not intended to — but this is a short-range gimmick to make the people and to make perhaps the legislature feel that they are doing something constructive in raising funds to tide us over temporary problems of financing.

Actually I think if we did accept the lottery, even if it did raise \$10 million that we evidently need,

it would be the most expensive \$10 million this state has ever, ever had. I am serious when I believe, and I don't ask you to believe it, but I am serious when I honestly believe that every despot and every dictator and bankrupt leader in the world has used this particular gimmick to fool his people that he had something constructive to offer that would balance budgets. I just need to remind you that even Nero tried a lottery, but after a short while his lottery and his regime was so corrupt that even he had to burn down Rome to hide the evidence. On that basis, believe me, I absolutely oppose the passage of this bill, and I hope members of this Senate will go along with the opposition.

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

Mr. ANDERSON: Mr. President, when the vote is taken on this document, I request it be taken by the yeas and nays.

The PRESIDENT pro tem: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President and Members of the Senate: I was on the State Government Committee which heard the bill. I signed the Majority Ought to Pass Report, and I did so because it seemed to me that the evidence presented at the hearing and discussed in the committee showed, number one, that throughout the country where lotteries exist that the people who play the lotteries are people who can afford to play the lotteries. Number two, if they don't play the legal lottery, or if they don't go to the horse races which are legal, or the fairs which are legal, then the money tends to end up in the underworld. It seems to me that I prefer to give the money to the taxpayers of the State of Maine rather than to the underworld, which has been financed by gambling in this country for many, many years.

This is just a small step and it seems to me that this would be a good step to help us put ourselves

on a better financial footing. Thank you.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: Since I am so concerned that the Senate fully understand what I view to be the issue here, I would first of all say to my friend from Sagadahoc, Senator Schulten, that the term "gimmick financing", I believe, was coined by a member of the other body some years ago, and has been imitated or adopted by the Senator from Cumberland, Senator Brennan. Gimmick financing by a lottery may well qualify; at least it is not predictable, and I think that is perhaps an objection, but it is not a very valid one. We have a lot of our revenue producing measures that don't produce precisely estimable revenues. We can't estimate precisely what revenues we be from many of our measures.

Secondly, I fail to see, Members of the Senate, the objection to allowing the people of Maine to make this decision. I don't think that we ought to imply that they as masses lack the judgment to make a decision, an important decision affecting their lives. This question of whether or not something should go to referendum, I suppose, is frequently a question of whose ox is being gored, but I honestly can't see what the objection is to allowing the people of this state to vote on this issue which has been before this legislative time and time again.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President and Members of the Senate: We talk about gimmick financing, but I am sure that if each of us go home to our constituents and tell them that we really and truly don't have the money that we need to run this state, and rather than have this state lottery that we are going to come back here and increase the income tax or the sales tax, you will find that the great majority of them will have you come back here and put a lottery out to referendum and let them decide.

That is all we are asking for, to let the people of the State of Maine decide whether they want gimmick financing, as you so call it, through a lottery, or for us to come back here and pass an increase in the income tax or the sales tax. Thank you.

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

Mr. HICHENS: Mr. President and Members of the Senate: Again, in all due respect, I think the statement just made by the other Senator from York, Senator Danton, is just his own assumption. After the vote was taken last month on the state lottery, I didn't see any great uprising of the feelings of the people of the State of Maine. In fact, I had many people in my own area congratulate the Senate on their wisdom in overriding the House vote to allow a lottery.

The statement has been made by the good Senator from Cumberland, that the people were upset because of our vote, and I would ask him to prove it. Even the press didn't get into the argument, like they do on so many issues. We got the reaction of the equal rights people after we had turned down equal rights in the Senate, and they are still getting active for another campaign on this issue, but the people in the State of Maine haven't got all alarmed, as we have been told this morning, over the state lottery. I would take the assumption that many of my people in York County would rather have an income tax than go to a state lottery.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from York, Senator Danton, that the Senate accept the Majority Ought to Pass Report 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 Danton, that the Senate accept the Majority Ought to Pass Report of the Committee on Bill, "An Act Providing for a State Lottery". If you are in favor of accepting the Ought to Pass Report you will vote "Yes"; if you are opposed, "No". The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Aldrich, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Graffam, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Sewall, MacLeod.

NAYS: Senators Anderson, Berry, Brennan, Fortier, Greeley, Hichens, Huber, Joly, Katz, Kelley, Schulten, Tanous, Wyman.

ABSENT: Senators Olfene, Shute, Speers.

A roll call was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with three Senators being absent, the Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Under suspension of the rules the Bill was given its Second Reading.

Mr. Richardson of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-265, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table:

An Act to Revise the Maine Insurance Code as Related to Separate Accounts Established by Insurance Companies. (H. P. 870) (L. D. 1158)

Pending — Enactment.

The PRESIDENT pro tem: The Senator has the floor.

Mr. SEWALL: Mr. President and Members of the Senate: I have been informed that the cost which was previously on this bill is no longer valid, and therefore, I move the pending question.

The PRESIDENT pro tem: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Tanous of Penobscot, the Senate voted to take from the table the eighth unassigned matter?

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 678) (L. D. 2044)

Tabled — June 25, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Senate Amendment "A" (S-256)

Senate Amendment "B" (S-358)

Senate Amendment "C" (S-261)

Senate Amendment "D" (S-262)

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

Senate Amendment "F", Filing No. S-267, was Read.

The PRESIDENT pro tem: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: This amendment was distributed this morning. Apparently a bill that we enacted this session used a measurement system that is not presently used in the state. This is to conform to the measurements that we used here in the State of Maine, and I would move its adoption.

The PRESIDENT pro tem: Is it now the pleasure of the Senate to adopt Senate Amendment "F"?

The motion prevailed.

Thereupon, on motion by Mr. Tanous of Penobscot, tabled, pending Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the second unassigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 471) (L. D. 1878)

Tabled — June 15, 1973 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

(Committee Amendment "A" (S-127))

(Senate Amendment "C" (S-181)  
 (Senate Amendment "D" (S-206)  
 (Senate Amendment "E" (S-214)  
 (Senate Amendment "F" (S-235)  
 (Senate Amendment "G" (S-241)

On motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

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

Senate Amendment "D" to Committee Amendment "A", Filing No. S-266, was Read.

The PRESIDENT pro tem: The Senator has the floor.

Mr. KATZ: Mr. President and Members of the Senate: This amendment, which will be the final one that is offered, is of particular interest to those of you who come from communities with so-called 874 money, money for children in impacted areas. I think that it meets the tests of at least those of you whom I have discussed this with, and I move its adoption.

The PRESIDENT pro tem: Is the Senate ready for the question?

Thereupon, Senate Amendment "D" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "D" Thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Fortier of Oxford the Senate voted to take from the table the sixth tabled and unassigned matter:

House Reports — from the Committee on Taxation — Bill, "An Act Exempting Trade in Property from the Stock in Trade Tax." (H. P. 679) (L. D. 886) Majority Report — Ought to Pass; Minority Report — Ought Not to Pass.

Tabled — June 20, 1973 by Senator Berry of Cumberland.

Pending — Motion of Senator Fortier of Oxford to accept the Minority Report.

The PRESIDENT pro tem: The Senator has the floor.

Mr. FORTIER: Mr. President and Members of the Senate: In view of some work that I have

done over the weekend on this bill, I now understand that the estimates that were previously given me on the losses to the communities by this bill would be much less than I had been led to believe originally. In view of that fact, I would withdraw my motion to accept the Minority Report.

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

The Majority Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading.

Thereupon, on motion by Mr. Fortier of Oxford, tabled, pending Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot,  
 recessed until 2:00 o'clock in the afternoon.

#### (After Recess)

Called to order by the President.

#### Papers from the House

Out of order and under suspension of the rules, the Senate voted to take up the following:

#### Joint Order

WHEREAS, the Legislature believes that good health is important to the well-being of Maine citizens; and

WHEREAS, prescription drugs contribute significantly to the prevention of disease and the maintenance of health; and

WHEREAS, the income of Maine is low and the cost of prescription drugs requires the expenditure of a substantial portion of a person's income; and

WHEREAS, the American free economy has as its cornerstone competition with a minimum of protective government regulation; and

WHEREAS, our citizens' health would be improved by greater information about prescription drugs and their prices; therefore, be it

ORDERED, the Senate concurring, that a special committee is hereby created consisting of 5 members of the Legislature, 3

to be appointed by the Speaker of the House and 2 to be appointed by the President of the Senate to study and present its findings and recommendations to the next special or regular session of the Legislature on the subject of prescription drugs, their pricing, the necessity of advertising prices charged by retail pharmacies, the advantages of action by other states relative to advertising prescription drug prices, the impact, the availability or absence of prescription drugs has upon the health of Maine residents and to determine what legislative action should be taken to assure that prescription drugs are readily available to Maine residents of all income levels at the lowest price commensurate with maintaining quality drugs and providing a reasonable profit to pharmacists; and be it further

ORDERED, that the Board of Pharmacy and the Department of Health and Welfare are respectfully directed to cooperate with the committee and to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this Order, including, but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that the members of the committee shall be compensated at the rate of \$20 per day while engaged in the performance of their duties and shall be reimbursed for all reasonable expenses actually incurred; and be it further

ORDERED, that \$2,500 be appropriated from the Legislative Account to carry out the purposes of this Order; and be it further

ORDERED, upon final passage that copies of this Order be transmitted forthwith to said board and department as notice of this directive. (H. P. 1642)

Comes from the House, Read and Passed.

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

## STATE OF MAINE

### Joint Resolution

In the Year of Our Lord One Thousand Nine Hundred and Seventy-three

Joint Resolution Memorializing the Congress of the United States to Extend the United States

Fisheries Management Jurisdiction 200

Miles Seaward from its Boundaries

WE, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Sixth Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, Maine fishermen are currently losing the livelihood of generations through federal failure to control excessive foreign fishing off the coast; and

WHEREAS, Federal negotiations at the "law of the sea" conference even if successful will take 6 to 10 years to ratify and implement leaving little or no protection during the interim; and

WHEREAS, this inaction has prompted the Maine Legislature to declare Maine's fisheries management jurisdiction 200 miles seaward from its boundaries or to the edge of the continental shelf; and

WHEREAS, the Congress of the United States must act now to extend United States fisheries management jurisdiction beyond 12 miles to the 200 mile limit before fishing stocks are exhausted; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to use every possible means at its command to extend the fisheries management jurisdiction of the United States without interfering with Canada 200 miles seaward or to the edge of the continental shelf and thus reduce the chances of certain depletion of fishing stocks by over-fishing; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be immediately submitted by the Secretary of State to the President of the Senate and

Speaker of the House of the Congress of the United States and to each Member of the Senate and House of Representatives in the Congress of the United States from this State. (H. P. 1639)

Comes from the House, Read and Adopted.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Adoption.

### Orders

On motion of Mr. Minkowsky of Androscoggin,

WHEREAS, there is a continued need to foster economic development in the State of Maine; and

WHEREAS, the establishment of local development commissions may provide assistance to industries at the local level; and

WHEREAS, there is a need to consider the coordination of the several agencies involved in economic development at the State level; and

WHEREAS, a Committee of Conference has reported that the subject matter of the bill, "An Act Relating to the Maine Development Act," Senate Paper No. 536, Legislative Document No. 1756, should be studied and a report submitted to the 107th Legislature; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the bill, "An Act Relating to the Maine Development Act," Senate Paper No. 536, Legislative Document No. 1756, as introduced at the regular session of the 106th Legislature, in order to determine the potential contribution to economic development through local development commissions, the marketability of revenue bonds issued by such commissions, the possibility of establishing a special bond bank to aid in marketing the bonds of such commissions, and the need for further coordination of the State agencies involved in economic development; and be it further

ORDERED, that the Department of Commerce and Industry, the Industrial Building Authority, the Recreation Authority, the

Municipal Securities Approvals Board, the Municipal Bond Bank and such other agencies or departments as may be determined by the Legislative Research Committee, be authorized and respectfully directed to provide the committee with such information, technical advice and assistance as the committee deems necessary or desirable to carry out the purposes of this Order; and be it further

ORDERED, that the Legislative Research Committee report its findings with any proposed legislation or proposed amendments to the next regular session of the Legislature; and be it further

ORDERED, that upon passage of this Order, in concurrence, that copies of this Order be transmitted forthwith to said agencies specified herein as notice of the pending study. (S. P. 693)

Which was Read.

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

### Committee Reports House

#### Ought to Pass

The Committee on Public Lands on, Bill, "An Act to Organize the Unorganized and Deorganized Territories of the State and to Provide for Management of the Public Reserved Lands." (H. P. 1382) (L. D. 1812)

Reports 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.

#### Divided Report

The Majority of the Committee on Constitutional State Reapportionment on, Resolve, to Apportion 151 Representatives among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine. (H. P. 472) (L. D. 984)

Reports that the same Ought to Pass.

Signed:  
Senators:

SHUTE of Farmington  
MORRELL

of Cumberland

**Representatives:**

BIRT of E. Millinocket  
 FERRIS of Waterville  
 HAMBLEN of Gorham  
 MCKERNAN of Bangor

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

Signed:

Senator:

KELLEY of Aroostook

**Representatives:**

KELLEHER of Bangor  
 COTE of Lewiston  
 McTEAGUE of Brunswick

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Mr. Morrell of Cumberland moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Berry of Cumberland, the Resolve and all accompanying papers were Indefinitely Postponed in concurrence.

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**Senate****Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to the Maine Development Act." (S. P. 536) (L. D. 1756) ask leave to report: that the same be referred to the 107th Legislature.

On the part of the Senate:

MINKOWSKY

of Androscoggin

CLIFFORD

of Androscoggin

SHUTE of Franklin

On the part of the House:

GAHAGAN of Caribou

CURTIS of Orono

LYNCH

of Livermore Falls

Which report was Read and Accepted.

Sent down for concurrence.

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**Enactors**

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

An Act to Amend the Benefit Financing Provisions of the Employment Security Law. (S. P. 674) (L. D. 2041)

An Act to Provide a Maine Citizen's Preference on State Civil Service. (H. P. 678) (L. D. 885)

An Act Creating Regional Library Systems. (S. P. 281) (L. D. 828)

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

An Act Authorizing Licensing of Certain Games of Chance. (H. P. 1631) (L. D. 2046)

An Act Revising the Reorganization of the Department of Manpower Affairs. (H. P. 1613) (L. D. 2030)

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

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An Act Creating the Power Authority of Maine. (S. P. 550) (L. D. 1760)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Tanous of Penobscot, the Bill and accompanying papers were Indefinitely Postponed in concurrence.

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**Emergency**

An Act to Redistribute Certain Statutory Powers Now Vested in the Executive Council, to Abolish the Legislative Research Committee, to Create a Statutory Legislative Council, to Provide for Permanent Joint Standing Committees of the Legislature, and to Provide for an Annual Rather than a Biennial State Budget. (S. P. 661) (L. D. 2021)

Comes from the House, Failed of Enactment.

On motion by Mr. Berry of Cumberland, tabled, pending Enactment.

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**Constitutional Amendment**

RESOLUTION, Proposing a n Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Limit the Matters Which May be Considered in the Second Regular Session; to Provide for Single Member Districts in the House of Representatives; to Provide for Reduction of the Number of Representatives and Reapportionment of the House of

Representatives and the Senate in 1983; to Establish an Apportionment Commission to Plan for all Reapportionments of the House of Representatives and Senate; to Abolish the Executive Council and Reassign Certain Constitutional Powers to a Legislative Council; and to Provide that Oaths and Subscriptions of Office of the Governor shall be Taken before the Chief Justice of the Supreme Judicial Court. (S. P. 673) (L. D. 2040)

Comes from the House, Failed of Final Passage.

On Motion by Mr. Berry of Cumberland, table, pending Enactment.

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

Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation". (H. P. 1630) (L. D. 2045)

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-268, was Read.

The PRESIDENT: The Senator has the floor.

Mr. BRENNAN: Mr. President and Members of the Senate: Very briefly, L. D. 2045 serves a very useful purpose. It tells you when you become a candidate as far as being required to report your income and expenditures if one were running for Governor. However, under that provision, or under the bill as it stands, you don't have to do any reporting as to what would take place, for example, prior to March 20, which would mean, as I understand it, one could spend \$200,000, if it were available, prior to March 30th of next year and there would be no requirement to report that, to report how you got the money or how you spent it.

This amendment that I am offering here is what I think is a very reasonable amendment to provide for disclosure. If you get a situa-

tion where someone, say, "tests the waters in regard to running for Governor, and when he finds them rather chilly, and after spending some money he doesn't want to get in, as I understand it, with this amendment there would be no requirement for disclosure or reporting. If he found that the waters were fine and decided to file, then he would be required to report his expenditures and receipts for the previous six months.

Again, the purpose of this is obvious: to make public disclosure so that the public would have some knowledge as to where a candidate was getting his money and how he was spending it. I think it is one of these situations that a candidate, in certain respects, loses some of his rights to privacy. I think that is understandable when he is attempting to attain an office which is certainly a public trust. The objective of this amendment, again, is disclosure as to where you got your money, how much you got, and how you spent it.

Under the present law, as I understand it, you can spend a tremendous amount of money and no one would know about it, and I don't think that is very fair. Particularly in a day when disclosure, I think, is important, and again I don't want to relate to the Watergate, but it is a fact when you talk about \$300,000 being tucked in someone's safe, being sent down to Mexico to be laundered, and so forth, an amendment such as I offer here, which I think is a very reasonable amendment, it will not offend or affect those who don't get into the race. I think it is terribly important for the public to know how his money is raised and how it is spent, so I would trust that you would support its adoption.

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

Mr. BERRY: Mr. President and Members of the Senate: I would oppose the adoption of the amendment. It is a radical departure from the basic bill which was introduced in an attempt to provide accountability for people who circulate petitions that appear on

the ballot, and we now are faced with an amendment which has a great deal to do with candidates.

The existing statutes are quite clear. As far as candidates are concerned, they never had any problems. As far as petitions are concerned, they have not been clear enough, and the basic bill reported out of the Committee on Election Laws takes care of the ambiguity on reporting expenses in connection with the circulation of petitions that appear on the ballot. In Section 1397, Title 21, it spells out very clearly who files, when it is filed, and what has to be done. This does a good job.

I would almost think the germaneness of the amendment could be questioned, but I wouldn't quarrel with that. The purpose of the bill is carried out without the amendment. The amendment seems to seek an unnecessary enlargement on the original thought of a bill which was turned out as the result of a joint order passed by both branches. So I would hope that you would vote against the adoption of this Senate Amendment.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Most of this amendment comes directly from the federal law. It is pretty much what is governing people who run for United States Senate and the Congress at present. I see no good reason that a candidate for Governor shouldn't be under the same restrictions.

Again, the objective is just to disclose to the people. I don't see any problem with germaneness. The bill itself defines candidate and it defines candidate for reporting purposes, and that is what we are talking about here. Again, I think it is a very reasonable amendment, and it is just what I think we all should be trying to do up here, to disclose as much as possible so the public can be informed and make a much more intelligent choice when they are called upon to make that choice in a primary or general election. Again, I urge you strongly to adopt this amend-

ment, and I would ask for a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the adoption of Senate Amendment "A" to Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation". 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 question before the Senate is the adoption of Senate Amendment "A". A "Yes" vote will be in favor of adoption of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, the negative, Senate Amendment Cummings, Cyr, Danton, Fortier, Katz, Kelley, Marcotte, Minkowsky, Speers, Tanous.

NAYS: Senators Anderson, Berry, Cox, Graffam, Greeley, Hichens, Huber, Joly, Morrell, Peabody, Richardson, Roberts, Schulten, Sewall, Wyman, MacLeod.

ABSENT: Senators Olfene, Shute.

A roll call was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, Senate Amendment "A" was not Adopted.

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

The President laid before the Senate the matter tabled earlier in today's session by Mr. Berry of Cumberland.

Joint Resolution (H. P. 1539)

Pending — Adoption.

Thereupon, on motion by Mr. Berry of Cumberland, retabled, pending Passage.

#### Reconsidered Matter

Mr. Clifford of Androscoggin moved that the Senate reconsider

its action whereby An Act to Provide a Subsidy to Communities with Private School Enrollments, (S. P. 685) (L. D. 2047), was Passed to be Engrossed.

On further motion by the same Senator, tabled, pending the motion to Reconsider.

On motion by Mr. Sewall of Penobscot,

Adjourned until 10:00 o'clock tomorrow morning.