

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

SENATE

Thursday, January 31, 1974

Senate called to order by the President.

Prayer by the Rev. Samuel Henderson, III, of Norway:

Let us pray. O God, the fountain of wisdom, whose statutes are good and gracious and whose law is truth, we beseech Thee so to guide and bless the Senate of this state that it may ordain for our governance only such things as please Thee, to the glory of Thy name and the welfare of Thy people, through Jesus Christ, Thy Son, our Lord. Amen.

Reading of the Journal of yesterday.

House Papers

Bills, Resolves, and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:

Bill, "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game." (H. P. 1925) (L. D. 2459)

Comes from the House referred to the Committee on State Government and Ordered Printed.

On motion by Mr. Anderson of Hancock, referred to the Committee on Fisheries and Wildlife and Ordered Printed in non-concurrence.

Sent down for concurrence.

Communications

Department of Business Regulation
Bureau of Insurance
Capitol Shopping Center
Western Avenue
Augusta, Maine 04330

January 30, 1974

The Honorable Kenneth P. MacLeod
President of the Senate
106th Legislature of
the State of Maine
State House
Augusta, Maine 04330

Dear Mr. President:

Enclosed herewith is my reply to the Joint Order of the House of Representatives and State Senate dated January 29, 1974.

Would you kindly transmit this report to the members of the State Senate.

Respectfully,
FRANK M. HOGERTY, JR.
Superintendent

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: I think that we should take cognizance of the quick response of Commissioner Hogerty to our Joint Resolution which was just passed two days ago. This is not unexpected, as Frank Hogerty has been a very capable and effective Superintendent of the Bureau of Insurance.

I do hope that the action taken by the legislature and the concern of the former Commissioner of the Department, now Superintendent, will result in the lessening of premiums to the automobile policyholders of the state. I think this is, as we said before, extremely important to every Maine person, and let's hope that this doesn't get lost in bureaucratic red tape at the national level. I am sure it won't at the state level.

The PRESIDENT: Is it now the pleasure of the Senate that this communication be placed on file?

Thereupon, the Communication and accompanying papers were Ordered Placed on File.

Senate Papers Education

Mr. Katz of Kennebec presented, Resolve, Authorizing the Commissioner of Educational and Cultural Services to Convey Certain Easement Rights at Southern Maine Vocational-Technical Institute in South Portland. (S. P. 886)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Cox of Penobscot presented, Resolution, Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks. (S. P. 884)

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

Sent down for concurrence.

Orders

On motion by Mr. Schulten of Sagadahoc,

WHEREAS, the Maine Legislature recognizes the importance of the national bicentennial and the opportunity it presents to the people of Maine and of the nation to make us more fully aware of our great historic heritage; and

WHEREAS, the Maine Legislature recognizes that the bicentennial, both in Maine and the nation, goes beyond the marking of historic events and includes all types of activities and programs directed toward the goals of civic and social improvement; and

WHEREAS, the bicentennial is now developing 3 programs of interest and concern to all Maine communities:

Heritage '76 — with plans to encourage the preservation of historic documents and sites; formulation of publications programs; greater support for museums, historical societies, patriotic and other organizations and other activities aimed at the preservation of our historic heritage.

Festival '76 — a plan to encourage community pride through appropriate local celebrations and to assist schools and community organizations in celebration of the 200th anniversary of the nation's birth in an appropriate manner.

Horizons '76 — focusing on the encouragement of programs which are devoted to unfulfilled promises of the past or which will lead to the realization of the ideals and aspirations of the Revolutionary era and later in the areas of social and human betterment; and

WHEREAS, the Maine American Revolution Bicentennial Commission and the National Bicentennial Commission are now cooperating in the formal recognition of Maine communities which have formed bicentennial committees and adopted plans, both for events and at least one project of lasting value; and

WHEREAS, the acceptance of these plans will result in Maine communities being included on the national bicentennial computer network; will result in national attention being directed to these Maine communities and will have a substantial impact on vacation-travel, both

for the individual communities and the entire State; now, therefore, be it

ORDERED, the House concurring, that the Members of the Maine Legislature encourage each Maine community to act prior to July 1, 1974, to form a local bicentennial committee which will represent all aspects of its community life; to formulate a bicentennial plan which will carry out the spirit and purpose of the bicentennial and to have both the committee and the plan formally recognized by the Maine State American Revolution Bicentennial Commission and the National American Revolution Bicentennial Commission. (S. P. 885)

Which was Read.

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

Mr. SCHULTEN: Mr. President and Members of the Senate: The joint legislative order that is on the calendar this morning before you is largely self-explanatory. However, I think it is so important that I should take a moment to try to clarify it further so that we all recognize the importance of what we are trying to do, and that is basically to try to help our extremely hard-hit vacation travel industry.

The energy crisis, as we commonly call it, has already cost Maine over a thousand jobs and, unfortunately, its impact is likely to be felt for quite a while to come. As Chairman of the Board of the Maine Publicity Bureau, I am particularly aware of our need to use every reasonable means at our command to help an industry which accounts for \$300 million, conservatively, in tourist spending and at least \$160 million in wages paid to Maine people working in the industry. So we should be alert to every means of assistance, and the formation of local bicentennial committees and the adoption of plans for the Bicentennial at the local level are two ways in which we can really help, because every local community that names a committee and has its plan approved by the State American Revolution Bicentennial Commission will be recommended to the National Bicentennial for inclusion in its national computer network. Now this literally today means the difference be-

tween Maine being on or off the map as far as the Bicentennial celebration is concerned.

For the information of those who may not be thinking too clearly this morning, the Bicentennial will represent the 200th birthday of this great country of ours, and I think it particularly poignant at this time that we recognize that we have got serious problems in this country, and this is a way that we have got to get to the people to reinspire them and make them realize that the country can't work without them. This celebration, sure, it will be a birthday party, but it goes much, much deeper than that. So, this is the reason for the State Bicentennial Commission, of which I happen to be a member. This relates very directly to one of the greatest industries we have in this state, and while this particular order may seem to be a little bit on the premature side, I can assure you it is not, that we are not getting ahead of ourselves. Other states have already approved this type of a computer work-out, and there is going to be increasing competition, as there always is, for dollars from the national government.

I point out that many of the events of the American Revolution which will be noted in 1976 occurred in 1775 as well, and Maine has a tremendous heritage in this particular point in our history. So, I would urge that the Senate not only adopt this joint order, but that we use our individual efforts to see that our own local communities are aware of the benefits from this order and the State Commission, and that bicentennial plans be adopted in our home towns and those of our districts as quickly as possible because this will relate to the benefit of us all.

A little bit to the aside, and really it has nothing to do with this particular order, but it does seem to me that it is talking about something that should be of interest to you. I recently was in Arizona and quite unexpectedly I found that there was an industrial developers' convention in Scottsdale, which wasn't too far from Phoenix where I supposedly was staying, so I figured this related in a way to the vacation travel industry and I went down to attend the convention. I was so impressed with the fact that this

was going on that it would have such an impact on the southwest part of our country that I stayed for three days. The tourist industry in the State of Arizona has been dramatically hit. They are suffering tremendously. They have a \$600 million tourist industry out there and for your information, some of the desert land, which is perfectly gorgeous, and it surrounds an area of some 100 miles or so outside of Phoenix, which is a town or a city, as many of you know, of about a million population. Land values since last summer, due to the energy crisis, have been cut in half, and this is a fact of life in Arizona today which, as you all know, is quite a mecca for the tourist. This is the problem that to some degree we in the State of Maine share, so I urge that we give very serious consideration not only to passing this order today but that, when we do get home, we alert our local communities to any help and all help that we can possibly give to making this birthday celebration in 1976 a success as well as before and after. Thank you very much for the opportunity to speak on this matter.

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

The motion prevailed.

Sent down for concurrence.

Committee Reports House

Ought to Pass in New Draft

The Committee on Legal Affairs on, Bill, "An Act to Clarify Certain Municipal Laws." (H. P. 1794) (L. D. 2274)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1920) (L. D. 2452)

Comes from the House, the Bill in New Draft Passed to be Engrossed as Amended by House Amendments "A" (H-656) and "B" (H-658).

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

Divided Report

The Majority of the Committee on Fisheries and Wildlife on, Bill, "An Act to Regulate the Size of Shot in Shotgun Shells for Waterfowl Hunting." (H. P. 1829) (L. D. 2319)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 1915) (L. D. 2444)

Signed:

Senators:

ANDERSON of Hancock
GRAFFAM of Cumberland
SHUTE of Franklin

Representatives:

KELLEY of Southport
GOOD of Westfield
PARKS of Presque Isle
MILLS of Eastport
MORIN of Fort Kent
CHURCHILL of Orland

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

Signed:

Representatives:

DOW of West Gardiner
WALKER of Island Falls
CAMERON of Lincoln

Comes from the House, the Majority report Read and Accepted and the Bill in New Draft Indefinitely Postponed.

Which reports were Read.

Mr. Anderson of Hancock then moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

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

Mr. BERRY: Mr. President, I wonder if Senator Anderson or some other member of the Committee would explain what is involved in this bill?

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

Mr. ANDERSON: Mr. President and Members of the Senate: We all on the Committee, those who signed the bill Ought to Pass, feel that buckshot shouldn't be used in duck blinds, not only as a safety measure but buckshot wounds a lot of ducks, tears a leg off or a wing, and it makes a pattern that you could drive a Volkswagen through.

This applies only to tidal waters. There are a great many ducks on inland

ponds, and you can have your pockets full of buckshot on those, so it only applies to tidal waters.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in non-concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Joly for the Committee on Legal Affairs on, Bill, "An Act to Insure Confidentiality of Original Birth Records." (S. P. 748) (L. D. 2177)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Anderson for the Committee on Public Utilities on, Bill, "An Act to Create the Bangor Community Solid Waste District." (S. P. 772) (L. D. 2219)

Reported that the same Ought to Pass.

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

Divided Report

Six members of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles. (S. P. 756) (L. D. 2166)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec
WYMAN of Washington

Representatives:

SILVERMAN of Calais
FARNHAM of Hampden
STILLINGS of Berwick
CROMMETT of Millinocket

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Senator:

CLIFFORD of Androscoggin

Representatives:

BUSTIN of Augusta
GOODWIN of Bath
CURTIS of Orono
GAHAGAN of Caribou

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass as Amended by Committee Amendment "A" (S-332).

Signed:

Representatives:

COONEY of Sabattus
NAJARIAN of Portland

Which reports were Read.

Mr. Berry of Cumberland then moved that the Senate Accept the Ought Not to Pass Report "A" of the Committee.

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

Mr. CLIFFORD: Mr. President, I would request, because the sponsor of the bill, who is a member of the Senate, is absent, that someone table this for one legislative day so the sponsor could be present.

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

Thereupon, on motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Berry of Cumberland that the Senate Accept the Majority Ought Not to Pass Report "A" of the Committee.

Enactors

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

An Act Relating to the Inspection and Licensing of Motor Vehicle Racing. (H. P. 1722) (L. D. 2115)

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

Indefinitely Postponed by the House

An Act Relating to Liability of Natural Gas Distributors. (S. P. 710) (L. D. 2122)

Comes from the House, Indefinitely Postponed.

On motion by Mr. Clifford of Androscoggin, tabled and Specially Assigned for February 5, 1974, pending Enactment.

Emergency

An Act to Encourage Maine Students

at Graduate Schools to Become Physicians and Dentists. (S. P. 824) (L. D. 2336)

This being an emergency measure and having received the affirmative votes of 25 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 Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974. (S. P. 834) (L. D. 2366)

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

Mr. HENLEY: Mr. President and Members of the Senate: I hesitate to take up this matter this morning. I have always been a strong supporter of a lot of legislation relative to civil defense. For those of you who do not know, I have a long record of civil defense work myself, having been one of the first local directors appointed in 1950, retiring from civil defense in 1965 as a full-time county director. I have always felt quite satisfied and proud of my accomplishments while there, but that is neither here nor there.

What is here is that we are facing not only right now an emergency in fuel perhaps, but we in the legislature are going to be faced with decisions in the immediate future on whether we are going to vote for money for this and money for that.

This bill is, in a sense, rather small in its requirements. It calls for \$45,000. What I would like to ask is why should we, after spending of the state's and federal money millions of dollars for over twenty years in the training, the supplying and equipment of an emergency headquarters here at the state level, over in the other building in the basement, with one of the most sophisticated communication nets of any state in the union, supposedly with one of the best staffs of trained people in the nation — this state has won many awards for its accomplishments in its emergency planning activities — as I say, I have been aware of all this. I know a lot of the staff over there personally. I know them to be very capable well-trained people, de-

licated, and supposedly experienced and knowledgeable in almost any type of an emergency which can be conceived — why is it then for the first little emergency that shows up we must have additional staff to the tune of \$45,000 for just a few months' operation?

I made use of one of our very capable administrative assistants and asked him to obtain some information for me along the lines of present staffing in the civil defense office across the way. I did not completely trust my own knowledge because I only get over there occasionally now since I have been in the legislature and I thought that perhaps there had been great changes since I used to come down several times a month from my own county and indulge in various tests with the state and the other counties, but I find that they still have a lot of the same personnel.

I will not bore you too long with the information that I have on the staff, but there are 28 people over there in addition to the director, and I see as I go through it — I will not list the names, but a lot of them are people that you have known for years: there is the deputy director who has been there since the original inception of Maine's civil defense laws in 1950, the same as myself; there is an administrative officer who has been there many years — I would say perhaps fifteen; there is a communications officer who has been there from fifteen to eighteen years; there are a few new names that I am not familiar with, but there are many more that I am. There is a disaster assistance officer who has, as I recall, attended about all of the emergency schools the country has been able to produce. For many years he has worked for them in many capacities, sector chief and so on. Radiological officer. There is another gentleman who has been there for many years — I would say fifteen to eighteen years — in charge of shelters. He knows the state pretty well, its potentialities and so on. There are men there that have been experienced in administration and supply, who should have a thorough knowledge of how to set up and assess the inventory-supply situation across the state.

I know there are going to be problems, of course, in the allocation of fuels that are in short supply. The very basis of it, of course, is a thorough knowledge of what we do have to allocate, and there

we run up against good old rugged individualism wherein we are going to perhaps have difficulty in obtaining exact information as to supplies on hand. But the people that are there certainly should be able to obtain and utilize that information as well as someone new. They have got people who have worked there many years on the distribution and the acceptance, and so on, of surplus property. They should have the administrative machinery for handling all of these emergencies. That is the very basis and foundation of civil defense which was originally enacted in this legislature in 1949 and became effective in '50. That is what we were taught in all of our schools, to be able to wear half a dozen different hats in our emergency activities, and we were supposed to think up possible future emergencies and prepare ourselves for them.

Now, we are faced this year with this minor emergency. I still say it is a minor emergency, compared to what civil defense is supposed to be taught to handle. And I think perhaps the biggest emergency that we are faced with is the almost certain shrinking revenue this year. I am sure that many of us can put the finger on just how much our revenue is likely to shrink. The sales tax, gasoline tax, income in general. The returns to the state from income taxes, both personal and corporate are likely to shrink, so this \$45,000 could be crucial.

I know one of the answers has been by the director that the personnel presently on the staff were trained for other purposes, that they are not individually capable of handling this type of work. That is hard for me to accept. If they have been trained as I know we were trained back along, they should be capable of handling any type of emergency.

I will not bore you more with this. This is an emergency bill and it may very well pass this body this morning. I cannot vote for it. I know there will be some who will say "Well, Henley has gone back on civil defense." Henley has not gone back on civil defense. I am still proud of what the civil defense has accomplished in the various counties, communities, and in the State of Maine. I also have a constituency to watch out for that insist that we have got to tighten our belts on government costs. Consequently, I believe that that constituency has first priority. So I hope

that there will be others who will fee as I do on this and will oppose this additional expenditure at this time.

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

Mr. MINKOWSKY: Mr. President and Members of the Senate: I think Senator Henley brings up some very valid points and I am in concurrence with his reasoning insofar as this matter is concerned. But I would like to pose a question through the Chair to the Appropriations Committee members, generally speaking, insofar as if this represents six new members to their staff, were their job descriptions and duties and responsibilities analyzed and evaluated before making a determination that this measure should pass?

The PRESIDENT: The Senator from Androscoggin, Senator Minkowsky, has posed a question through the Chair to any member of the Appropriations Committee who may answer if they so desire.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL: Mr. President and Members of the Senate: With reluctance, I rise to oppose my good friend, Senator Henley, on this issue. We heard this request and, like Senator Henley, many of us on the Appropriations Committee felt at the outset that the Civil Defense Department in state government was adequately funded, had adequate staff and experience to handle what we thought was their primary mission, and that is the mission of emergency. However, Mr. Wilson appeared before us and convinced us of the merit of this request, which would fund the present positions which he now has in this energy emergency section. He now has nine people working there which have been funded by EEA funds and by transfers from the contingency account. This money, if it has not run out, is running out, and I understand it has run out.

This bill calls for \$40,000 for personnel services, with no position count, so that these positions are not established on a permanent basis; they will be contractual, and \$5,000 for all other which would pay the costs of telephones and automobiles and so on that these people must have to service the public and industry here in the State of Maine in this energy crisis.

None of us know just how bad this

crisis is going to become, but certainly we are all aware that there is something in the offing that is far different than anything we have ever experienced before. We felt on the Appropriations Committee that this request did have merit. Over the last few years we have steadily cut down the staff of the Civil Defense Department. I think when I first became Chairman it had a position count of around 45 or 48 people, and I believe at the present time its permanent complement is around 26 or 28 people, so we have been aware that economies must be met in state government and that we should not fund any more people in this kind of operation than absolutely necessary. Now that the atomic bomb has, at least for the moment, disappeared as an ever-present threat, we did not feel that some of the staff that was there on bomb shelters and so on was necessary, and we acted correspondingly.

But this energy crisis is a whole new ballgame and the Office of Civil Defense was not set up to handle it. We were told, and frankly we believe, that this group of nine people that were put in there last fall are performing a vital service to the people of the State of Maine. If a company runs out of fuel oil and they don't know where to turn, these people are dispatched to find some or reallocate some. If a town, which has happened, several towns in the rural areas have run out of oil or have run out of gasoline, and this office does what it can to see that shipments are reallocated into this area.

We believe that Director Wilson is forthright and honest in his desire to handle this energy crisis in an orderly fashion here in Maine, and we believe that Maine is in the forefront of being prepared for whatever may come. So that while I am as much a believer in economy as the next person, I think that not funding the staff that is now working down there would be very poor economy, so I hope the Senate would not vote to indefinitely postpone this bill.

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

Mr. HENLEY: Mr. President and Members of the Senate: I just want to mention the EEA funds. I wonder how many jobs there are that have been created in the State of Maine with federal EEA funds a year or two ago and

now we are stuck with them. I know personally of at least two such positions at the county level, and I don't say but what they are doing a good job, but it is so easy for someone to be placed in a job on these emergency funds and then to create themselves a little empire and then, when the money runs out, why we just can't get along without them so we have got to have state money to run them. I know that is how it is occurring and it is so easy to say, well, we have got to temporarily continue these people and finance them. I know in our county we are stuck with two people in two positions residue of these emergency funds. Even through it isn't an awful lot, but it runs probably \$15,000 a year, and that is \$15,000 a year that the county and the taxpayers were not paying before. It is jobs which were completely created where nobody was doing it before, and I can't see that it is running the county any better than it did before. So that is what I say about these jobs, they create them, we supply some money to carry them on a while, and they are there permanently, and that is what I am afraid of. That is why I am a little leery of federal funds supposedly on a temporary basis. I shall still oppose this bill.

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

Mr. CONLEY: Mr. President and Members of the Senate: We were confronted with Mr. Wilson on several occasions, and I don't believe there has been any state employee who has earned his taxpayers' dollar more than Mr. Wilson has, particularly during the era of the flood crisis early in January. At that time there was actually no one that these communities could depend upon for any assistance relative to that crisis, and then the energy crisis on top of that even opened the eyes of many people within the state, particularly within state government, that Civilian Defense was not doing a responsible job.

Mr. Wilson did come before the Appropriations Committee and asked for a number of employees to help with the situation, and we allotted him the nine that are contained in this document. We had skepticism, like many people do, about the so-called energy crisis and shortages of fuel, but he certainly impressed upon us the need for these employees. At least he convinced the Ap-

propriations Committee that we should fund them, and we did up until June 30 of this year. After that I think it is time for the legislature to take another look, and I would urge the members of the Senate to pass this bill today.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is enactment of L.D. 2366, An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974. This is an emergency measure and, under the Constitution, in order for its passage it requires the affirmative vote of two-thirds of the entire elected membership of the Senate. Will all those Senators in favor of passage of the bill to be enacted please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

This being an emergency measure and having received the affirmative vote of 21 members of the Senate, with six Senators voting in the negative, and 21 being less than two-thirds of the entire elected membership of the Senate the Bill Failed of Enactment.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby this Bill Failed of Enactment.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Enactment.

Orders of the Day

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

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals. (H. P. 1906) (L. D. 2414)

Tabled—January 29, 1974 by Senator Hichens of York.

Pending—Passage to be Engrossed.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-331, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Berry of Cumberland the Senate voted to reconsider its prior action whereby Resolve, Designating a Certain Man-made Lake in Berwick as Lake Hatfield, (H. P. 1924) (L. D. 2457), was Indefinitely Postponed.

On further motion by the same Senator, referred to the Committee on

Legal Affairs and Ordered Printed in concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, Adjourned until 1:00 o'clock tomorrow afternoon.