

# 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**

Wednesday, June 27, 1973

Senate called to order by the President.

Prayer by The Honorable Alton E. Cianchette of Pittsfield.

Reading of the Journal of yesterday.

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

Joint Order (H. P. 1641) relative to Legislative Research Committee study of the Maine Milk Commission.

In the House June 25, 1973, Read and Passed.

In the Senate June 26, 1973, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Cyr of Aroostook moved that the Senate Adhere.

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

Mr. COX: Mr. President and Members of the Senate: This order is a result of a bill that was submitted earlier in the session and was later withdrawn because the proponents felt they didn't want to attack the Maine Milk Commission, but they felt that a study should be made. This order lists some very excellent questions that need answers, and I do not see that it is aimed at the farmers, but I think it is an attempt to help the farmers. Because of this, I think the order should be sent to Legislative Research.

It has been quite a time since a study has been made, and the last study did not cover the areas that are being questioned in this order. So I move we recede and concur.

The PRESIDENT: The Senator from Penobscot, Senator Cox, moves that the Senate recede and concur with the House on Joint Order relative to Legislative Research Committee study of the Maine Milk Commission.

The Chair recognizes the Senator from Aroostook, Senator Cyr.

Mr. CYR: Mr. President and Members of the Senate: I won't debate this again today. I would just like to remind you that the

Milk Commission has been tested for its constitutionality in the courts, and it came out with flying colors.

I think that this is only a move on the part of possibly one grocer who couldn't get his way in regard to this. It has been a protection for the dairy industry. If we hadn't had the Milk Commission for the last few years, I don't know where we would get our source of milk today.

There is absolutely no valid reason that has been advanced why this should be studied again. For that reason, I hope that you vote against the motion which is presently before the Senate, and I ask for a division.

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

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Penobscot, Senator Cox, that the Senate recede and concur with the House on Joint Order relative to Legislative Research Committee study of the Maine Milk Commission. A "Yes" vote will be in favor of the motion to recede and concur; a "No" vote will be opposed.

The Secretary will call the roll.

**ROLL CALL**

YEAS: Senators Aldrich, Anderson, Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Greeley, Huber, Katz, Kelley, Mar-

cotte, Minkowsky, Morrell, Roberts, MacLeod.

NAYS: Senators Cyr, Danton, Fortier, Graffam, Hichens, Joly, Peabody, Richardson, Sewall, Speers, Tanous, Wyman.

ABSENT: Senators Olfene, Schulten, Shute.

A roll call was had.

Mr. Sewall of Penobscot was granted leave to change his vote from "Nay" to "Yea".

19 Senators having voted in the affirmative, and 11 Senators having voted in the negative, with three Senators being absent, the motion prevailed.

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

Mr. BERRY: Mr. President, having voted on the prevailing side, I move reconsideration and move my motion be tabled.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate reconsider its action whereby it receded and concurred with the House, and moves that this matter be tabled, pending his motion to reconsider. Is this the pleasure of the Senate?

The motion prevailed.

#### Joint Order

WHEREAS, on the 4th of July we normally celebrate our Declaration of Independence and the birth of a great nation; and

WHEREAS, on this historic date Philip W. Fairbanks plans declarations of his own, dependent in nature, which will have strong possibilities for a birth of a great family; and

WHEREAS, Miss Joan LaTaille, having already committed matrimony in her heart, is the extraordinary object of this proposed union; now, therefore, be it

ORDERED, that We, the Members of the 106th Legislature, now assembled, and joined by the entire legislative staff, extend to our legislative printer, Mr. Philip W. Fairbanks and his bride-to-be, Miss Joan LaTaille, our warmest congratulations and best wishes on the very special occasion of their marriage; and be it further

ORDERED, that a suitable copy of this order be prepared

and presented to this honored couple for the occasion, noting in case of any final doubts that "Marriage is a mistake of youth—which we should all make." (H. P. 1643)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Communications

State of Maine

One Hundred and Sixth Legislature  
Committee On Labor

June 25, 1973

Honorable Kenneth P. MacLeod

President of the Senate

Senate Chamber

State House

Augusta, Maine

Dear Senator MacLeod:

I am pleased to report that the Joint Standing Committee on Labor of the 106th Legislature has completed its assigned duties, and the following is a resume of the work placed before this Committee, indicating the action taken on these matters.

Total Bills received	79
Unanimous reports	64
Divided reports	15
Ought to Pass	9
Ought Not to Pass	10
Ought to Pass as Amended	20
Ought to Pass in New Draft	6
Leave to Withdraw	18
Referred to Special Session or the next Legislature	1

I wish to take this opportunity to recognize the valuable work performed by our Committee Clerk.

Sincerely,

WAKINE G. TANOUS,

Chairman

Committee on Labor

Which as Read and Ordered  
Placed on File.

State of Maine

One Hundred and Sixth Legislature  
Committee on Judiciary

June 25, 1973

President of the Senate

Senate Chamber

State House

Augusta, Maine

Dear Senator MacLeod:

I am pleased to report that the Joint Standing Committee on

Judiciary of the 106th Legislature has completed its assigned duties, and the following is a resume of the work placed before this Committee, indicating the action taken on these matters.

Total Bills Received	263	
Referred from		
other Committees	2	
Unanimous reports	199	
Divided reports	64	

	Unanimous	Divided
Leave to	42	
Ought to Pass	49	38
Ought to Pass		
as Amended	47	26
Ought to Pass		
in New Draft	16	9
Ought Not		
to Pass	44	62

Referred to  
    other Committees 1  
No. of Amendments 72  
No. of New Drafts 25

Public hearings were held on 42 Legislative days, and Executive sessions — 40.

I wish to take this opportunity to recognize the most valuable work performed by our Law Clerk and Committee Clerk.

Sincerely,  
WAKINE G. TANOUS,  
Chairman

Committee on Judiciary  
Which was Read and Ordered  
Placed on File.

Mr. Tanous of Penobscot was granted unanimous consent to address the Senate.

Mr. TANOUS: Mr. President and Members of the Senate: I just wanted to make a few remarks relative to the two final reports of the Labor and Judiciary Committees.

I just wanted to take a moment to thank the committee clerks and our Law Clerk in Judiciary, and the members of our Committee for the task which has been placed before them and which has been performed as we finally concluded our work.

I also want to especially thank the members of the Senate. I recall during the committee reports that most of you went along with the majority reports of the committee and, as Chairman, I can assure you that this is certainly rewarding

for a chairman of a committee to feel that the members of this body at least think enough of the committee and its chairman to listen or at least have some consideration for the report of the committee. I found throughout the session on the vast majority of our divided reports that you folks went along with the chairman, and I want to thank you.

The PRESIDENT: There being no objection, the Chair would like to note for the record, and I am sure the Senate joins me, in congratulating the Senator from Penobscot, Senator Tanous, for again having a tremendous work load, as he had two years ago, with a total of 342 bills in the two Committees of Labor and Judiciary — 262 in Judiciary alone — and the superlative job he did in getting those bills out in time for us to adjourn sometime before the 5th of July. (Applause)

### Senate Papers Orders

On motion by Mr. Katz of Kennebec,

WHEREAS, legislation has been proposed to repeal the inventory tax and to exempt certain manufacturing equipment from the sales and use tax as a measure of relief to merchants and manufacturers; and

WHEREAS, both proposals call for an increase in the corporate income tax which will have a profound impact upon the tax structure and the business community generally; and

WHEREAS, an in-depth study of both bills should be made in order to determine the extent of this impact, how such increases would be structured and in which time frame; now, therefore, be it

ORDERED, the House concurring, that a special commission shall be constituted and appointed to study the subject matter of the following bills: "An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Income Tax," House Paper No. 1384, Legislative Document No. 1862 and "An Act Exempting New Machinery and

Equipment used for Manufacturing and Research from Sales and Use Tax and Increasing the Corporate Income Tax Rate," House Paper No. 1492, Legislative Document No. 1920, as introduced at the 106th Legislature, and to report the results and recommendations of said study to a special session of the 106th Legislature or the next regular session of the Legislature.

The membership of the commission shall consist of 9 persons: One member of the Senate, appointed by the President of the Senate; 2 members of the House, appointed by the Speaker of the House; and 6 members from the public representing the interests of business, industry and municipalities, appointed by the Governor.

The said commission shall notify all members of the time and place of the first meeting. At that time, the commission shall organize, elect a chairman, vice-chairman and secretary-treasurer and adopt rules as to the administration of the commission and its affairs. The commission shall maintain minutes of its meetings.

There is allocated from the Legislative Account the sum of \$1,000 for the fiscal year ending June 30, 1974 to carry out the purposes of this Order. Any unexpended balance shall not lapse but shall remain a continuing carrying account until June 30, 1975. (S. P. 694)

Which was Read.

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

### Reconsidered Matter

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its prior action whereby it Indefinitely Postponed Bill, "An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crises." (H. P. 1627) (L. D. 2043)

Mr. Cyr of Aroostook then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Senator has the floor.

Mr. CYR: Mr. President and Members of the Senate: As you know, I talked on this yesterday.

I see no reason at all for this action or this legislation. I would approve, I would go along, and I think that possibly the same thing could be done through an educational program whereby everyone in the State of Maine, before undertaking a trip, would be asked "Is this trip necessary?" I think just that in itself would do the same thing.

Now, imagine the cost involved in this in having to change all of the speed limit signs all over the State of Maine. Imagine the cost and the problem involved in the law enforcement of this. Humans are creatures of habit and, where we are used to travelling on the turnpike at 70 miles an hour, we would have to try to forget that and travel at 60 miles an hour. I think that rather than submit people who have to go somewhere, and possibly go somewhere in a hurry and probably have to watch the rearview mirror all the time for a speed cop, rather than submit those people to that, let's have an educational program that will accomplish the same thing.

I don't believe that it is necessary. I think it is asinine, and I think we are just asking for trouble. The gas that is going to be saved by lowering your speed limit will be used by the speed cops, by state troopers, trying to chase after you to see that you obey that new law. So I move indefinite postponement.

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

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I am sorry to disagree with my friend, the Senator from Aroostook, Senator Cyr, but I guess I do and almost totally.

I think the educational suggestion is a good one and it certainly should be done, regardless of what we do with this bill, but to say that we don't have a crisis in this country is just closing our eyes.

Last night on the news at 6:30, the report was that 55 percent of the gas stations in this country have either shut down, are allocating a limited amount of gas per customer, or have shortened their work hours as the result of a crisis.

Now, I am not qualified nor, I suspect, are any of us qualified to say why we are in this particular predicament, but we are in it. If you don't believe it, ask your neighborhood gasoline dealer. He will tell you that he has a specified amount of gasoline to sell each month and no more, and that, to me, indicates a shortage.

I think there are reliable estimates, and I think the people in this body and the other body have done it just experimentally, but if you were to reduce the speed limit around the country, particularly on those highways where the speed limit presently is 70 miles an hour, by 10 miles an hour, you would reduce the gasoline consumption sufficiently in this country probably to pretty much eliminate the shortage, somewhere in the area of 6 to 8 percent.

It seems to me that this is reasonable, permissive legislation. It doesn't automatically mean that this is going to be done. I don't think anybody is suggesting that where the present speed limits are 25 miles an hour that they be reduced to 20 or 15, but I think it does give the competent authorities if the situation gets much worse, the responsibility and the authority to make some reductions where feasible and practical, not admittedly without some inconvenience and expense, to try and help this problem. It may well be that this will be necessitated by federal legislation but, short of that, I think it is a reasonable thing for us to contemplate and I hope you vote against the motion to indefinitely postpone. Thank you.

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

Mr. CYR: Mr. President, I ask for a roll call. Also while I am up, the education program that I was suggesting is not only the education program of "Is this trip

necessary?" that you should be asking yourselves, but there are many little trips to the grocery store where you probably have to go four or five miles, or two or three miles, and you do it four or five times a day. Now, those are the kind of trips that could be combined and could save gas.

Now, I have tested this theory that my good friend, Senator Morrell, is mentioning. I have tested this theory of slowing down, and I don't find one gallon difference. I fill up here in Augusta and I can make it home on 20.6 gallons of gas whether I go 80 miles an hour or whether I go 70 miles an hour. I have slowed down from 80 to 70 — I am following the speed limit — and I find that I don't have any savings at all on the gasoline in my car. I think we are just putting this legislation on the books unnecessarily. So I hope you stick with me.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I am absolutely aghast that this law-abiding citizen admits to us that he has been driving 80 miles an hour, but I am sure he doesn't do that as a normal course.

I think statistically it has been shown — I tried it and I certainly notice a difference — that if you slow down from 70 to 60 you do save a significant amount of gasoline if you are going any distance. Now, you can deny that, but I think everybody admits it, and I think that it makes some sense. So it is all yours.

The PRESIDENT: Is the Senate ready for the question? 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 in non-concurrence. 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.

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 Aroostook, Senator Cyr, that Bill, "An Act to Provide for the Reduction of Speed Limits to Conserve Fuel during Energy Crises", be indefinitely postponed in non-concurrence. A "Yes" vote will be in favor of the motion to indefinitely postpone; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

**YEAS:** Senators Anderson, Berry, Brennan, Cianchette, Conley, Cyr, Danton, Fortier, Graffam, Hichens, Joly, Katz, Kelley, Marcotte, Minkowsky, Peabody, Roberts, Speers.

**NAYS:** Senators Aldrich, Clifford, Cox, Cummings, Greeley, Huber, Morrell, Richardson, Sewall, Tanous, Wyman, MacLeod.

**ABSENT:** Senators Olfene, Schulten, Shute.

A roll call was had. 18 Senators having voted in the affirmative, and 12 Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

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

### Committee Reports House Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Increasing Tax on Liquor, Wine and Beer." (H. P. 1246) (L. D. 1623)

Reported that the same Ought Not to Pass.

Signed:

Senator:

OLFENE

of Androscoggin

Representatives:

STILLINGS of Berwick

FAUCHER of Solon

RICKER of Lewiston

TANGUAY of Lewiston

CRESSEY

of North Berwick

KELLEHER of Bangor

CHICK of Sanford

GENEST of Waterville

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

Signed:

Senators:

SCHULTEN of Woolwich

FORTIER of Oxford

Representatives:

FARNHAM of Hampden

IMMONEN of West Paris

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

Mr. Berry of Cumberland moved that the Bill and Accompanying Papers be Indefinitely Postponed in concurrence.

Mr. Hichens of York requested a division on the motion.

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

Mr. SPEERS: Mr. President, I would ask a question through the Chair of any member of the Committee on Liquor Control as to the amount of taxes that would be imposed and the reasons for the divided report.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed a question through the Chair which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER: Mr. President and Members of the Senate: In view of the fact that this had been indefinitely postponed in the other body, I had not planned on debating this issue. But the reason, at least, for my voting for the Minority Ought to Pass Report was that I felt the slight increase, which was a cent a gallon, except for sparkling wines, which was five cents a gallon, would have brought in an income to the state of better than \$300,000. That was the reason. I felt that the increase was not sufficiently high to encourage bootlegging, and that was my reason for voting for the Minority Report.

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

Mr. CONLEY: Mr. President, I might inform the members of the Senate that the reason this bill was



introduced during this session is that during the interim between the last session of the legislature and this one the subcommittee on L. D. 76 met, and it was the unanimous agreement of the members of that subcommittee on the funding of L. D. 76 that the revenue be raised through a slight increase in the sales of malt liquor, wine and so forth.

It is also good to note, however, that the state does take in \$40 million a biennium through the sale of malt liquor, and it is a question now as to whether or not the legislature wants to enact this tax to pick up the cost of L. D. 76.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Increasing Tax on Liquor, Wine and Beer," be indefinitely postponed in concurrence. A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that this bill be indefinitely postponed will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Mr. Katz of Kennebec then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. SPEERS: Mr. President and Members of the Senate: I have not looked over this bill, to say the least, and that was the reason for prompting my question. The good Senator from Oxford, Senator Fortier, has explained that this bill would bring in to the coffers of the state \$300,000.

It seems to me that a minor increase of this sort on the sale of liquor would make a lot of sense, particularly if we have also passed legislation, as we have in L. D. 76, dealing with the providing of alcoholic treatment centers. That

money has got to come from somewhere, and it makes a great deal of sense to me to at least partially fund or begin to fund these programs through the liquor tax.

We have heard no reasons for the opposition to the imposition of additional tax on the sale of liquor, wine and beer, and this is the reason for my support of this particular measure. Mr. President, I would request a roll call.

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

Mr. BRENNAN: Mr. President, I would like to pose a question through the Chair to the Senator from Cumberland, Senator Conley, if I may, in regard to L. D. 76. Was it the thinking of the sponsor and the supporters of L. D. 76 that the financing would be tied in with an increase in the liquor and the beer tax?

The PRESIDENT: The Senator from Cumberland, Senator Brennan, has posed a question through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I tried to make it clear a few moments ago that during the time of the subcommittee meetings on L. D. 76, which was the uniform treatment act on rehabilitation of alcoholics, there was an extreme high cost to carry out this bill, and we thought about how we were going to fund it. It was the unanimous recommendation of the subcommittee at that time to impose a tax, not too large, but high enough to be able to bring in the financial needs to help fund L. D. 76.

A member of the other branch, who was co-chairman of the committee at that time, sponsored this bill before the Taxation Committee to follow up or to implement what the committee had suggested and recommended to this session of the legislature.

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

Mr. KATZ: Mr. President, I guess we are faced with a

merchandizing question. We want more profit, and do we get more profit by raising our prices, or do we get more profit by reducing the prices or holding them the same?

I am going to vote to accept the Ought Not to Pass Report of the Committee. My decision was reinforced last evening when I attended a very gay and festive party here in Augusta, and I took it upon myself to look to see if I could find a single, solitary bottle of refreshment with a State of Maine tax sticker, and I was unsuccessful. The fact is that the prices in Maine are so high that we are pushing people into other states, and this will only create a rush to avoid the Maine tax.

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

Mr. JOLY: Mr. President and Members of the Senate: I would vote for a bill to reduce the tax, and I would just like to quote a very dear and very close friend of mine who purchased some alcoholic beverages in New Hampshire a week ago for \$172.90, which would have cost \$213.90 in Maine, which is a 19 percent saving. So why should we wonder why every single person who comes into the State of Maine buys their supplies before they get here and then leaves their bottles on our highways. I will vote with the good Senator from Kennebec, Senator Katz.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Majority Ought Not to Pass Report of the committee on Bill, "An Act Increasing Tax on Liquor, Wine and Beer." The Chair will order a division.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please

rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Increasing Tax on Liquor, Wine and Beer", Legislative Document 1623. A "Yes" vote will be in favor of accepting the Majority Ought Not to Pass Report; a "No" vote will be opposed.

The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Aldrich, Berry, Cianchette, Clifford, Cox, Danton, Graffam, Joly, Katz, Kelley, Marcotte, Minkowsky, Morrell, Roberts, Sewall.

NAYS: Senators Anderson, Brennan, Conley, Cummings, Cyr, Fortier, Greeley, Hichens, Huber, Peabody, Richardson, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Olfene, Schulten, Shute.

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

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

### Second Readers

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

#### House

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)

Which was Read a Second Time.

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

### Enactors

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

### Emergency

An Act to Increase the Salaries of County Attorneys and Assistant County Attorneys. (H. P. 957) (L. D. 1267)

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

### Orders of the Day

The PRESIDENT: The Chair would like to inform the Senate that as to tabled matter Number 12, Bill, "An Act to Provide a Subsidy to Communities with Private School Enrollments", (S. P. 685) (L. D. 2047), tabled on June 26 by the Senator from Androscoggin, Senator Clifford, the Chair was unaware, at the time that this was allowed on yesterday afternoon's calendar and the motion to reconsider was made, that this matter had been sent forthwith down to the House and it was no longer before the body. It was returned by the Speaker of the House and it should not have been accepted by the Senate. If I had known about it, it would not have been accepted by the Senate. It was improperly before the body yesterday afternoon. It is no longer before the body now, and it will be sent down forthwith to the House immediately.

Also the Chair understands that a bill has been held and that Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation", (H. P. 1630) (L. D. 2045), held by the Senator from Cumberland, Senator Brennan, also was not properly before the body, having been sent forthwith down to the House, and that Bill will be sent forthwith immediately.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. BRENNAN: A request was made immediately after the session yesterday to hold that bill through the Secretary of the Senate. It was my understanding from the Secretary of the Senate that the bill would be held. I am in-

quiring as to whether or not we can still hold bills?

The PRESIDENT: If the Senator from Cumberland, Senator Brennan, made a request immediately upon recess or adjournment of the Senate yesterday to the Secretary of the Senate, and the Secretary of the Senate held the bill, then the matter may be considered.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President, is this matter before the Senate at this time?

The PRESIDENT: It is not at the present time. No one has made a motion.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, a parliamentary inquiry.

The PRESIDENT: The Senator may state his inquiry.

Mr. BERRY: If the motion before the Senate is that the matter be sent forthwith to the other body, and that motion carries, is that paper not then sent forthwith? If the motion is not made that the matter be sent forthwith, then under the rules that we have, it is the understanding that a request of the Secretary will hold the bill, if it is made within 15 minutes after adjournment. If the motion is put that the matter be sent forthwith, and is carried, the paper is no longer in possession of this body.

The PRESIDENT: It has been the custom in the Senate, when rules are suspended and matters are sent down forthwith to the House, that the Secretary to the Secretary stamps those bills and they do go down forthwith, even before we either recess or adjourn for the day.

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

Mr. BRENNAN: Mr. President, is the Senate in possession of L. D. 2045, Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation?"

The PRESIDENT: The Chair would answer in the affirmative,

the Bill is in the possession of the Senate, having been held by the Senator from Cumberland, Senator Brennan.

The Chair would announce that it has been practiced in the past, and the Chair has stated it so, that even though matters are sent forthwith, that if they are still in the possession of the Senate, and a request is made by a Senator to have it held before or immediately following adjournment, the bill is held.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. Brennan of Cumberland, then moved that the Senate reconsider its action whereby Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation", was Passed to be Engrossed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled, pending the motion by Mr. Brennan of Cumberland, to Reconsider.

The PRESIDENT: The Chair would also announce that tabled matter Number 11, Joint Resolution — Memorializing the Congress of the United States to Extend the United States Fisheries Management Jurisdiction 200 Miles Seaward from its Boundaries, (H. P. 1639), is not before the Senate because it was not approved by a majority of the Reference of Bills Committee. Memorials to Congress require the Reference of Bills Committee approval, and it should not have been before the body yesterday. The Chair did not understand that a majority of the Reference of Bills Committee did not sign approval to let this measure in.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the ninth unassigned matter:

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)

Tabled — June 2, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

Thereupon, this being an emergency measure and having received the affirmative vote of 25 members of the Senate, with four Senators voting in the negative, was Passed to be Enacted in non-concurrence.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the tenth unassigned matter:

Resolution, Proposing an 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 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)

Tabled — June 26, 1973 by Senator Berry of Cumberland.

Pending — Final Passage.

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

Mr. SPEERS: Mr. President and Members of the Senate: I believe the weight of the importance of these two particular matters probably is responsible for the reluctance on the part of members of the Senate to comment on these legislative reform bills. I think, however, we would be somewhat remiss if we did not make some comment on the work that has gone into these particular bills and on the attitude of the legislature as we are considering them today.

I think it goes without saying that everyone of us could find something in these two particular bills that we could very heartily disagree with. But I think it also goes without saying that every one of us can find much in these two pieces of legislation that we very heartily agree with. I think it is indicative of the attitude that we take towards these pieces of legislation as to whether we look to the positive and to the future and to the good of the people of the State of Maine, in passing legislative reform, or whether we find ourselves looking at the negative aspects, which we feel would be the negative aspects, of these two particular bills and therefore vote against the entire package.

We have seen in recent days in our nation's capital rather remarkable meeting of the minds of two of the world's great super powers, and certainly no one could deny there are very great differences of attitude and differences of opinion between the Soviet Union and the United States. Yet the entire thrust of this meeting and of detente is to emphasize the positive and to look upon the aspects of agreement between these two powers. It may be a little difficult to make that same relationship to passing legislative reform for the State of Maine, and yet I think it is in the attitude of those who have worked very hard and long on these particular bills that they would like to see the emphasis placed upon the positive, and upon the affirmative, and upon those areas in which there is agreement.

Mr. President, because of the position which is held by the President of this body, the comments which I am sure the President would like to be making are unable to be made, but I would like to express the gratefulness of the Committee on State Government, from which these bills emanated, to all of the Legislative Leadership for the great amount of work and effort which has gone into producing these two documents.

I would like to reiterate my own strong feeling that the entire purpose of legislative reform is to strengthen the hand of the legisla-

ture and to give to the people of the State of Maine a far better grasp upon their own government. Nothing could be more important for the people than for the legislature to provide that vehicle to them. I move the enactment of this legislation.

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like to congratulate the good Senator from Kennebec, Senator Speers. As Chairman of the State Government Committee, he certainly has done what I think is one of the finest jobs of all the Senators in the Senate this year.

As I look over this package, I still have some very, very, strong reservations. I think that the doing away with the multi-seat districts is an excellent idea, I think annual sessions is good, and everything right down the line, except when I come to see the abolishing of the Executive Council and replacing it with what I have often referred to as perhaps the Leadership — and we won't call them anything but Leadership today; I wouldn't want to infringe upon any of you. But over the years we have heard so much conversation about Snow White and the Seven Dwarfs, and I know that we have all made a great deal of jest about it, but today in looking at this package I honestly have strong reservations, and I am concerned as to whether or not there is a constitutional problem by replacing the Executive Council with the alleged Leadership.

If there is a separation in the branches of government between the Judiciary, the Executive and the Legislature, I cannot in good sense really see how we can have ten people who are representing the Legislature sitting here in one body and, on the other hand, be sitting in confirming appointments by the Executive Branch of Government. I just want to know, and I would like to pose a question to the Chairman of the State Government Committee or the Judiciary Committee as to whether

or not there is a conflict, or if there is a constitutional problem here, and perhaps that may have been sought out by one or both of those committees.

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

Mr. CLIFFORD: Mr. President and Members of the Senate: As members of the State Government Committee, we thoroughly discussed the bills, and I think if you go back to the original intention of the Executive Council, the Executive Council is elected by and represents the Legislature in the Executive Branch. It seemed to us, and I don't think there is any question, replacing it with the Legislative Council creates no problem whatsoever. The Executive Council originally was intended, and is still intended, to represent the Legislature in the Executive Branch, and it is merely replaced with another elected body by the legislature, so there is no constitutional problem with this at all.

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

Mr. CONLEY: Mr. President and Members of the Senate: I can only say that is not really legislative reform; it is ten steps backwards.

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

Mr. HICHENS: Mr. President and Members of the Senate: From the first time I heard it mentioned, I have been opposed to the package idea in selling legislative reform to this 106th Legislature. I sincerely believe that each reform proposal should be considered separately on its own merits, as in the past, and heard and debated accordingly.

Compromise is not in my book, although many of my constituents inform me that politics is just a game of compromise. On many bills I am willing to settle for half a loaf rather than lose all, but in this case we take the whole package or none at all. Some of these proposals I do go along with, but am not concerned enough to accept the others in order to get those I like.

I resent leadership trying to push the whole package down my throat and, even though I appreciate the hours and hours of time expended by the State Government Committee, I still firmly believe that the only fair way to the public and the state was to evaluate each part of the package individually.

The press has attempted to sell legislative reform to the people of Maine, and I have read several articles stating that the residents of our state are up tight waiting for our vote on the issue. Maybe in some areas of the state this may be true, but in the first district I have had only one person actually contact me and express an opinion. Of 30,000 constituents I represent, I must say that interest is far from high.

This package idea is very similar to the action taken by the United States Congress in presenting bills for the President's approval. In giving him what he desires, they often tack something repulsive to him on the bill, so that if he approves he is accepting something he doesn't think is right, and if he vetoes the bill he defeats his own proposals.

Until we approach these problems individually and let each rise or fall on its own merits, I shall vote against all reform measures. I therefore will oppose passage of L.D. 2040.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: I rise this morning not to oppose this bill because I intend to vote for it. I too am a little troubled by certain sections of it perhaps, but I feel basically overall that this is undoubtedly a great step forward for the State of Maine in efficiency of government.

However, as a former Executive Councilor myself, I feel it would be remiss of me to allow the Executive Council to be abolished without some recognition on my part for what I feel has been the good points of the Executive Council. Even when I served on the Council back in '63-'64, I felt that perhaps things like pardons were beyond our real knowledge and

ability to handle, but this was cranked into the system, we did the best job we could and, with expert guidance along at our elbows, I think the decisions we reached were rather good. In other words, they weren't hasty decisions nor were they just independent decisions. We had a lot of help. So, while this was something that the Executive Council certainly should not have been handling, we did at least struggle through.

But the good Senator really brought this to my mind. I didn't know that I was going to speak this morning on this, but when he said that the purpose of the Council was to represent the Legislature, this is true. Up to the time that we pass this bill, the Legislature pretty much has been in session six months out of 24, which leaves approximately 18 months out of two years when the department heads in the various departments of the state government operate. At this time the full functions of the Executive Council come into play, and their one and only real job is to represent, to the best of their ability, the laws that have been passed by the legislature, the allocations that have been made, and the intent of the Legislature. I know really of no Executive Council, as a group, that has not been dedicated to this purpose. So, nostalgically, I feel that yes, we have come a long way, and perhaps times have changed, but I sometimes wonder if the change we are willing to make is going to be as good for us as what we presently have. And I think this applies to a degree to the Executive Council.

I remember with a great deal of amusement that the newspapers and our good friends on the other side of the political spectrum for years had beaten the war drums about the abolition of the Governor's Council, and yet when the situation came that the Republicans found they were not in power in Augusta, and the other party took over, after years of breastbeating that the first thing they would do was abolish the Council, they very soon found that really responsible people in that party, the Democratic Party, felt

that they wanted to serve on the Council, and to the best of my knowledge, which is not actually intimate but as I remember, the Democratic Executive Council in that two-term session served with distinction. They really became dedicated people and they did their utmost to carry on the tradition of the State of Maine.

I feel that when you sit down and analyze the cost of the Executive Council, to the amount of good, the amount of efficiency, the amount of overseeing of department heads, it is an inescapable conclusion that here is a body politic, born of the Legislature that has one purpose: to serve the intent of the Legislature. And I feel, by and large, since 1820 they have done a very creditable job.

As I said when I started, I fully intend to support this bill. I am willing to overlook the parts I don't like for the whole, but I wanted to share with you a little bit of nostalgia because I think in the State of Maine this is important, and I think also when we make decisions today we must be in position to fully evaluate the advantages we hope to obtain as against the advantages of what we have got. Thank you, gentlemen and Mrs. Cummings, very much for allowing me to speak.

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

**MR. CONLEY:** Mr. President and Members of the Senate: I would like to make myself perfectly clear on the reform package: I intend to vote for it. I think though that there isn't a member in this branch who wouldn't enthusiastically support this bill if the Council, as it is presently constituted, were put out to be elected by the people from the districts. There would be no objection at all. But I think replacing them with ten — whatever we are going to call them — is certainly not a very progressive step. I think that if we thought we had problems in the past with the Executive Council, we are going to have an awful lot of problems with the alleged leadership in the future.

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

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

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. This being a constitutional amendment, under the Constitution in order for its passage, it requires the affirmative vote of two-thirds of those Senators present and voting. A "Yes" vote will be in favor of final passage of this Resolution; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, Brennan, Cianchette, Clifford, Conley, Cox, Cummings, Cyr, Danton, Fortier, Greeley, Huber, Joly, Katz, Kelley, Marcotte, Morrell, Peabody, Richardson, Roberts, Schulten, Sewall, Speers, Tanous, MacLeod.

NAYS: Senators Anderson, Graffam, Hichens, Minkowsky, Wyman.

ABSENT: Senators Aldrich, Olfene, Shute.

A roll call was had.

Mr. Graffam of Cumberland was granted leave to change his vote from "Nay" to "Yea".

28 Senators having voted in the affirmative, and four Senators having voted in the negative, with three Senators being absent, the Resolution was Finally Passed in non-concurrence.

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

On motion by Mr. Berry of Cumberland,  
recessed until 2:00 o'clock this 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:

#### Enactors

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

An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and the Division of Alcoholism and Providing an Alternative Sentencing for Violators of Drug Laws. (S. P. 635) (L. D. 2008)

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 Amend the Land Use Regulation Commission Law. (H. P. 627) (L. D. 851)

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

Mr. BERRY: Mr. President and Members of the Senate: L. D. 851 has on it an amendment, Committee Amendment "A", which stipulates that three members of the Commission shall be the Director of Parks and Recreation, the Forest Commissioner, and the State Planning Director. The thinking, I think, of considerable people is that these three ex-officio members have many, many commitments. Ex-officio — I think I understand that one of these three gentlemen is a member of 22 commissions. It would give a far greater flexibility and reflect more public opinion if these three people were public members. And I propose that Committee Amendment "A", which does just this, be removed.

Mr. President, I move the rules be suspended and that the Senate reconsider its action whereby this bill was passed to be engrossed as amended.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that under suspension of the rules the Senate reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Speers.



Mr. SPEERS: Mr. President, I would like to ask a question through the Chair to the good Senator from Cumberland, Senator Berry, as to whether or not by removing these individuals the Department would still have as efficient an input into the Land Use Regulation Commission decisions as they now have?

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

Mr. BERRY: Mr. President and Members of the Senate: I would answer that inquiry in the affirmative. All LURC measures are referred to the responsible and affected departments, particularly these three, for professional critique and evaluation, and these reports are brought back to the LURC Commission. This is a good instance, I think, of where LURC will have a more disinterested review because the reports will be coming back from departments which are not represented on the Commission itself.

The PRESIDENT: Is it now the pleasure of the Senate that the rules be suspended and the Senate reconsider its action whereby this bill was passed to be engrossed?

The motion prevailed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted and, on subsequent motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in non-concurrence.

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

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An Act Providing for a State Lottery. (H. P. 1507) (L. D. 1938)

Mr. Hichens of York moved that the Bill be Indefinitely Postponed.

Mr. Danton of York requested a division.

Mr. Hichens of York then requested a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. Will all those Senators in

favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I am sure some member of the Senate will correct me if I am wrong, but I would like to reiterate that this particular bill is now in the position whereby there will be a referendum on this particular question. If this bill is passed, the entire issue will be put out for referendum to the people of the state so that they can have an opportunity to vote on whether or not they would like to see this instituted. I certainly hope that a member of the Senate will correct me if I am wrong in that understanding.

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

Mr. KATZ: Mr. President, I rise not to correct the Senator from Kennebec, Senator Speers, but to place a question through the Chair to the same Senator. In the press, I noticed that — I think it is Esco or Vesco Research, has done a comprehensive study on the potential for profit to the state, and they come up with a net profit of \$1.9 million dollars a year as being a workable figure that we can anticipate. Now, I also understand that at that committee hearing we heard some other figures, figures in the neighborhood of 2 to 10 million dollars as revenue, and I also understand that figure essentially came from a salesman who wanted to interest the state in getting into the lottery business. May I ask through the Chair whether my facts and conclusions are correct?

The PRESIDENT: The Senator from Kennebec, has posed a question through the Chair which the Senator may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, the name of the first organization that the Senator mentioned, and the second one to provide the statement

on figures, Vesco Research, I believe is what he mentioned, and I have no idea what this organization is.

The good Senator is correct that the Committee did hear testimony from an organization in Princeton, New Jersey, called Mathematica, Inc. This is not an organization which is founded and exists to promote state lotteries. Quite to the contrary, this is an organization which has done a considerable amount of work for the United States Government in contracts dealing with space research, as well as military contracts. It is a very reputable firm. This particular firm has made a considerable study of state lotteries; it was hired by the State of New Hampshire to do so, and has studied lottery systems throughout the entire world.

The individuals who testified on behalf of that corporation came here to present facts, as they felt were facts, to the State of Maine. And I would correct the Senator: the estimates were not 2 to 10 million dollars; the estimates were 8 to 10 million dollars yearly in revenues to the State of Maine, and this was after administration and the expenses of prize money were to be paid. So it would be a net revenue to the state of 8 to 10 million dollars a year.

I am sure that the Committee heard quite a bit of testimony in regards to how a lottery should be set up. I have no idea what the organization Senator Katz referred to is involved in, whether they have had any experience as to lotteries or not. I am sure you are all well aware that the State of New Hampshire did not have a very successful lottery when the state first instituted that lottery. The reasons were that it was not set up the way it should have been set up in order to promote the maximum amount of revenue for the state. This particular organization was hired and it made certain recommendations as to certain changes that should be made. The changes were made, and that lottery now is bringing in a considerable amount of additional revenue to the State of New Hampshire

than it was before the changes were made.

Now, perhaps the organization that Senator Katz referred to has not taken into consideration the type of lottery, the marketing procedures, and the other recommendations that this Mathematica, Inc., which has made a worldwide study of lottery systems, such recommendations as this organization has made and taken into consideration when it has come up with the figure of 8 to 10 million dollars.

I feel that the testimony that was presented before the State Government Committee was fair, it was certainly straightforward, and I have no reason to doubt the facts that were presented. They were presented by individuals who are very familiar with lottery systems and very familiar with the potential that it could mean to the State of Maine.

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

Mr. KATZ: Mr. President, I want to apologize to the Senator from Kennebec, Senator Speers. Actually, the reason for my question was that I got some direct mail at home, which I presumed to be from Mathematica, and by reading the direct mail, and also by reading the press reports, I came away with the perhaps erroneous impression that the interest of this firm was in doing some work for hire for the state if we had a lottery. As such, they had a very personal and special interest in seeing the lottery legislation passed.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Providing for a State Lottery, be indefinitely postponed.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President, I won't take long, but I would like to reiterate my opposition to this bill. I feel that actually the legislature, in passing this bill out to referendum to the people for decision, is shirking our own responsibility. The people don't

send us up here to have measures sent back to them every time we have to face a hard decision, and just because it looks like some easy money that might be available to help bail us out of a temporary problem, I just think it is absolutely wrong. I am firmly convinced that easy money is the tool for corruption. It has been proved.

I am delighted to hear that this outfit which is willing to do so much work for the state is worldwide because I know that they have more than enough to do. There have been thousands, thousands and thousands of lotteries, and every one of them practically has led to disaster. I don't think this is going to be a great deal different.

As someone pointed out to me yesterday, we have, what, a million people in the State of Maine, and you are going to be selling these tickets to the low income people, which is a terrible travesty of justice, a terrible way to open up pitfalls to our own people. I don't think it can be substantiated that only the rich buy lottery tickets because it has been proven that this is not true, and certainly if you reduce the price of lottery tickets to such a low figure that everybody can enjoy the gamble then you defeat the high sounding purpose for which the claim is made. So, I see nothing but problems arising from this. We are just taking the easy way out. I think we made a decision that lottery was not for the State of Maine, for the good of the state, and I think we should stick to it. I hope you vote in favor of the motion.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Providing for a State Lottery, be indefinitely postponed. A roll call has been ordered.

The Chair will state the question once again. The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that Bill, An Act Providing for a State Lottery, be indefinitely postponed in non-

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

The Secretary will call the roll.

#### ROLL CALL

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

NAYS: Senators Aldrich, Cianchette, Clifford, Conley, Cummings, Cyr, Danton, Graffam, Marcotte, Minkowsky, Morrell, Peabody, Richardson, Roberts, Sewall, Speers.

ABSENT: Olfene, Shute.

A roll call was had. 14 Senators having voted in the affirmative, and 17 Senators having voted in the negative, with two Senators being absent, the motion did not prevail.

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.

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

Mr. SPEERS: Mr. President, having voted on the prevailing side, I move reconsideration of enactment, and urge everyone to vote against my motion.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now moves that the Senate reconsider its action whereby this bill was passed to be enacted in concurrence. As many Senators as are in favor of the motion to reconsider will please say "Yes"; those opposed "No".

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

Resolve, to Locate the Public Lot in Township 2, Range 6 W.B.K.P., Franklin County. (S. P. 193) (L. D. 538)

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

#### Emergency

An Act to Extend the Deadline for Mandatory Shoreland Zoning. (H. P. 1538) (L. D. 1968)

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.

### Communications

State of Maine

One Hundred and Sixth Legislature  
Committee On Taxation

June 26, 1973

Honorable Kenneth P. MacLeod  
President of the Senate  
State House

Augusta, Maine 04330

Dear President MacLeod:

It is a pleasure to inform you that the Committee on Taxation has considered and acted on all matters referred to it by the One Hundred and Sixth Legislature.

Following is a tabulation of bills as reported out of committee:

Total number of bills received	98
Ought to pass	20
Ought to pass in new draft	9
Ought to pass as amended	6
Ought not to pass	25
Divided reports	23
Leave to withdraw	15
Total number of bills referred from another committee	1
Ought not to pass	1
Total number of bills received	
Pursuant to joint order	1
Divided report	1

Sincerely,

J. HOLLIS WYMAN

Senate Chairman

Which was Read and Ordered  
Placed on File.

### Orders

On motion by Mr. Wyman of Washington,

WHEREAS, legislation has been proposed to repeal the inventory tax as a measure of relief to merchants and others; and

WHEREAS, this proposal calls for an increase in the corporate income tax which will have a substantial impact upon the tax structure and the business community generally; and

WHEREAS, an in-depth study of this bill should be made in order to determine both the extent of this impact and how any increased or new tax should be structured to finance such measure; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the bill: An Act Reforming the Administration of the Property Tax and Replacing the Tax on Inventories with an Increased Corporate Tax. House Paper 1384, Legislative Document 1862 and all amendments and new drafts thereto, 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 the adoption of such legislation; and be it further

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

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

ORDERED, that copies of this Order be transmitted forthwith to said bureau upon final passage as notice of the pending study. (S. P. 695)

Which was Read.

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

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

Bill, "An Act Increasing Tax on Liquor, Wine and Beer." (H. P. 1246) (L. D. 1623)

Mr. Tanous of Penobscot moved that the Senate accept the Minority Ought to Pass Report of the Committee.

Mr. Conley of Cumberland then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. SPEERS: Mr. President and Members of the Senate: I certainly do not wish to belabor this particular issue, but the Senate earlier has enacted measures which have reduced the tax on pari-mutuel bet-

ting, we have gone through the throes of discussing how we are to obtain more revenue for the State of Maine, with the issue of property tax very much before this session, we have introduced two orders just today regarding the inventory tax, regarding the removal of the sales tax on new equipment and machinery; we have a lot to consider on the question of where we are to gain additional revenue for the State of Maine. I might add that we have just enacted a vehicle which will allow the people to vote on whether or not to have a state lottery to gain additional revenue.

I feel it would be entirely inconsistent to fail to enact a measure that places an additional tax on liquor, wine and beer, which admittedly brings in a very little amount to the state coffers, but at least it is \$300,000 more than we have available to us at the present time. I would oppose the motion to indefinitely postpone.

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

Mr. TANOUS: Mr. President and Members of the Senate: The Judiciary Committee this year considered L. D. 76, Senator Conley's bill, and part of the argument on L. D. 76, or at least a great part of it, as far as funding of this particular bill was concerned, was that we were to have an increase in this particular tax. I understood from the wholesalers of liquor in the State of Maine that they were in support of L. D. 76, and also in support of the increase in liquor tax in the state. Now I am led to believe that we enacted L. D. 76, and now we no longer need the increase in tax in this area.

Personally, I thought, and I still think, that L. D. 76 was a great vehicle to decriminalize the crime of intoxication and provide for treatment of those who are in the throes of problems with alcohol. If this is in any way going to help fund that particular bill, I think that we should pass the increase in the tax. I think it is a commitment that the proponents of L. D. 76, as well as the industry, made to the Judiciary Committee

at the time we considered this bill. Thank you.

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

Mr. CONLEY: Mr. President and Members of the Senate: I don't recall the industry appearing before the Judiciary Committee on L. D. 76, but I may be in error on that. I know that certainly they support L. D. 76.

I think perhaps what the good Senator from Kennebec, Senator Joly, said this morning does make a lot of sense, that we do have one of the highest tax rates relative to the sale of alcoholic beverages, particularly with the competition of our neighboring state of New Hampshire.

Another thing, the bill does not spell out the dedicated revenue in that sense either, but the fact of the matter is that from the sale of malt beverages and the sale of hard liquor we do right now bring in \$40 million per biennium, and certainly when you take \$40 million from the sale of alcoholic beverages, and the fact that we are only spending \$80,000 a year within the Division of Alcoholic Rehabilitation under the Department of Health and Welfare, it shows that we are not spending any of the money from the sale of alcoholic beverages to try to do something about the problem of alcoholism. So actually what we are doing really is just bringing in another \$300,000. Perhaps it does make good sense to bring in another \$300,000, but for us to say it is dedicated revenue, in that sense, that is going to be applied to treatment facilities is really not so. I think we do have to keep a perspective on whether or not we are putting the industry in a position whereby competition is going to be so great that we may possible lose a great deal of it also.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: Just one brief comment: I was not here in the chamber this morning when this was debated earlier, so perhaps what I am about to say is repetitious. But, as I am sure all of you can easily tell, L. D. 76, An Act Creating a Uniform Alcoholism and Intoxication Treatment Act, was heard by Judiciary, and then late in the session the Liquor Control Committee heard the bill that is before us today. While at no time were the two bills tied together officially, I do remember certainly quite extended conversations about the tax being designed to implement L. D. 76. It was the hope that with the tax for this specific purpose, even though it wasn't dedicated funds, we would be able to institute a program in the state that is desperately needed. I for one, I know, voted on the basis of that, thinking that the increase in tax would be used for this particular purpose. I see no reason to change my opinion at this time.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Conley, that Bill, "An Act Increasing Tax on Liquor, Wine and Beer", be indefinitely postponed. 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 Cumberland, Senator Conley, that Bill, "An Act Increasing Tax on Liquor, Wine and Beer", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

## ROLL CALL

YEAS: Senators Aldrich, Berry, Cianchette, Clifford, Conley, Cox, Danton, Graffam, Joly, Katz, Kelley, Marcotte, Richardson, Roberts.

NAYS: Senators Anderson, Brennan, Cummings, Cyr, Fortier, Greeley, Hichens, Huber, Morrell, Peabody, Schulten, Speers, Tanous, Wyman, MacLeod.

ABSENT: Senators Minkowsky, Olfene, Sewall, Shute.

A roll call was had. 14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, with four Senators being absent, the motion to Indefinitely Postpone did not prevail.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in non-concurrence.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the matter tabled earlier in today's session by that Senator:

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

Pending — The motion of Mr. Brennan of Cumberland to Reconsider.

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

Mr. BERRY: Mr. President and Members of the Senate: The Senate has disposed really of this amendment once, and it seems too bad to have to consider it again. The matter has been relatively well debated, and it seems to me at this late date a motion to reconsider engrossment for the purpose of putting the Senate Amendment back on again is really perhaps duplicating our efforts.

Our present election expense law is quite explicit on the point, they are reasonably detailed as to what needs to be done, and this bill

would implement far more rigorous and detailed expenses which would just add further to the confusion, expense and problems of campaigning. Our present laws were supplemented by one passed earlier in the session which details campaign expense reporting, and the purpose of the order, to which this is attempted to be attached as a rider, had to do with expenses in connection with petitions and circulations of referenda by the sponsors, at present which are not accountable. It seems that we should not be confusing the issue with political considerations. So I would hope that you would vote against the motion of the Senator from Cumberland, Senator Brennan for reconsideration.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I wouldn't ask for reconsideration, but we only missed by a narrow margin, 16 to 15. Maybe some of you watched the television programs in the past couple of days, and it is talking about this very item.

What this amendment that I would like to offer, if we get reconsideration, will do is open the books on campaign financing, and I think that is a rather swell idea. Right now, when you file on March 30th, if someone is running for Governor, it is when he becomes a candidate. He doesn't have to disclose all the money that he raised or spent for the previous six months. If this amendment is offered and adopted and passed into law, he will have to disclose that.

I don't want to get into the Watergate situation, but it is a fact that the money that was used for the criminal schemes was the money that was gotten before they had to disclose it, and I think this Senate, this Legislature, should do everything it can to prevent recurrence of something of that nature. I think this amendment that we are trying to get on here will do just that.

It seems to me they say that those who do not learn from history are doomed to repeat it. The

Watergate situation is not even history yet; it is still with us and current. If we are not going to get a message from that, I don't know when we are going to get any messages.

This bill here too sort of reminds me of the old "hide the evidence" bill we used to have around here a few months ago. What this amendment would do, if we can get it on there, it would prevent the hiding of financing schemes, just how the money is raised and just how it is spent. Again getting back to the last big campaign out of Washington, some of that money was obviously spent in very, very bad ways, and here is a chance to do something about preventing any recurrence of that. Really, I don't mean this in any partisan way, but I would hope the Senate would go along with reconsideration and do something that I think would be responsible as far as the public in this state is concerned.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: The remarks that I am about to make shouldn't be considered in any partisan way, but very candidly and very frankly, members of the Senate these gratuitous little asides about the Watergate are getting a w f u l tiresome. It is now June 27, 1973, and we are going on and on and on with these little lectures by the Senator from Cumberland, Senator Brennan.

The present law as signed by the Governor and enacted by this legislature, an amendment to which, offered by Senator Shute of Franklin, was rejected by the Senate, provides that candidates shall file report of the same form and content on the same dates as required of federal candidates by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election.

My objection to this amendment is not that I have any problem with full disclosure. Any time that members of this Senate want to disclose their income and make the filings, I will be happy to join with

that and make the appropriate filing downstairs in the Secretary of State's Office. What I object to about 268 is in the guise of the big anti-Watergate move; you are putting provisions into our law which are shot through with possibilities for avoidance and deception. I don't think it is appropriate, and I think the present law is perfectly adequate for the purposes.

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

Mr. BRENNAN: Mr. President and Members of the Senate: I have to disagree with my very good friend from Cumberland, Senator Richardson. The present law is perfectly inadequate. If you look at the bill, it says under 4-A: "Candidate means any person who has filed a petition pursuant to either sections 445 or 446." That is when you file the papers in order to run for Governor, as we are considering in this particular case. That is when you become a candidate. That is the definition of candidate.

The amendment that the good Senator refers to, again, says, "Candidates for Governor shall file a report in the same form." The critical situation is here when you become a candidate. Unless you adopt this amendment, you are going to permit the candidates to hide financing schemes and to hide expenditure schemes. This is an amendment to bring everything to the attention of the public and, again, I think any major or minor public office is a public trust, and I think where there is a public trust the public ought to have a right to know where the folks get this money and where they spend it. That is all this amendment does. Again, I hope you would support the reconsideration motion.

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

Mr. CIANCHETTE: Mr. President, I would like to say "Hooray" to the Senator from Cumberland, Senator Brennan, for showing the interest, stamina and good judgment to bring this matter up for reconsideration.

You know, yesterday when we took that vote, it came out 16 to 15, and I was shocked. We had a similar discussion the previous day, and the discussion the previous day gathered a large vote on a very similar item, which was truth in disclosure. I see really no difference in this, only we are covering more loopholes.

I don't really understand the objection to this amendment because I see it as simply being that a vote against this amendment would be a vote to hide something. We don't need to hide anything here in our State of Maine, and I am sure we don't have a candidate running for the office of Governor here this coming season that wants to hide anything. I think we owe it to the public of this state to let them know that we are not going to try to hide anything on them, that they are going to know where the money comes from, and whether it is before he has filed his papers or not. It just ties it down a little tighter and gives the public a little more confidence that their right to know is being protected.

I think it is our job here in this Senate to protect this image. We all have heard phrases, you know, not flattering to the local politicians, and sometimes you can't blame the people for feeling that way. Here is an opportunity for this Senate to plug another loophole, to build confidence in politicians, and especially candidates for Governor.

I frankly don't see any valid reason for not supporting this amendment, so I certainly hope you allow the reconsideration motion and then go on to support the amendment.

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

Mr. BERRY: Mr. President and Members of the Senate: I know the members of the Senate have heard me say several times that sometimes we should pause in the process of debate, and so forth, to go back and read the bill. I always think, as I said, it is awful helpful to read what we are talking about, and I would commend very much to Senator Brennan of



Cumberland and Senator Cianchette of Somerset this procedure: it is most helpful to know what you are talking about.

Just to refresh the memories of some people, I would like to read the Joint Order that was put in by the gentleman from Eagle Lake, the Minority Floor Leader of the House. The start of the bill was the problem we seemed to be having, gentlemen. This is a Joint Order, and it was passed by the Senate in concurrence. It says, "Ordered, the Senate concurring, that the Joint Standing Committee on Election Laws shall report out an emergency bill requiring all persons, corporations, public and private utilities" — you see, now, that is what Mr. Martin was after, the private utilities—"associations, and political committees accepting or expending money to promote or defeat any referendum question, to report all such contributions and expenditures at the end of each month", and so forth "Such report shall be of substantially the same form and content as that required by federal candidates by the federal law, and as this legislature has recently voted to require of gubernatorial candidates."

Now, that is the order, gentlemen, that we passed. Now, into L.D. 2045 crept this gubernatorial problem which was taken care of, as even stipulated, in the order, and was passed and is on the books now, approved by the Governor on May 24th under chapter 402 of the statutes of the State of Maine. I will read from the existing law of the state: "Candidates for Governor shall file a report of the same form and content on the same dates as required of federal candidates by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election."

Gentlemen, you have got just what you are after. I hope we vote against reconsideration.

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

Mr. BRENNAN: Mr. President and Members of the Senate: Again, I would suggest to my good friend, the Senator from Cumberland, Senator Berry, that we read the

whole bill. The bill defines "candidate", and it means any person who has filed a petition. This is just one, huge, gigantic loophole so that people can avoid the spirit of the law of disclosure. This amendment spells it out so they can't do that.

Who benefits by this amendment? The public. They just get a chance to have a little more information on whoever is going to serve in the Governor's office, and I see nothing wrong with that. I would ask for a roll call.

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

Mr. BERRY: Mr. President, I would direct a question to the Senator from Cumberland, Senator Brennan, as to how there is any loophole, or how any candidate for Governor can avoid a full disclosure by filing a report on the same form and content as the federal law requires?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to the Senator from Cumberland, Senator Brennan, who may answer if he desires, speaking a fourth time.

The Chair recognizes the Senator from Cumberland, Senator Brennan.

Mr. BRENNAN: Mr. President and Members of the Senate: The significant item here is the definition of "candidate". The Maine Legislature, in its wisdom, on this bill has decided to define when a person becomes a candidate as that time when he files his petition. That is the controlling feature. So you can talk about all the candidates for Governor being required to file things similar to the federal government, but they don't become candidates under the Maine law, if we adopt this bill, until they file their petition. So that is the huge loophole it leaves, for the six months prior to that, and that is what this amendment will take of.

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

Mr. KATZ: Mr. President I am terribly concerned with the fact that we have been debating this

for two days and we have a difference of opinion as to what is what. I am personally very interested to get to the facts here because last time I blew 65 bucks in an election and it appears that the nature of my filing might have been in doubt.

I am convinced that I was in error previously, I am convinced that the existing law, Public Law 402, that was passed previously at this session, gives the same protection to the public with respect to candidates for Governor as was given to the public for candidates for federal office. And I suspect that there will be plenty of time in the intervening months for the Attorney General's office to be requested as it should have been by the proponents of this, to give us the basic facts in the matter. In the meantime, I shall vote against reconsideration.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Brennan, that the Senate reconsider its action whereby Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation", was passed to be engrossed. 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 Cumberland, Senator Brennan, that the Senate reconsider its action whereby Bill, "An Act Relating to Contributions and Expenditures to Influence Direct Initiative or Referendum Legislation", was passed to be engrossed. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will all the roll.

## ROLL CALL

YEAS: Senators Aldrich, Brennan, Cianchette, Clifford, Conley, Cyr, Danton, Fortier, Kelley, Marcotte, Minkowsky.

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

ABSENT: Senators Olfene, Shute.

A roll call was had. 11 Senators having voted in the affirmative, and 20 Senators having voted in the negative, with two Senators being absent, the motion to reconsider did not prevail.

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

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)

Pending — Passage to be Engrossed.

The PRESIDENT: The Senator has the floor.

Mr. RICHARDSON: Mr. President and Members of the Senate: This bill, which is L.D. 1812, was sponsored by the Minority Floor Leader of the other branch. It is a bill which was sent to the Supreme Judicial Court of Maine for an advisory opinion. It is our desire to offer a rather substantial amendment to this legislation. This amendment is in the process of preparation in the Attorney General's Office. I am assured that it will be ready for presentation tomorrow and I would, therefore, appreciate it very much if some member of the Senate would table this bill until tomorrow morning.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mr. Sewall of  
Penobscot, recessed until the sound  
of the bell. \_\_\_\_\_

(After Recess)

Called to order by the President.  
On motion by Mr. Sewall of  
Penobscot,  
Adjourned until 9:30 tomorrow  
morning.