

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1965

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 13, 1965

Senate called to order by the President.

Prayer by Rev. Howard O. Hough of Portland.

On motion by Mr. O'Leary of Oxford, the Journal of yesterday was Read and Approved.

The PRESIDENT: The Chair would like to welcome back the Senator from Penobscot, Senator Southard and I know that I speak not only for myself but for every member here when I say that we sincerely missed you while you were gone and we do welcome you back here this morning.

Communication

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA, MAINE

May 12, 1965

Honorable Edwin H. Pert
Secretary of the Senate
102nd Legislature

Sir:

The Speaker of the House on May 12 appointed the following Conferees on the disagreeing action of the two branches of the Legislature on H. P. 265, L. D. 347, Bill, "An Act Providing for a Legislative Conference Prior to the Convening of the 103rd Legislature:"

Messrs. BINNETTE of Old Town
DUDLEY of Enfield
KITTREDGE

of South Thomaston
Respectfully submitted,
JEROME G. PLANTE
Clerk of the House

Which was read and Ordered
Placed on File.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK

May 12, 1965

Honorable Edwin H. Pert
Secretary of the Senate
102nd Legislature

Sir:

The Governor of the State having returned to the House "An Act

Relating to Boards of Registration in Certain Towns," (H. P. 471) (L. D. 624) with his objections to same, the House proceeded to vote on the question: Shall the Bill become law notwithstanding the objections of the Governor. A ye and nay vote was taken. Seventy-two members voted in the affirmative and sixty-seven in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,

JEROME G. PLANTE
Clerk of the House

Which was Read and Ordered
Placed on File.

Order

On motion by Mr. Boisvert of Androscoggin

ORDERED, the House concurring, that the members of the Joint Standing Committees on Judiciary and Legal Affairs be given copies of the annotated Revised Statutes of 1964. (S. P. 544)

Which was Read and Passed.
Sent down for concurrence.

Reports of Committees**House****Leave to Withdraw**

The Committee on Agriculture on Bill, "An Act Relating to Application for Milk Dealers to Sell Milk." (H. P. 27) (L. D. 39) reported that the same should be granted Leave to Withdraw.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Create a Recess Committee to Study all Phases of the Maine State Retirement System and Related Titles of the Social Security Act." (H. P. 114) (L. D. 133) reported that the same should be granted Leave to Withdraw As covered by other Legislation.

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Loans to Students Attending Tax Supported Teacher - Preparing Institutions." (H. P. 957) (L. D. 1292) reported that the same Ought Not to Pass.

The same Committee on Resolve Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas. (H. P. 307) (L. D. 410) reported that the same Ought Not to Pass.

The Committee on Welfare on Bill, "An Act Relating to Rules and Regulations for Safety and Welfare of Railroad Employees." (H. P. 756) (L. D. 993) reported that the same Ought Not to Pass.

Which reports were Read and Accepted in concurrence.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Create a Maine State Board of Human Research and Development." (H. P. 904) (L. D. 1232) reported that the same Ought Not to Pass.

Comes from the House, Bill Substituted for the Report, and Passed to Be Engrossed As Amended by House Amendment "A" (H-279)

In the Senate, on motion by Mr. Duquette of York, tabled pending acceptance of the Report.

Ought to Pass—As Amended

The Committee on Education on Bill, "An Act Relating to Borrowing Powers of East Corinth Academy." (H. P. 1065) (L. D. 1443) reported that the same "Ought to Pass" As Amended by Committee Amendment "A" (H-309)

Which report was read and accepted in concurrence. The Bill was read once. Committee Amendment "A" was read and adopted in concurrence, and the Bill, As Amended, this afternoon assigned for second reading.

Divided Reports

The Majority of the Committee on Inland Fisheries and Game on "An Act Providing for Adequate Fishways in Dams". (H. P. 225) (L. D. 292) reported that the same "Ought to Pass" in New Draft under same title. (H. P. 1108) (L. D. 1514)

(Signed)

Senators:

MCDONALD of Piscataquis
MANUEL of Aroostook

Representatives:

COOKSON of Glenburn
ANDERSON of Ellsworth

ROBERTS of So. Berwick
BALDIC of Waterville
GAUDREAU of Lewiston
POULIN of Skowhegan
CHAMPAGNE of Fairfield

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

(Signed)

Senator:

HOFFSES of Knox

Comes from the House Minority "Ought not to Pass" Report Accepted.

In the Senate on motion by Mr. Manuel of Aroostook, tabled pending acceptance of either report.

The Majority of the Committee on Judiciary on "An Act Relating to Persons Having Right to Redeem Mortgaged Premises." (H. P. 136) (L. D. 160) reported that same Ought not to pass.

(Signed)

Senators:

GLASS of Waldo
VIOLETTE of Aroostook
STERN of Penobscot

Representatives:

BERMAN of Houlton
BISHOP of Presque Isle
DAVIS of Calais
RICHARDSON
of Cumberland
GILLAN of So. Portland
BRENNAN of Portland

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

(Signed)

Representative:

DANTON

of Old Orchard Beach

Comes for the House indefinitely postponed.

In the Senate, on motion by Mr. Violette of Aroostook, indefinitely postponed in concurrence.

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Rights of Creditors to Redeem Real Estate." (H. P. 139) (L. D. 162) reported that the same Ought not to pass.

(Signed)

Senators:

GLASS of Waldo

VIOLETTE of Aroostook
STERN of Penobscot

Representatives:

BERMAN of Houlton
BISHOP of Presque Isle
DAVIS of Calais
RICHARDSON
of Cumberland
GILLAN
of South Portland
BRENNAN of Portland

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

(Signed)

Representative:

DANTON
of Old Orchard Beach

Comes from the House, the Majority Ought not to pass Report accepted.

In the Senate, on motion by Mr. Violette of Aroostook, the Majority Ought not to pass report was accepted in concurrence.

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Photostatic Copies of Statements Filed under Uniform Commercial Code." (H. P. 634) (L. D. 859) reported that the same Ought not to pass.

(Signed)

Senators:

GLASS of Waldo
VIOLETTE of Aroostook
STERN of Penobscot

Representatives:

RICHARDSON
of Cumberland
DAVIS of Calais
GILLAN
of South Portland
BRENNAN of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to pass, as Amended by Committee Amendment "A" (H-314)

(Signed)

Representatives:

BERMAN of Houlton
DANTON
of Old Orchard Beach
BISHOP of Presque Isle

Comes from the House, the Majority Ought not to pass Report accepted.

In the Senate, on motion by Mr. Violette of Aroostook, the Majority Ought not to pass report was accepted in concurrence.

The Majority of the Committee on Liquor Control on

Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 524) (L. D. 698) reported that the same Ought to Pass in new Draft under same title. (H. P. 1118) (L. D. 1525)

(Signed)

Senators:

FALOON of Penobscot
JACQUES

of Androscoggin

Representatives:

BERNARD of Sanford
FAUCHER of Solon
ROY of Winslow
LUND of Augusta
COTE of Lewiston

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

(Signed)

Representatives:

MEISNER
of Dover-Foxcroft
HAYNES of Camden

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

In the Senate:

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate, as Chairman of the Liquor Control Committee, I think it is my duty here this morning to tell you why the majority of the committee came out with this new draft. We had hearings all winter on the liquor bills but the biggest hearing we had was when we had the Sunday Sale of Liquor. This bill had come up here many times. It was here four years ago. It was enacted in the House and enacted in the Senate. Then it went to the Governor for his consideration and the Governor, by pressure group, forwarded the bill to the Senate and asked the Senate to reconsider its action and the Senate would not and the Governor vetoed the bill.

This bill had a hearing that lasted almost five hours. We had hundreds and hundreds of people

that attended the hearing but only a few spoke in favor and against the bill. I voted for the majority report for one reason and one reason alone. That is that we are one of nine states in the United States that don't have liquor on Sunday and when I say liquor I mean beer and hard liquor. Our neighboring states, New Hampshire, Vermont and Massachusetts at present have liquor on Sunday and they are draining our tourist business. Sure our tourist business is going up but I think if we had liquor on Sunday it would increase and increase a lot more because we know, and I wish I had the letter here that I received, we know New Hampshire has picked up in their Class A Restaurants almost ten percent more in their liquor sales. We in committee were told that this would bring in a million dollars in the next two years. I think these figures were a little conservative at the time. Since then this has been analyzed by people that are involved in this type of business and it is said that this will now bring a million eight hundred thousand to two million dollars a year. Now I am not one to question this. I am just revealing these facts to the members of the Senate and you, Mr. President, so that you will think this over before you do vote on this bill.

In licenses it will bring in, and this is conservative again, it will bring in about fifty-five thousand dollars in licenses and how do we know how much more it is going to bring in on the sales tax? As you know, we have a sales tax on beer at the present time and this also will increase the sales tax revenue for the next two years and how about the people who are coming in who will eat in these restaurants or buy liquor and how much more will they spend for rooms and other things that they need? We don't know. That is why I say this is very conservative and we hope that it does go into the two million dollars.

There were many factors brought out at the hearing and

it was a very well attended hearing. The people were very conscientious in attending this meeting. We had people that opposed the bill and believe me they conducted themselves in very good fashion and so did the proponents. It was an enjoyable day presiding at that hearing and I commended both sides for the way they took part at that hearing. I wouldn't mind conducting a hearing like that every day if it was like that one.

We were told at the hearing that the chains, hotels, would like to locate in Maine, but our liquor laws are so inadequate that they don't dare come into our state to locate here. As you all know, liquor is in the State of Maine to stay. Let's not fool ourselves; it is. I have seen people that vote dry and will continue to vote dry but they are "wet". They have a drink as your neighbor has on Sunday or during the week. I don't mean in restaurants on Sunday.

We were also told by the "drys" that if I voted for the sale of liquor on Sundays that I would be responsible for people that would be involved in an accident and killed. Well, Mr. President and members of the Senate, we have many divorces in this country but we don't do away with marriages. We have people who get killed by guns and we don't do away with guns. We have them just the same. This is the same thing. We don't put the bottle in their mouth or the glass to their mouth. This is up to them. They either take it or leave it. This will be the same on Sunday as any other day in the week. I had a lot of mail sent to me as chairman of this committee and I enjoyed reading the mail, from both the opponents and the proponents. Especially from my community. I had, I would say hundreds of letters favoring it. There is much more I would like to say, Mr. President, but I will wait, and maybe later on I will have to get up again and fight an amendment that is going to be presented a little later.

Mr. President, I move that we accept the Majority Report of the committee which came out of the committee seven to two. There was one of our members that was not present at the time. He was in the hospital but I see him sitting here this morning and I am very happy to see him back. Thank you, Mr. President.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate, having listened to this speech which I don't feel there was much need of, I think everyone knows how the vote is going today, and I am moved to say to myself, "Who is pressuring whom around here?" The former speaker talks about pressure. What exactly has been going on since the beginning of this session? The lobbyists are thick and everyone knows who is lobbying who and how many lobbyists are on one side and how many are on the other. So much for pressure.

The next thing I would like to point out is that they say that this will benefit the tourist business. It was pointed out in the House yesterday that the tourist business has increased. Probably it would increase more, the Senator from Androscoggin says, but who knows? We are doing all right now. Another thing I have been urged to talk about since the beginning of the session, this is a Liquor Control Committee, of which the gentleman is Chairman, or the Senator, I should say. Exactly how much control has been going on in this session? I could go on and on, but insults would do no good so I won't resort to them. To me the whole thing is just a breakdown in our society. I am convinced that the majority of my constituents don't want the Sunday sale of liquor. It is true there are a few and I know exactly where they are and I have letters from them but the majority of my letters are against it.

As a woman, and one who I hope can command a certain amount of respect, I could not go back home to the young people in my town and county and feel I could still command respect if I vote for a bill like this.

So whether I am the only one that votes against it or not, I oppose the bill and I ask for a division.

Mr. JUTRAS of York: Mr. President, I am so glad that I did go down on record on April 22, 1965 and therefore I add no more to the record this morning. I am in favor of Sunday sales and that is the only thing I am in favor of.

The PRESIDENT: The motion before the Senate is the motion of Senator Jacques of Androscoggin, to accept the Majority Ought to Pass report of the committee. A division has been requested.

A division of the Senate was had.

Twenty-four voted in the affirmative and eight opposed.

Mr. CAHILL of Somerset: Mr. President, I request the Yeas and Nays.

The PRESIDENT: In order to entertain the motion for Yeas and Nays, the Chair must have the expressed consent of one-fifth the members present.

A division of the Senate was had.

Six voted in the affirmative and twenty-six opposed, and six being less than one-fifth of the members present, the roll call was not ordered.

The PRESIDENT: The Chair will again request a division on the motion of Senator Jacques of Androscoggin that the Majority Ought to pass report be accepted.

A division of the Senate was had.

Twenty-four having voted in the affirmative and nine opposed, the motion prevailed, the Ought to pass report was accepted, the bill read once and this afternoon assigned for second reading.

Senate

Leave to Withdraw

Mr. Violette from the Committee on Judiciary on Bill, "An Act to Create the Office of Public Defender." (S. P. 303) (L. D. 1005) reported that the same should be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Stern from the Committee on Judiciary on Bill, "An Act Relating to Information Against Attorneys." (S. P. 285) (L. D. 847) reported that the same Ought to pass.

Which report was Read and Accepted, and the Bill read once and this afternoon assigned for second reading.

Ought to Pass—As Amended

Mr. Bernard from the Committee on Business Legislation on Bill, "An Act Amending the Banking Laws." (S. P. 379) (L. D. 1216) reported that the same Ought to pass as amended by Committee Amendment "A" (S-196)

Mr. Violette from the Committee on Judiciary on Bill, "An Act Affecting Certain Statutes Pertaining to Court Process and Procedure in Criminal Cases and to Kindred Matters." (S. P. 356) (L. D. 1140) reported that the same Ought to pass as amended by Committee Amendment "A" (S-198)

Which reports were read and accepted and the Bills read once. Committee Amendments "A" were read and adopted, and the Bills, As Amended, this afternoon assigned for second reading.

Ought to Pass in New Draft

Mr. Violette from the Committee on Judiciary on Resolve to Reimburse Fred P. Haskell for Fire Damage. (S. P. 185) (L. D. 550) reported that the same Ought to pass in New Draft under New Title: Resolve, Authorizing Fred P. Haskell to Bring Civil Action Against the State of Maine. (S. P. 541) (L. D. 1539)

Which reports were read and accepted, and the Bill and Resolve read once in New Draft, and this afternoon assigned for second reading.

Mr. Shiro from the Committee on Legal Affairs on Bill, "An Act Revising the Electricians Licensing Laws" (S. P. 383) (L. D. 1199) reported that the same Ought to pass in new draft under the same title (S. P. 540) (L. D. 1538)

Mr. JACQUES of Androscoggin: Mr. President, I move that this item be tabled.

Mr. SHIRO of Kennebec: Mr. President, I wish to ask through the Chair if Senator Jacques will assign a special day.

Mr. JACQUES: Mr. President, I don't think there is any need for assigning bills for a special day. The bills will be taken off the table automatically starting next week.

Mr. SHIRO: Mr. President, I would ask for a division on the tabling motion.

A division of the Senate was had.

Twenty-seven having voted in the affirmative and six opposed, the motion prevailed and the bill was tabled pending acceptance of the report.

Second Readers

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

House

Bill, "An Act Relating to Definition of Aid and Disabled under Aid to the Disabled." (H. P. 1114) (L. D. 1521)

Resolve, Discharging Town of Brooks from Part of the Indebtedness to State for Preparation of Agreement for Dissolution of School Administrative District No. 3. (H. P. 419) (L. D. 531)

Resolve, Providing Increases in Retirement Allowances for Certain Retired Fish and Game Wardens. (H. P. 248) (L. D. 316)

Which were read a second time and Passed to be Engrossed in concurrence.

House—As Amended

Resolve, Appropriating Moneys for Location of Vocational Educational Institute in Northern Kennebec County or Southern Somerset County. (H. P. 1097) (L. D. 1494)

Bill, "An Act for Shrinkage Allowance on Motor Fuel for Service Stations." (H. P. 557) (L. D. 873)

Which were read a second time and Passed to be Engrossed, as amended, in concurrence.

Senate

Bill, "An Act Qualifying the State for Full Participation in Vocational Education Act of 1963." (S. P. 78) (L. D. 223)

Bill, "An Act Revising the Motor Vehicle Dealer Registration Law." (S. P. 535) (L. D. 1526)

Bill, "An Act Providing for the Formation of Sanitary Districts." (S. P. 275) (L. D. 855)

Bill, "An Act Revising the Rural Electrification Cooperative Law." (S. P. 538) (L. D. 1528)

Resolve, Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms. (S. P. 537) (L. D. 1527)

Which were read a second time and Passed to be Engrossed.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the 1st tabled and today assigned item (S. P. 349) (L. D. 1115) Senate Reports from the Committee on Education on bill, "An Act Requiring all Municipalities to Join School Administrative Districts by 1970" Majority Report, Ought to pass; Minority Report, Ought not to pass; tabled on May 6 by Senator Snow of Cumberland pending acceptance of either report.

Mr. SNOW of Cumberland: Mr. President, I would move for acceptance of the Majority Ought to pass report and if I may I would like permission to address the Senate briefly.

The PRESIDENT: The Senator may.

Mr. SNOW: When this ought to pass report is accepted an amendment will be offered which I would like to explain. One problem with the bill we discovered after it had been passed out of committee was that it failed to define the roll of private academies in school districts sufficiently clearly. An amendment has been prepared to do that.

Thereupon, on motion by Mr. Norris of Oxford, the bill was tabled pending the motion of Senator Snow to accept the Majority Ought to pass report.

The President laid before the Senate the 2nd tabled and today assigned item (S. P. 503) (L. D. 1469) Senate Report from the Committee on State Government

on Resolve Proposing an Amendment to the Constitution Affecting Apportionment of Penobscot County for the Election of Senators;" Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on May 6 by Senator Mendell of Cumberland pending motion by Senator Bernard of Penobscot to accept the Minority Ought to pass report; and Senator Mendell moved the pending question.

Mr. BERNARD of Penobscot: Mr. President, since I made the motion to accept the Minority Report of the Committee, I think I should explain my reasons. L. D. 1469 would in my opinion correct many of the inequities in the present way of electing Senators from Penobscot County. First I would like to say that I believe the people who wrote the Constitution for the State of Maine did a very good job. It has been very effective for many years promoting a balanced representation between the House and the Senate. At that time our economy was mostly agricultural and we needed city strength to offset the power of the House which was mostly rural. However, times have changed. At present our economy is mostly industrial — not quite as industrial as we would like to have it but fairly good. This has created a predominantly large city representation in the Senate. For instance, a large city like Bangor will elect most of the Senators. This doesn't seem fair to the smaller cities and towns. This bill would eliminate the competition between the large city and the smaller city. This bill would also eliminate the chance of an outstanding candidate carrying other mediocre or even poorly qualified candidates into office on their coattails. This bill would also reduce the chances of a rich candidate advertising or buying his way into office and carrying poorly qualified candidates along.

Senatorial districts would also lower the cost and time of campaigning thereby giving candidates of higher quality but less wealth a chance to get elected.

Senatorial districts would give the people a better chance to know the candidates thereby reducing the chances of a poorly qualified candidate getting elected. Senatorial districts would also give the people a chance to elect candidates of their own kind, thereby getting better representation for themselves.

L. D. 1469 would also be in conformity with the Supreme Court Senate reapportionment order. I also believe that this legislative document would create better competition between the two parties thereby promoting the two party system which I believe and most people believe we need very badly. Thank you.

Mr. STERN of Penobscot: Mr. President I did not want to speak in opposition to my good friend Senator Bernard but I would like to say that on this particular bill we did have a hearing before our Committee on State Government and we felt that this ought not to pass. I might say that some of his objections which he stated before the Senate certainly failed to materialize in the last election. I am the only Senator from Bangor and I feel so all alone and I do feel that among other things some of our most able and most qualified members are in the city of Bangor and if they were limited to one Senator the state would lose thereby and I don't feel that this bill would solve some of the objections that Senator Bernard has stated. I don't violently oppose it but I do want to bring out that this is something new. If this succeeds in passage perhaps some of the other Senators in the larger counties will want to do the same thing and I think that the people would suffer thereby and I would say that the majority of the Committee on State Government felt that it ought not to pass after the hearing.

Mr. BERNARD of Penobscot: Mr. President, I thought Senator Stern signed the Minority Ought to pass report, but maybe he has changed his mind.

The PRESIDENT: Is the Senator making an inquiry?

Mr. BERNARD: Yes, Mr. President, I would like to inquire as to the signers on the report.

The Secretary read the Committee Report.

Mr. BERNARD of Penobscot: Mr. President, I would like to answer Senator Stern, a good friend of mine. The only reason there weren't more candidates selected from Bangor is that none of them ran, and of course the other three candidates were elected on Senator Stern's coattail. So I still maintain that the big city of Bangor is dominating the representation in the Senate.

Mr. STERN of Penobscot: Mr. President, it is true that I was one of those that signed the Minority Report but since that time, I have had occasion to go back home, and you know I am speaking politically and we have in recent years had quite a Democratic organization in the city of Bangor and they have been so imbued with the success of the Democratic administration that people who have never been interested in running for office are now interested and they feel that if this bill were enacted, it would stifle competition, that there would be many who perhaps would not be willing to run and they do feel that it is bad for the city of Bangor.

Now I am thinking of the Democratic party and I think that if this bill went through it would hurt us and I am being selfish about this. I do think it would hurt us because these Senators from my county are young fellows recently come on the scene. They haven't had the experience or the training or the ability that we older fellows have had in Bangor (laughter) and we have some stiff elections coming up and we want everyone to have a chance to be able to go in there in the next election and show that we have some real qualified men and they shouldn't be limited to just one member from the city of Bangor. I think that this apportionment would mean that this would so happen. And not only that, but as I understand in previous years, the Senators who were elected,

probably the four of them would come from the city of Bangor. Now I feel that we should have the opportunity not to limit ourselves and I think it would be for the best interest of the party. I am sorry I had to change my mind but I do change it quite frequently as I get older and wiser.

Mr. BERNARD of Penobscot: Mr. President, I will be very brief. The Democrats hadn't elected a Senator for fifty years up until this time and I honestly believe if we had Senatorial districts we would have done better than that.

Mr. CAHILL of Somerset: Mr. President as long as we are talking politics I couldn't help but say something. I have to agree with Senator Stern for this reason. I think the last election has proved beyond any doubt to the Republican Party that they are going to have to set up something besides any old cedar post on the Republican ticket to get it elected.

Mr. STERN of Penobscot: Mr. President, I request a division.

A division of the Senate was had.

Ten having voted in the affirmative and twenty-two opposed, the motion to accept the Minority Ought to Pass report did not prevail.

Thereupon, the Ought Not to Pass Majority report was accepted.

Sent down for concurrence.

The President laid before the Senate the 3rd tabled and today assigned item (H. P. 491) (L. D. 644) House Reports from the Committee on Legal Affairs on bill, "An Act Permitting the Establishment of Private Shooting Preserves"; Majority Report, Ought not to pass; Minority Report, Ought to pass; tabled on May 7 by Senator Shiro of Kennebec pending motion by Senator Jacques of Androscoggin to accept the Minority Ought to pass report.

Mr. O'LEARY of Oxford: Mr. President, this is a perennial bill. It came before the Legislature two, four, six and eight years ago. It has never received passage, never has been reported out of committee with an Ought to

pass report yet, and I believe this one came out seven to three Ought not to pass. I move the indefinite postponement of the bill and all accompanying papers.

Mr. JACQUES of Androscoggin: Mr. President. I don't know if I know much about game preserves or a private commercial hunting preserve, but I have here a couple of things I would like to read to the Senate. I am a member of the Legal Affairs Committee that voted for the Minority Ought not to pass report, and the next day, this was left on my desk and I wondered what I got myself into when I voted Ought not to pass. It says here that wardens will be forced to enforce the trespass law if this bill is enacted. Head biologists can recall only one case of the trespass law being prosecuted and this law requires much enforcement and depends on the conscience of the people. This law does say birds only. This law does not definitely state the license is for birds. It is the same law used in Michigan and they have no problem in this respect. There is no provision made for fencing under this law. This law is an enabling act and will regulate, and the provisions are under the Commissioner of Inland Fisheries and Game, and he may revoke a license if he considers it not in the best interest of the state.

It says that it will increase the revenue of the Department of Inland Fisheries and Game. Sportsmen can again enjoy watching dogs work and hunt again without the rough conditions of native hunting. The supply of game will be increased. Dog owners will get increased use out of their dogs. It adds to our tourist attraction and takes advantage of our resources to the best advantage.

This new industry allowed under this bill could conceivably gross up to a half million dollars. There is another chance to get another half million, Mr. President. If we keep this up we won't have to find extra taxes. The game breeding industry could be expected to develop and grain dealers would gain for it would cost about \$2.50 to raise a pheasant.

A very important advantage is that our youngsters would have an excellent training area where they would be supervised under actual hunting conditions. I hope that when the vote is taken it will be taken by division.

Mr. MAXWELL of Franklin: Mr. President, ladies and gentlemen of the Senate, I have to rise this morning in opposition to this bill and agree with the good Senator from Oxford County that it has been around for a long time and has never come out with even a divided report before.

We are now at the present time in the State of Maine suffering from a tremendous amount of posted land, and if this bill were to pass we would suffer a tremendous addition to this posted land for the following reasons.

These birds don't know where the boundaries of the shooting preserve are and they don't care and therefore they fly out into the neighbors fields and pastures and because there are a few birds in these locations, lots of hunters go to them and this results in the farmer, or the person owning the land, posting his land also and if you don't believe it, I can take you into Michigan where there is such a case. I hunted while I was in the army out there, for a period of three years, and I always used to go hunting right beside one of these preserves. I got permission of the farmer to do so, because I had an army uniform on. He acknowledged it and said, "You may go but I don't allow the natives to hunt here because they would tread down all of my fields if I did. I am sure if you were going to go out and wanted a rooster for Sunday dinner, you wouldn't go out into your chicken pen with a shotgun. I think you would go out with a net and an axe and that would be it. This is exactly what these shooting preserves turn into in many cases. You go and pay a fee, you take your dog and go in and they release some birds and you shoot them. To me this is not sport. It is not sport. I have raised pheasants for the State of Maine over a period of five or six years. I stopped raising them because of

the way they were being turned out. The club members would come down on a Friday night, gather up twenty - five to fifty birds, take them out into some field and release them after dark. And at daylight, those in the know were out in the field hunting this particular group of birds. I will agree that our program is a put and take thing but this I thought was carrying it a bit too far.

I also belong to the Maine Fish and Game Clubs Incorporated and at the present time we have forty members clubs and at their last meeting they voted to oppose this bill. I would like also to say that the department, and especially the biological end of it is very definitely opposed to it so if you want to have some more land posted then pass this law.

Mr. SHIRO of Kennebec: Mr. President, as Chairman of the Legal Affairs Committee which heard this bill, I think I ought to explain somewhat the action of the majority of the committee in deciding that this bill ought not to pass. It had a rather extensive hearing. I think there were many hunting enthusiasts who attended the hearing. The bill has been vigorously opposed by many fish and game clubs throughout the state and I have had a great deal of literature, all of it in opposition to the bill. Mr. Speers of the Department of Inland Fisheries and Game here in Maine spoke very profusely on the bill and vigorously opposed it. I think one basic reason for opposing the bill is that Maine perhaps has always had the reputation of being a place for wild hunting and although many jurisdictions we understand, do have these private game preserves, they are somewhat in a different situation than Maine in that many of them do not have the animals or the wilderness that we have for hunting and this is probably one of their only means of having some kind of facilities for persons who want to engage in hunting, if you wish to call a game preserve "hunting."

Apparently the methods by which these preserves are maintained for persons frequenting them varies from one preserve to

another. The way it was described at the hearing as, I think Senator Maxwell pointed out, really is not hunting. It almost compares with skeet shooting. Anyway this would call for setting aside a certain percentage of wild land in each county. I think no more than one tenth of one percent or something of that nature. There is a certain limitation on the amount of land which would be set aside for these game preserves. Many persons at the hearing were those who represented fish and game clubs and they almost unanimously voiced their objections to the establishment of private game preserves. I think the majority of the committee felt that this would not in any way enhance the reputation of Maine as being a wild game state to hunt, and I think we have enjoyed for many years especially in surrounding states, an area to which people can come and hunt for wild game. So in that light I would like to ask that when the vote is taken a division be had.

Mr. CAHILL of Somerset: Mr. President, I would like to ask a question of someone who should know. Is this thing going to be mandatory so that each county is going to have to have one of these?

The PRESIDENT: The Senator from Somerset, Senator Cahill, directs a question to any Senator and any may answer who so choose.

Mr. SHIRO of Kennebec: Mr. President, in answer to Senator Cahill's question, I would like to answer a categorical "No", that no county shall be required to put aside any particular amount of land. It would be a private enterprise only. However, the limitation on the amount of land in any one county would apply so that if there were, say, several private game preserves of this nature in a county, the total aggregate land set aside by these private enterprise could not exceed a certain amount — I forget the amount exactly — but it is stated in the bill the amount of land.

Mr. CAHILL of Somerset: Mr. President, I believe then from what he says that this is probably something similar to what they

have at the present time, I am sure, and had in the past in Long Island, shooting preserves privately owned. Many people belonged to them in that part of the country. Many people like to hunt birds with dogs and of course you know the season here in the State of Maine for bird hunting is short. You keep a dog a year and hunt him six weeks at the outside — most of them hunt four — and they take him out after deer season opens and somebody shoots the dog. And it's been done.

I'd like to see the thing tried, myself. I think I'll go along with the Ought to pass report.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Oxford Senator O'Leary, that the bill and reports be indefinitely postponed.

Mr. O'LEARY of Oxford: Mr. President, when you look at the bill, it says, "not more than one percent of the gross land area of any county shall be licensed." In Oxford county I believe it figures out to a little over 21,000 acres. In a township six miles square I believe there are 23,040 acres. In Aroostook County, this would amount to pretty near three townships or perhaps even four, and in Oxford I know it would be pretty near one township. You can imagine what the size of this thing is going to be. Are we going to perpetuate the hunting for our children and our grandchildren in the future? Are we going to say that hunting in the future shall only be for the rich and the privileged? I say this bill stinks and we should kill it.

Mr. JACQUES of Androscoggin: Mr. President, I would just like to answer the question that the Senator from Somerset, Senator Cahill asked a little while ago. This is an enabling legislation and would be directly under the Commissioner of Inland Fish and Game and he may revoke a license if he considers it not in the best interest of the State. At the present time Michigan has this law and they tell me they have no trouble at all.

Mr. MANUEL of Aroostook: Mr. President, I would like to rise in

defense of the motion to indefinitely postpone this bill. As Chairman of the Fish and Game Committee, we had several bills in disguise which came in front of us, which in the end would set up these private shooting preserves. I think I would like to go back just a little bit and point out a few things. In the original charter of the Commonwealth of Massachusetts, laws were established that would make fishing and hunting free to all people. This is back of course in the Colonial days even before Maine became a state. And when Maine was set up as a state, we carried those laws down until this very day. I have had the opportunity to hunt in states where these laws have not stayed in the original form, such as New York, Pennsylvania and Massachusetts. Now in those areas they have established many game preserves and they are set up primarily for the privileged and for the few. It has been a great privilege to the people here in Maine to be able to buy a fishing license or to be able to buy a hunting license and to go into our lands anywhere from Kittery to Fort Kent and with the exception of Baxter State Park and a few privately posted places, you could virtually go anywhere. This is something we have had here in Maine, and unless you have lived in other states where they do not have this system, I do not think you can appreciate it as much as I have. Pure and simple, I think this is class legislation in its worst form and I would move that we indefinitely postpone this bill.

Mr. HILTON of Somerset: Mr. President, I am in favor of this measure. My county has a lot of abandoned farm land. It was worked twenty-five years ago; you might call it wild land today. The owners are still paying taxes. If they could get a little revenue out of this I think it would be a good thing. There are several stages in this abandoned farm land. The first thing, somebody quits working the land and putting any fertilizer on and then someone comes and cuts the hay and then the next step is that it

won't be mowed for a couple of years and alders and willow and one thing and another get started and then it is beyond recall and it isn't but a little while before it is wild land. In my county I can name one town that was a town once, then it was a plantation and now it's unorganized. I think a place like that would be good for a game preserve. There's also one place where there is a private fish pond. I think these people are doing pretty well. They buy the fish. It is a private enterprise and of course this game preserve is something new but I think it has possibilities.

Mr. SHIRO of Kennebec: Mr. President, I would like to point out that it was stated at the hearing by, I think, Mr. Speers of the Fish and Game Department, that if this bill were passed, it would probably set off approximately a quarter million acres throughout the state which would be appropriated for this type of preserve, counting the one percent of the total land area in any one county. It was also felt, and I feel personally that it could have a tendency to deter hunters coming into the state from other states to hunt. I think it was felt also by the Fish and Game Department that it could have a bad or unfavorable effect upon wild hunting in the state. Therefore I would ask that we support the motion by Senator O'Leary, that this bill be indefinitely postponed.

Mr. JACQUES of Androscoggin: Mr. President, I would like to read this little paragraph that I have to the members of the Senate: A shooting preserve is land privately owned and managed for hunters and they come in and take artificially stocked game for a fee. At the present, some forty-five state legislatures have passed this type of legislation and will allow a farmer to set up an operation where he can purchase game birds, raise them and then is allowed to release them on his land for hunters, both local and non-resident for a fee that will give him a fair profit for his labor. This can be done now under the

present law but only during the regular hunting season which is too short a period for a farmer to realize an annual income.

This law, which is patterned after the Michigan law, would allow a preserve season of 120 days in order to protect the regular sportsman who pays his regular license fee and the amount of land allowed to be licensed under this law has been limited to one tenth of one percent, leaving 99.9 percent still under the present statute. To put it in acres, there would be nineteen thousand available for tax paying farmers and nineteen million for the sportsmen. This is fair and ample for both groups. This operation actually increases the amount of game available for sportsmen. The hunter who hunts this game would otherwise be hunting the native game which would be depleted. Also thirty-seven percent of the pheasants released go beyond the boundary of the preserve and provide hunting off the preserve. Last year Michigan hunters gained eleven thousand birds this way.

Mr. JUTRAS of York: Mr. President, ladies and gentlemen of the Senate, the 102nd legislature is establishing a very good record as being a fair minded legislature. For that reason I believe it will accept the ought not to pass report, because apparently from all indications, this is class legislation and the Chairman of the Inland Fish and Game Committee has made his report and I believe we should go along with him.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Oxford, Senator O'Leary, that the bill and all accompanying papers be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Twenty-three having voted in the affirmative and nine opposed, the motion prevailed and the bill was indefinitely postponed.

The President laid before the Senate the 4th tabled and today assigned item (H. P. 992) (L. D. 1373) House Reports from the

Committee on Business Legislation on bill, "An Act to Establish Savings Bank Life Insurance"; Majority Report, ought not to pass; Minority Report, Ought to pass; tabled on May 11 by Senator Boisvert of Androscoggin pending acceptance of either report; and on further motion by the same Senator, the bill was retabled and especially assigned for Wednesday next.

The PRESIDENT: At this time, the Chair would like to recognize in the balcony a group of Sister Servants of the Immaculate Heart of Mary from the Provincial House at Bayview in Saco. They are future teachers of political science; they are from the city of Saco and this is in the county of York. We hope that you enjoy and benefit from your visit here. I would like to introduce to you the Senators from your county, Senator Jutras, Senator Duquette and Senator Letourneau. (Applause)

The President laid before the Senate the 5th tabled and today assigned item (S. P. 531) (L. D. 1519) Senate Report Ought to pass, from the Committee on Towns and Counties on bill, "An Act Relating to Salaries of County Officers in the Several Counties of the State"; tabled May 11 by Senator Smith of Cumberland pending acceptance of the report; and on further motion by the same Senator, the report was accepted, the bill read once and this afternoon assigned for second reading.

The President laid before the Senate the 6th tabled and today assigned matter (S. P. 497) (L. D. 1465) Senate Reports from the Committee on Legal Affairs on Bill, "An Act Relating to the Change of Name of Association of Historical Societies and Museums," Majority Report "Ought to pass, Minority Report, "Ought not to pass" which was tabled on May 11th by Senator Hoffses of Knox pending motion of Senator Shiro of Kennebec to accept the Majority "Ought to pass" report.

Mr. HOFFSES of Knox: Mr. President, I yield to the good Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I would like to ask if the Secretary could read the status of the report, the signers of the majority and minority reports. I understand there may have been an error on the calendar.

(The reports were read by the Secretary)

The PRESIDENT: The Chair notes that the calendar is correct.

Mr. SNOW: Mr. President and members of the Senate: This bill is not one of earth-shaking consequence. It does have a favorable report from the Committee on Legal Affairs. The organization which seeks to change its name is a reputable organization staffed by reputable people and supported by reputable people. There are other associations of this name throughout the nation which have been permitted to use the state name in the title of their organization, and this one, if the Senate and the other body grant permission, would become the Maine League of Historical Societies and Museums. It is true that there is a law which discourages name changes, however the legislature in the past has seen fit to grant permission for changes of name in instances of this nature.

Now I would like to yield to Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and members of the Senate: To what the good Senator from Cumberland, Senator Snow, has said I would like to add that almost all of the other states that have such an organization have this same kind of a title, which, among other things, makes it much easier to find in directories of the respective states.

People today in this state are demonstrating more and more interest in museums, archives and the preservation of our heritage for generations to come. I would call your attention to an editorial in one of today's papers pertaining to just this subject. As this editorial points out, we have a great deal to be proud of and to preserve. This organization, in

my opinion, is not asking for anything too unreasonable. I know personally some of the prime movers of this project. One is Mr. Ambrose Cramer of Rockport. I know that he has spent a great deal of his time and money in the interest of archives and museums in this State. Another person interested very much in this subject-matter, one whom I believe you all know and admire for her tremendous ability, is our most efficient and able Law Librarian, Miss Edith Hary. It is my firm conviction that if this is what these people want, and it is not costing the state a cent of money, the least we can do is to grant them this small favor.

This organization is strictly non-profit, there will not be similar groups wanting to form that might constitute conflicting interest, or, in my opinion, any embarrassment to the State of Maine.

Let me further point out that this matter will not establish a precedent as we now have several other similar non-profit organizations. For example, in the Private and Special Resolves of 1961, Chapter 185, you will find where the Pine Tree State Forest Council was changed to the Maine Forest Products Council. I sincerely hope that you will carefully consider these facts and that you will see fit to vote in favor of this bill.

Mr. BERNARD of Penobscot: Mr. President, I would like to ask a question through the Chair of any Senator who wishes to answer. Does this organization solicit funds for its upkeep or cost of operation?

The PRESIDENT: The Senator from Penobscot, Senator Bernard, makes an inquiry through the Chair of any Senator, and any may answer who so choose.

Mr. HOFFSES of Knox: Mr. President, even though my ancestry perhaps dates back some years I must confess that I am not familiar with the procedure by which this organization maintains itself but I would presume that they would undoubtedly accept any contribution, and if you have one which you wish to make today I think the the good Sen-

ator from Cumberland will be most happy to accept it.

Mr. SNOW of Cumberland: Mr. President, I would like to read from the charter of the organization which I have located and this may answer the question of the Senator from Penobscot, Senator Bernard.

"To take and to hold for the purposes of the corporation by gift, grant, donation, devise, bequest, purchase or otherwise any estate real or personal in all not exceeding in value \$500,000 owned at any one time and to use the same or dispose thereof for the purposes for which this corporation is organized." I find no other comment on this subject.

Mr. O'LEARY of Oxford: Mr. President, I was not present in the last Senate although I did hear a little of the debate when it came to the Portland Symphony Orchestra changing its name to the the Maine Symphony Orchestra, and it seemed to me it centered around the idea that in the future the state would have to start subsidizing this program of the Symphony Orchestra. I feel if we tie the name "Maine" to this organization that if they cannot raise enough money through contributions that perhaps they will be down here asking that we subsidize this and I do not think we should tie the State's name to this organization. I think it is all right just as it is. I move the indefinite postponement of this bill and all its accompanying papers.

Mr. BERNARD of Penobscot: Mr. President, I do not mean any offense to anybody but my ancestry dates back to Adam and Eve. I do not think any organization that solicits funds for its operation should have "Maine" as part of its name.

Mr. HOFFSES of Knox. Mr. President, I am most happy that the good Senator from Oxford raised the subject of the Portland Orchestra. During my discussions with Miss Hary on this particular matter she specifically spoke about the Portland Symphony Orchestra, and she further pointed out very explicitly that this particular piece of legislation is entirely different from the Portland Sym-

phony Orchestra which requested this title of "Maine" prefixed before the rest of the name.

Mr. JACQUES of Androscoggin: Mr. President, we don't question the people that run this organization or whoever is in charge of it but the question is: Are they going to use the name "Maine." If we are going to have the name of the State of Maine used naturally the state should take part in it. I do not mean as far as soliciting funds from the state or being subsidized or anything like that.

The Portland Symphony Orchestra did come up here to try to change their name and it was voted down, and I remember when this Pine Tree Society came here to change their name also and we debated that for an hour or so. Naturally we didn't have the vote and we were defeated. But that does not mean because we have one already established that we should have others. If we pass this next year we are going to have other associations that will come in two years from now, or if we have annual sessions they will come in next year. If we start doing this we are going to have many, many more. I think we have enough legislation now so we may not get out of here until the second week in June. I hope to come back two years from now and I would hope that we did not stay here until the end of June, and I hope, Mr. President, we do not start another precedent of letting the name of the state of Maine be used. Their only reason for using the word "Maine" is that it will give a better name to the association. I would like to see them have a better name but not to use the name of the State of Maine.

Mr. JUTRAS of York: Mr. President, I was under the impression that the Maine League of Historical Societies and Museums, from the previous debate on this matter, would go along if they could have at least the "League of Historical Societies and Museums of Maine. Has that amendment been processed or not?

The PRESIDENT: The bill at present has no amendment.

Mr. JUTRAS: In that case, I would make the suggestion that the word "Maine" could be tagged along at the end of this title without hurting anyone and I think we could go along with this without any difficulty.

The PRESIDENT: The Chair would inform the Senator that an amendment to the bill could not be presented until the report of the committee has been accepted.

Mr. SNOW of Cumberland: Mr. President, Senator Hoffses and I have discussed the possibility of making the change as suggested by the Senator from York, Senator Jutras, and the organization would prefer to retain its present name over changing it in the fashion suggested by Senator Jutras, so Senator Hoffses and I are hoping for a favorable report on the original request, changing the name to the Maine League of Historical Societies and Museums. I would ask for a division on the motion to indefinitely postpone.

Mr. SMITH of Cumberland: Mr. President, in my young days I can remember a battle in the Senate here to take it away from a well-known group, a distinguished group, because they had used the name of the State of Maine. It was quite a political battle in the Senate. What is good for one should be good for another, and they established a law that they would not allow the name of the State of Maine to be used freely. I think we should go along with the laws of our ancestors and let the State of Maine keep its name for itself. I would like to go along with the motion of Senator O'Leary to indefinitely postpone this bill.

Mrs. SPROUL of Lincoln: Mr. President, as a signer of the "Ought to pass" report I feel I should explain my position, although my record this morning isn't very good.

The reason that I signed this report "Ought to pass" — there are two reasons, in fact. One is, as Senator Shiro brought out the other day, we did check with the Attorney General's Department and the Attorney General's Department assured us that so long

as the legislature granted permission there would be no objection to this. My other reason—and no one has brought it out here today but I am reminded of certain paved streets that I hear much about in the original settlement of Pemaquid and today if anyone wanted to look at the paved streets they would have to dig up a certain house to find the paved streets. I also think of a cattle pound which was an original cattle pound, and if you wanted to find that today you would have to proceed to dig up a road because all the stones have been taken and put beneath the road. That brings me to this point: I really feel that this is something that we as citizens of the State of Maine should be vitally interested in, in our history. For that reason, I felt that we should go along with adding the name Maine to this society. Certainly it is a worthy cause. That was my reason for signing the report

Mr. GLASS of Waldo: Mr. President, unfortunately I was absent when this measure was previously debated and discussed. If the concern of the Senate about the use of the word Maine is in connection with the solicitation of funds and the possible apprehension that might result, I think this could be easily cured subsequent to the acceptance of the committee report by an amendment which would provide that any written solicitation of funds would clearly indicate in the solicitation that the Maine Association is not an agency or political subdivision of the State, thus removing any objections on this score. I think the request is a reasonable one under the circumstances and I for one cannot possibly see any abuses that might result from granting their request.

The PRESIDENT: The question before the Senate is the motion of Senator O'Leary of Oxford that this bill and all accompanying papers be indefinitely postponed and a division has been requested.

A division was had. Nine having voted in the affirmative and twenty-three in the negative, the

motion to indefinitely postpone failed of passage. Thereupon the Majority "Ought to pass" report of the Committee was accepted and the bill was given its first reading.

On motion by Senator Smith of Cumberland the bill was tabled until May 19th pending assignment for second reading.

The President laid before the Senate the 7th tabled and today assigned matter (H. P. 1110) (L. D. 1516) Bill, "An Act Relating to Arrests for Motor Vehicle Violations" which was tabled by the Senator from Waldo, Senator Glass, pending passage to be engrossed.

On motion by Mr. Glass of Waldo, the bill was retabled until Tuesday next pending passage to be engrossed.

The PRESIDENT: The Chair at this time would like to recognize in the back of the Senate the presence of grades seven through twelve of the Islesboro High School. They are chaperoned this morning by Mr. David Brace, Mrs. Margaret Randlette, Mr. Stephen York and Mrs. Jane Cook. We welcome you here this morning and we hope that you enjoy and benefit from your visit here. You have been witnessing a debate on the change of the name of a certain organization. I understand there is some controversy as to where the town of Islesboro is, in the County of Waldo or the County of Knox, but I now have here "Knox" crossed out and Waldo prevails. I would like to introduce to you the Senator from Waldo County, Senator Glass. (Applause)

Mr. GLASS of Waldo: Mr. President, I would hate to think that our lovely County of Waldo could lose such a beautiful island as Islesboro by the scratch of a pen, and I am indeed pleased that it remains "Waldo."

Mr. HOFFSES of Knox: Mr. President, it is my understanding that a great many people of the town of Islesboro would like to secede and join Knox County. (Laughter)

The President laid before the Senate the 8th tabled and today

assigned matter (S. P. 335) (L. D. 1080) Bill, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence," which was tabled on May 12th by Senator Snow of Cumberland pending consideration. (In Senate on April 28th passed to be engrossed as amended by Committee Amendment "A" Filing S-77 as Amended by House Amendment "A" Filing H-188 and as Amended by Senate Amendment "A" Filing S-161) (In House on May 11th passed to be engrossed as amended by House Amendment "A" Filing H-188.)

On motion by Senator Snow of Cumberland the Senate voted to reconsider its action whereby the bill was passed to be engrossed and on further motion by the same Senator the Senate voted to reconsider its action whereby it adopted Committee Amendment "A". On further motion by the same Senator Committee Amendment "A" was indefinitely postponed. On further motion by the same Senator the Senate voted to reconsider its action whereby it adopted House Amendment "A". On further motion by the same Senator House Amendment "A" was indefinitely postponed.

Mr. SNOW: I now move that L. D. 1080 be passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Mr. CAHILL of Somerset: Mr. President, I can't keep up with all these amendments. I move that this bill lie on the table until this afternoon.

The motion prevailed and the bill was tabled until this afternoon pending passage to be engrossed.

The President laid before the Senate the 9th tabled and today assigned matter (H. P. 553) (L. D. 724) House Reports from the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the Election of the Secretary of State and His Succession to the Office of Governor. Majority Report "Ought not to pass;" Minority Report "Ought to

pass" which was tabled on May 12th by the Senator from Aroostook, Senator Violette, pending motion by Senator Maxwell of Franklin to accept the Majority "Ought not to pass" report.

Mr. VIOLETTE of Aroostook: Mr. President, I move the pending question.

The PRESIDENT: The Senator from Aroostook, Senator Violette moves the pending question which is the motion of the Senator from Franklin, Senator Maxwell, to accept the Majority "Ought not to pass" report of the committee.

The motion prevailed and the Majority "Ought not to pass" report of the committee was accepted.

The President laid before the Senate the 10th tabled and today assigned matter (H. P. 261) (L. D. 331) House Reports from the Committee on Towns and Counties on Bill, "An Act Relating to Compensation of and Per Diem Fees of Deputy Sheriffs." Majority Report "Ought to pass as amended by Committee Amendment "A" Filing H-252; Minority Report "Ought not to Pass," which was tabled on May 12th by Senator Smith of Cumberland pending acceptance of either report.

On motion by Senator Smith the Majority "Ought to pass" report of the committee was accepted and the bill was given its first reading. The Secretary read Committee Amendment "A".

Mr. SMITH: Mr. President, I move that Committee Amendment "A" be indefinitely postponed.

Mr. CASEY of Washington: Mr. President, may I approach the rostrum?

The PRESIDENT: The Senator may.

(At ease)

Called to order by the President.

Mr. SMITH: Mr. President, I would like to withdraw my motion.

The PRESIDENT: The Senator may.

Committee Amendment "A" was adopted. Mr. Casey of Washington presented Senate Amendment "B" and moved its adoption. Senate Amendment "B" was read by the Secretary. On motion by Senator Smith of Cumberland Senate Amendment "B" was indefinitely postponed and the bill was assigned for second reading this afternoon.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 68th tabled and unassigned matter (H. P. 606) (L. D. 798) Bill, "An Act to Increase Cigarette Tax Two Cents," which was tabled on May 12th by that Senator pending passage to be engrossed, and on further motion by the same Senator, the bill was passed to be engrossed in concurrence.

On motion by Mr. Harding of Aroostook the Senate voted to take from the table the 10th tabled and unassigned matter (H. P. 6) (L. D. 6) Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation" which was tabled by that Senator on April 6th pending consideration and the same Senator moved for enactment of the Resolve.

Mr. BROWN of Hancock: Mr. President I move that L. D. 6 and all accompany papers be indefinitely postponed and request a division.

Mr. HOFFSES of Knox: Mr. President, would I be in order to speak on this?

The PRESIDENT: The motion to indefinitely postpone is debatable.

Mr. HOFFSES: Mr. President and members of the Senate: With your indulgence I would like to point out some facts which have become clouded over the years, primarily because of the Executive Council having been used as the whipping boy by many varied groups to vent their personal feelings at some action or decision by the Council which was not to their particular choosing.

Let us start at the beginning. When this state was constituted there was then debate as to the

desirability of an executive council, but the majority won and we have managed to survive, and I believe there has been progress, for 145 years with the council in spite of what some people would call its lack of usefulness, its lack of purpose, its very reason for being in existence.

I believe a lot of people have not really tried to understand the purpose of the council, how it is chosen, and what its specific reasons are for being in existence.

We all know the latitudes and longitudes which this State encompasses, the distance from Kittery to Fort Kent, from Fryeburg to Eastport to Monhegan Island. We know the diversifications of the people of Maine.

No Governor can know and understand all of the varied complexities of every area of the state and therefore must have help and advice. The council can offer that advice because those members are chosen to represent their particular area and are more familiar with its complexities.

How is the council chosen? It is chosen by the representative members from each particular district to act in their behalf during the eighteen months of the biennium when the legislature is not in session. It is said that the council is not representative of the people. Well, it is representative of the representatives elected by the people to serve them for a biennium.

I would not here and now debate the method by which the council be chosen. I would only point out the reason for the present method of selecting the council. If the people desire another method it is their right to do so. I stress the need for a council, not the way the members shall be selected.

The executive council was established by our founding fathers in a divine wisdom showered upon them, which has stood the test of time and we have lived and prospered to become a state in this nation envied by many of our sister states.

This constitution established 145 years ago is a check and balance to prevent possible dictatorship, bureaucracy, or degeneracy into

anarchy. This system, both nationally and in the State of Maine, is the separation of powers among the three branches of government: executive, legislative and judicial. There are those branches of government, and I do not mean just state branches either, who seem to desire and endeavor to usurp the authorities of the other branch of government.

Our legislative branch is a part-time government except for the existence of the executive council. If we do away with the council it is going to be necessary to substitute something in its place or invest sweeping powers in the hands of the governor. Such powers even the President of the United States does not possess. He, the President, cannot even appoint a local postmaster without confirmation by the United States Senate.

If we are to continue a certain control by confirmation of appointments and other important matters then we expect the state Senate to sit in session practically continuously for the whole biennium or appoint a Senate committee to serve, and then we are right back to the council idea again.

I would call your attention to a recent quotation by Representative Albert of Lewiston, who said the late Speaker Sam Rayburn once told him "Platforms are for minority parties." This is the real issue here. This is precisely the reason the Republicans in Massachusetts advocate abolishing the Council while the Democrats defend its usefulness.

With your permission I would like to read an editorial from the Boston Herald, dateline May 28, 1965. The title is "Council Drops Powers Fight."

"Massachusetts Executive Council has tossed in the towel on pending legislation seeking to give it back the statutory powers wiped out by voters in the last election.

"The Legislative Committee on State Administration has recommended that a number of bills — seeking to restore in whole or in part the council's old authority to confirm gubernatorial appointments and pass on leases and

contracts — to be studied by a special commission.

"The commission would consist of two senators, three representatives, five persons named by the governor and either the attorney general or his designee.

"Its job would be to study not only the subject matter of the bills but the broad question of whether a chief executive should be empowered to fill a wide range of appointive positions, many of them in highly sensitive areas, without having to first submit them to some screening body for approval.

"The study resolve recommended by the state administration committee is now being drafted by the House counsel.

"When it reaches the House floor there will be an opportunity for supporters of bills in the study package to move to extricate them for a vote on the merits.

"Many in the Legislature believe voters made a mistake last year when they gave the governor such authority in filling almost all appointive jobs.

"They point out that the president of the United States cannot appoint even a postmaster or a collector of port without confirmation by the Senate, while the governor of the commonwealth can now fill virtually all appointive jobs except judgeships and memberships on certain quasi-judicial boards without the approval of anyone.

"However, there is no likelihood of serious attempt to oppose a study of the matter and fight for the bills themselves, mainly because of the timing.

"When the initiative law stripping the council of its statutory powers became effective last December 3 it cleared the way for two or three questionable appointments by lame duck Governor (and I will leave that blank) who was able to replace Metropolitan District Commissioner (the names I will leave blank) and a member of the board of trustees at the University of Massachusetts because there was no longer an Executive Council to stand in his way.

"But supporters of restoring the council's powers believe it is too soon after election to try to reverse popular vote, although they are convinced large numbers voted to curb the impact of the referendum proposal.

"They take the view that considerably more time is required for the import of the action to sink in and for the electorate to become aware that the initiative law took away from the council such functions as serving as an appeals board for veterans or their widows seeking redress from rulings of the commissioner of Veterans services.

"As a result of the law curbing the council, these individuals no longer have this right of appeal from such rulings.

"Councilor (I will leave that blank) who has served in the council since 1947 thinks voters were 'deluded' by sponsors of the campaign to curb the council, and that when they realize this the council's powers will be restored.

"He concedes, however, that it may take a defeated governor, running amok during a lame duck period to dramatize sufficiently the situation and to create a public belief in the need for some kind of check-rein on a chief executive in making appointments."

Let us be honest and sincere with the people whom we have the honor to represent and serve and acknowledge that this topic is mere speculation and not one for consideration at this time.

Due to the tremendous strain and pressure which we are under in the present day, we are inclined to allow our emotions to govern our actions and decisions. We permit demonstrations to become the order of the day. We allow crime to go rampant on our streets. We do nothing about the desecration of our flag. Yet we want to change some things because they are things which were adopted several years ago, or do away with them altogether because they were adopted in the horse and buggy days, and argue that they do not apply in this jet age.

The Bible was written a good many years ago. There are those

who think that book does not apply today and a completely new concept should be adopted.

I would like to call your attention to the report of the Maine Citizens Committee on the Survey of State Government by The Public Administrations Service of 1957. This committee consisted of such distinguished citizens as former Chief Justice Raymond Fells, Chairman, Senator Robert N. Haskell of Bangor, Senator Alton A. Lessard of Lewiston, Representative Lucia E. Cormier of Rumford, Representative Armand Duquette of Biddeford, Representative Frank Pierce of Bucksport, Representative Rodney E. Ross Jr. of Bath, Dennis Blais of Lewiston, Maynard Dolloff, John Donovan of Lewiston, Benjamin Dorsky of Bangor, Richard Dubord of Waterville, Edward Dow, Professor, University of Maine, E. C. Moran of Rockland, Kenneth Hancock of Casco, Ed Penley of Portland, Paul Plumer of the Kennebec Journal, Paul Thurston of Bethel, Clement Vose, Brunswick, Gerald Cole of Portland.

This committee recommended in more than one instance that in the section relative to appointive powers certain appointments by the governor be confirmed by the council. In the section relative to the executive council it spells out their powers and duties, and again, with your indulgence, let me read from that report in regard to the constitutional issues just what it says.

"Constitutional Issues"

"Office of the Governor: The full Committee recommends unanimously that the Legislature submit to Maine voters a proposed amendment to the Constitution providing a four year term for Governor.

"Appointive Powers: This question is limited to the four State officers whose selection is provided by the Constitution. A majority of the Committee recommends that the Secretary of State be appointed by the Governor and confirmed by the Council with a term coinciding with that of the Governor's own.

"The full Committee declines to recommend that the State Treas-

urer continue to be elected by the Legislature but suggests that the subject of continuing the State Treasurer's office be given further study by the Citizens Committee or by the Legislative Research Committee.

"A majority of the Committee urges that the Attorney General continue to be elected by the Legislature but requests further study of the question of popular election.

"A majority recommends that the Commissioner of Agriculture be appointed by the Governor and confirmed by the Council, with a term coinciding with that of the Governor's.

"Executive Council: It is recommended that the Executive Council be popularly elected in the present districts, and on the same inter-county and intra-county basis existing in the current system of apportionment. That the Council serve primarily as an advisory body; that it have the power to confirm only judicial and major departmental appointments; that it may advise on pardons and related matters, subject to specific recommendations from the parole board; and that with some exceptions, such as working capital advance, transfers from the contingent fund, and statutory appropriation adjustments, its financial powers be advisory only."

I will not read any more of that. It applies to annual sessions and election dates. I would point out that this was a bi-partisan report submitted during the time when the executive branch of our state government was occupied by a Democrat. Therefore, I am surprised that a political football is being made of the council, and certainly would hope that reason will prevail over petty partisanship here today. I, for one, shall vote "No" on this L. D. 6, and request that when the vote is taken it be taken by division.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: I would like to say first of all in brief rebuttal to the Senator from Knox, Senator Hoffses, that the issue here today is the status of the executive council, and I am sure it need

not be said that I am in favor of the Bible and I stand behind it and I am in favor of the flag and I am behind that and that I am against crime in the streets. We are discussing this matter of the executive council today and I think it may be important for us to realize and just take a look at some of the other states and whether or not they have been able to survive, with the council or without the council. Take a brief look at the United States government and see whether or not they have been able to survive or not survive without the likes of the executive council.

Now as you good Senators here who are students of history know that in the adoption of our Constitution we never retained anything like the executive council, and over 175 years with the confirming power in the Senate, as this bill suggests should be done, this great nation of ours has risen to be the most powerful nation in the world.

Now how has Maine fared with other states as far as our status is concerned. First of all, let us look at the status of the thirteen colonies, each of whom had an executive council, which was, as I understand it, the King's watchdog over the governor in those days. Of the thirteen colonies eleven of them got rid of this institution and not a single one of them after they had been rid of it ever re-adopted it. Of the thirty-seven states who were admitted to the Union new not a single state adopted this institution, with one exception, our own State of Maine, God love her.

Now two other states do have the executive council and in both of them they are elected by the people and with much lesser powers, as the good Senator has pointed out. As the Senator has mentioned, he would have you believe, I guess, that the rest of the nation and all the other states are out of step with us and that we are the only state that is in step by keeping this executive council in its present status.

Now how has Maine fared with the other states who have not had

the likes of this? We are among the fifteen poorest states in the Union.

It is rather interesting how people's positions can be shifted, and I notice by the Bangor Daily News, which, God love this paper — it is not the most liberal in the State, I am sure we will all agree. I notice they have made a comment here in an editorial of Wednesday, May 12th, concerning this report which Ernst & Ernst did on the D. E. D. Now you will recall that Ernst & Ernst made the suggestion that the advisory council be given more powers over the Department of Economic Development. That was one small area of the report that I was not in agreement on. The Bangor Daily News reports, in the last paragraph of the editorial:

"The checks and balances system of the state government should be preserved. Short of putting the system out of kilter, the Governor should have a firm hold on the reins of government." And that is just what we are talking about here — to give the Governor responsibility and a firm hold. You talk about inconsistencies. Over the strong and almost unanimous opposition of the minority party this legislature adopted a reform much needed whereby the Commissioner of Agriculture would be appointed by the Governor as he ought to be appointed by the Governor rather than be elected by the legislature. The Governor agrees with the position that we have taken on this matter and he has signed the bill, in opposition, I might say, to some members of his good party. But it gets down to this: responsibility of government so that the people may know who to blame and who not to blame for the things which either go right or go wrong. What we hold is wrong with the executive council is that it is responsible to no one, it does not report back to the legislature who elected it nor does it report back to the people. That is the weakness as we see it.

Now this honorable body of the Senate can very well serve as a

confirming body for important offices, as has been done in the United States Government over the 175 years of its existence. So, rather than keep the state back in the position in which it has been, among the fifteen poorest states in the Union, we believe that we must use all of the resources of this state to the best advantage possible, and that requires giving the Governor responsibility so we can hold him responsible for the actions he takes. He needs to have around him people that he has confidence in and whom he can trust and not people who are foisted upon him by someone else.

Now we get down to the real issue, and these are the hard facts: the reason the now minority party is so interested in keeping the council is that during the years when the Democrats have been successful and there was a Democratic governor they have had seven overseers there to block his appointments and to insure patronage for their party even in years when we have won, and so this executive council has been called the dead body of the politicians, by the politicians for the politicians. We think it is time that it was done away with. Therefore I call upon each and every member of the Senate to vote on this matter in his own conscience and not be dictated to by party instructions on the matter, so that our good state can move forward and join in the progress with the rest of the nation. When the vote is taken I hope, of course, from my standpoint, that you will vote against the motion of the Senator from Hancock, Senator Brown, for indefinite postponement and I request a division.

Mr. HOFFSES of Knox: Mr. President, I am a little bit disturbed. I noticed that while I was making my remarks that the schoolchildren from Islesboro left. I am afraid perhaps that I have injured our position of acquiring the town of Islesboro into Knox County.

I would only take one or two exceptions to what my distinguished colleague, the Senator

from Aroostook, has said. I do not believe that we are one of the poorest states, I believe we are the richest state, perhaps not in dollars and cents and finances but we have a great many riches which I think surpass all of the other states.

I would also point out only one other thing and that is that we are a child of the mother state of Massachusetts, which I was just speaking about in this editorial column, and I notice that mother has retained her council so perhaps the child should do likewise.

Mr. JUTRAS of York; Mr. President, I would like to add a few comments to Senator Hoffses' remark when he says that the majority implanted and made possible the establishment of the executive council. I hope that the majority will be able to do away with it, and, speaking of progress and being the child of another state, it is about time that this child grew up after 145 years. I do not call it a child any longer and I think it should be done away with.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Hancock, Senator Brown, to indefinitely postpone the bill and a division has been requested.

A division of the Senate was had.

Four having voted in the affirmative and twenty-eight opposed, the motion to indefinitely postpone did not prevail.

The PRESIDENT: The pending question is now enactment.

This being a Constitutional Amendment a division of the Senate was had.

Twenty-six having voted in the affirmative and four opposed, the resolve was finally passed.

This resolve, having previously failed of passage in the House was sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 13th tabled and unassigned item (H. P. 256) (L. D. 326) Resolve Proposing an Amendment to the Constitution to Eliminate the Office of Treasurer of State; tabled on

April 13 by Senator Harding of Aroostook pending consideration; and that Senator moved the final passage of the resolve.

This being a Constitutional Amendment a division of the Senate was had.

Twenty-seven having voted in the affirmative and four opposed, the resolve was finally passed.

This resolve having previously failed of passage in the House was sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 22nd tabled and unassigned item (S. P. 220) (L. D. 679) Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor; tabled April 16 by Senator Harding of Aroostook pending consideration; and that Senator moved final passage of the resolve.

This being a Constitutional Amendment a division of the Senate was had.

Twenty-seven having voted in the affirmative and five opposed, the resolve was finally passed.

This resolve, having previously failed of passage in the House, was sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 25th tabled and unassigned item (S. P. 223) (L. D. 682) Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor; tabled April 20 by Senator Harding of Aroostook pending consideration; and that Senator moved final passage of the resolve.

This being a Constitutional Amendment a division of the Senate was had.

Twenty-eight having voted in the affirmative and five opposed, the resolve was finally passed.

This resolve, having previously failed of passage in the House, was sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to

take from the table the 29th tabled and unassigned item, (S. P. 153) (L. D. 394) Resolve Proposing an Amendment to the Constitution to Lower the Voting Age to Eighteen Years; tabled on April 23 by Senator Harding of Aroostook pending consideration; and on further motion by the same Senator, the Senate voted to recede and concur.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table the 37th tabled and unassigned item (S. P. 168) (L. D. 497) Resolve Proposing an Amendment to the Constitution Creating the Office of Lieutenant Governor and Providing for Succession of Office of the Governor; tabled on April 28 by Senator Harding of Aroostook pending consideration; and that Senator moved final passage of the resolve.

This being a Constitutional Amendment a division of the Senate was had.

Twenty-nine having voted in the affirmative and four opposed, the resolve was finally passed.

This resolve, having previously failed of passage in the House was sent down for concurrence.

Mr. SMITH of Cumberland: Mr. President, I rise to a point of information.

The PRESIDENT: The Senator may state his point.

Mr. SMITH: On page 13, L. D. 394, the law to lower the voting age, I would like to know what House Amendment B does.

The PRESIDENT: The filing number is H-234. Does the Senator desire to have the Secretary read the amendment?

Mr. SMITH: Yes, Mr. President.

The Secretary read the amendment.

Mr. SMITH: Mr. President, another point of information. Are we going for 18, 19 or 20 years?

The PRESIDENT: House Amendment B is 20 years.

Mr. SMITH: Then, Mr. President, that is what we voted for?

The PRESIDENT: The Chair will inform the Senator that we were voting for the 20 year old.

Mr. SMITH: Thank you, Mr. President.

On motion by Mr. Harding of Aroostook

Recessed to 3:30 this afternoon.

After Recess

Senate called to order by the President.

Papers from the House Non-concurrent matters

Bill, "An Act Relating to Operation of Motorcycles While Learning to Drive." (S. P. 317) (L. D. 1138)

In Senate, May 11, passed to be engrossed as amended by Committee Amendment A (S-93) and as amended by Senate Amendment B (S-190)

Comes from the House, passed to be engrossed as amended by Senate Amendment B (S-190) in non-concurrence.

In the Senate, on motion by Mr. Brown of Hancock, tabled pending consideration and especially assigned for later in today's session.

Bill, "An Act Clarifying the Inland Fisheries and Game Laws." (S. P. 428) (L. D. 1375)

In Senate, May 5, passed to be engrossed as amended by Committee Amendment A (S-172). Comes from the House passed to be engrossed as amended by Committee Amendment A (S-172) as amended by House Amendment A thereto (H-303) and as amended by House Amendment A (H-214) and by House Amendment B (H-304) and by House Amendment C (H-316) in non-concurrence.

In the Senate, on motion by Mr. Manuel of Aroostook, tabled pending consideration.

The PRESIDENT: The Chair would like to recognize in the back of the Senate Chamber and the balcony a group of seniors from Waterville High School, from the class in political science. They are chaperoned this morning by Alfred Halliday. We hope you enjoy and benefit from your visit here today. We would like to introduce to you the Senators from your County, which of course, is Kennebec: Sen-

ator Dunn, Senator Shiro and Senator Carter (Applause)

Order

On motion by Mr. Harding of Aroostook,

ORDERED, the House concurring, that, notwithstanding the provisions of Senate Paper 524, the President of the Senate and the Speaker of the House are empowered to grant extensions of time to committees not having completed their final work by May 14, provided that Committee Chairmen submit written reports of bills to be reported late and the circumstances prevailing. (S. P. 546)

Which was read and passed.
Sent down for concurrence.

Final Reports

The Chairman of the Joint Standing Committee on Business Legislation, Mr. Bernard of Penobscot, submitted a Final Report of the Committee.

The Chairman of the Joint Standing Committee on Health and Institutional Services, Mr. Carter of Kennebec, submitted a Final Report of the Committee.

The Chairman of the Joint Standing Committee on Towns and Counties, Mr. Casey of Washington, submitted a Final Report of the Committee.

The Chairman of the Joint Standing Committee on Veterans and Military Affairs, Mr. Southard of Penobscot, submitted a Final Report of the Committee.

Which reports were read and ordered placed on file.

The PRESIDENT: The Chair would congratulate the Senators.

Reports of Committees House

Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for the Study of a State Building Code and Anti-Shack Statute." (H. P. 185) (L. D. 240) reported that the same should be granted Leave to Withdraw.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Relative's Financial Responsibility to Recipients of

Aid to the Aged, Blind or Disabled." (H. P. 626) (L. D. 883) reported that the same should be granted Leave to Withdraw.

(On motion by Mr. Carter of Kennebec, tabled pending acceptance of the report.)

The Committee on Judiciary on Resolve Authorizing Donald J. Donovan to Bring Civil Action Against State of Maine. (H. P. 501) (L. D. 654) reported that the same should be granted Leave to Withdraw.

The same Committee on Bill, "An Act Relating to Persons Summoned for Violation of Motor Vehicle Laws." (H. P. 919) (L. D. 1247) reported that the same should be granted Leave to Withdraw.

The Committee on Natural Resources on Bill, "An Act Prohibiting Pollution of Waters Used by Atomic Plants." (H. P. 528) (L. D. 702) reported that the same should be granted Leave to Withdraw.

Ought Not to Pass

The Committee on Health and Institutional Services on Bill, "An Act Relating to Board of Visitors for Institutions Under Department of Mental Health and Corrections." (H. P. 798) (L. D. 1075) reported that the same Ought Not to pass.

The Committee on Judiciary on Bill, "An Act Relating to Requests for Information from Filing Officer Under the Uniform Commercial Code." (H. P. 962) (L. D. 1297) reported that the same Ought Not to Pass.

Which reports come from the House Read and Accepted.

In the Senate, the reports were read and accepted in concurrence.

Ought to Pass

The Committee on Transportation on Recommended Bill, "An Act Relating to Registration Fee for Motor Vehicles Operated Exclusively on Certain Islands." (H. P. 1024) (L. D. 1387) reported that the same Ought to Pass.

Comes from the House report Accepted and the Bill Passed to Be Engrossed.

In the Senate, the report was read and accepted, the bill read once and tomorrow assigned for second reading.

Ought to Pass—As Amended

The Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in Uniform Code and to Amend Certain Statutes to Conform Thereto." (H. P. 816) (L. D. 1107) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-313)

Which report was read and accepted, the bill read once, Committee Amendment "A" read and adopted, and the bill as amended was tomorrow assigned for second reading.

The Committee on Appropriations and Financial Affairs on Resolve in Favor of Development of State Park on Lower Range Pond, Poland, Androscoggin County." (H. P. 303) (L. D. 406) reported that the same Ought to Pass As Amended by the Committee Amendment "A" (H-312)

Which report was read and accepted, the resolve read once, Committee Amendment "A" read and adopted, and the resolve tomorrow assigned for second reading.

The same Committee on Recommended Bill, "An Act to Authorize the Construction of Housing for the University of Maine and the Issuance of Not Exceeding \$6,000,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 264) (L. D. 346) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-166)

Comes from the House Passed to Be Engrossed as amended.

In the Senate, the report was read and accepted, the bill read once, Committee Amendment "A" read and adopted, and the bill as amended was tomorrow assigned for second reading.

The Committee on Business Legislation on Bill, "An Act Relating to Unlawful Practices Under Unfair Sales Act." (H. P. 989) (L. D. 1334) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-178)

Comes from the House Passed to Be Engrossed without Amendment.

In the Senate, the report was read and accepted, the bill read once, Committee Amendment "A" read, and on motion by Mr. O'Leary of Oxford indefinitely postponed, and the bill was tomorrow assigned for second reading.

Ought to Pass in New Draft

The Committee on Agriculture on Bill, "An Act Establishing Maine Scale Rule for Logs." (H. P. 614) (L. D. 824) reported that the same Ought to Pass in New Draft under the same title: (H. P. 1120) (L. D. 1530)

The Committee on Public Utilities on Recommended Bill, "An Act to Incorporate the Kittery Sewer District." (H. P. 244) (L. D. 324) reported that the same Ought to Pass in 2nd New Draft under same title: (H. P. 1121) (L. D. 1531)

The Committee on Taxation on Bill, "An Act Relating to Exemption of Certain Motor Vehicle Fuel from the Sales Tax." (H. P. 780) (L. D. 1033) reported that the same Ought to Pass in New Draft under new title: "An Act Relating to the Exemption of Aeronautical Fuel from the Sales Tax." (H. P. 1122) (L. D. 1532)

Comes from the House Passed to Be Engrossed in New Drafts.

In the Senate, the reports were read and accepted in concurrence, the bills read once and tomorrow assigned for second reading.

The Majority of the Committee on Education on Bill, "An Act Relating to Conveyance of Secondary School Pupils." (H. P. 465) (L. D. 619) reported that the same Ought to pass.

(Signed)

Senators:

SNOW of Cumberland
FALON of Penobscot

Representatives:

CARROLL of Limerick
GRAHAM of Freeport
GIFFORD of Manchester
LEVESQUE of Madawaska

The Minority of the same Committee on the same subject matter

reported that the same Ought not to pass.

(Signed)

Representatives:

RICHARDSON
of Stonington
HANSON of Lebanon

Comes from the House Indefinitely Postponed — reconsideration motion lost.

In the Senate, on motion by Mr. Snow of Cumberland tabled pending acceptance of either report and especially assigned for Tuesday next.

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Sale or Inhaling of Certain Glue Vapors." (H. P. 71) (L. D. 81) reported that the same Ought to pass in New Draft under title of "An Act Relating to the Inhalation of Certain Vapors and to the Possession of Certain Drugs." (H. P. 1123) (L. D. 1533)

(Signed)

Senators:

GLASS of Waldo
STERN of Penobscot

Representatives:

BERMAN of Houlton
RICHARDSON
of Cumberland
DANTON

of Old Orchard Beach
DAVIS of Calais
GILLAN of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought not to pass.

(Signed)

Senator:

VIOLETTE of Aroostook

Representatives:

BRENNAN of Portland
BISHOP of Presque Isle

Comes from the House Passed to be engrossed.

In the Senate, on motion by Mr. Violette of Aroostook, tabled pending acceptance of either report.

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Authorize a Bond

Issue for Purchase of Voting Machines for Resale to Municipalities." (H. P. 546) (L. D. 768) reported that they are unable to agree.

Comes from the House Report Read and Accepted.

In the Senate, the report was read and accepted in concurrence.

Additional Paper from the House — out of order and under suspension of the rules:

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committees on Appropriations and Financial Affairs and Taxation acting jointly are hereby authorized to report a Bill which shall provide first, such appropriations from the General Fund as were not provided for in the supplemental appropriations Bill and printed in a New Draft as (S. P. 534) (L. D. 1524), they may deem necessary and desirable to provide funds for uniform local effort, so-called crash program for the University of Maine and an increase in salaries for State Employees; second, such tax assessments and/or tax adjustments as in their judgment may be required to finance the appropriations set out in said bill with a reasonable, safe and conservative excess to cover other possible legislative appropriations. (H. P. 1128)

Comes from the House Read and Passed.

In the Senate the order was read and passed in concurrence.

Second Readers

The Committee on bills in the Second Reading reported the following bills and resolves:

Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 1118) (L. D. 1525)

Which was read a second time.

Mr. SNOW of Cumberland: Mr. President, I have before me an amendment to this bill, L. D. 1525 "An Act Relating to the Sunday Sale of Liquor." The bill, to my mind, contains incompatible items which should not be mingled in the same bill. I think that there are many of us in this

body and in the other body who would have liked an opportunity to deal separately with the matters discussed in this bill. However, in deference to the wishes of the Chairman of the Committee on Liquor Control and the other Senate members I will not offer this amendment at this time. However, I will have to change my own vote in the matter and I would request that when the vote is taken on this that it be by the yeas and nays.

The PRESIDENT: The pending question before the Senate is the question that the bill, L. D. 1525 be passed to be engrossed. A request has been made for the Yeas and Nays.

A division of the Senate was had.

Seven having voted in the affirmative and twenty-five opposed, and seven being more than one fifth the members present, the Yeas and Nays were ordered.

The President; the pending question is the question: Shall L. D. 1525 be passed to be engrossed.

The Secretary called the roll and the Senators answered as follows:

YEAS: Bernard, Boisvert, Carter, Casey, Chisholm, Dunn, Duquette, Faloon, Girard, Glass, Jacques, Letourneau, Maxwell, Mendell, Moore, Norris, O'Leary, Shiro, Smith, Southard, Stern — 21.

NAYS: Brown, Cahill, Harding, Hilton, Hoffses, Manuel, McDonald, Snow, Sproul, Violette, Willey — 11.

ABSENT — Jutras.

Twenty-one having voted in the affirmative and eleven opposed, the bill was passed to be engrossed.

Mr. JACQUES of Androscoggin: Mr. President, I now move that the Senate reconsider its action just taken whereby this bill was passed to be engrossed and when the vote is taken, I hope the Senate will vote against my motion.

A vive voce vote being had

The motion to reconsider did not prevail.

House — As Amended

Bill, "An Act Relating to Borrowing Powers of East Corinth Academy." (H. P. 1065) (L. D. 1443)

Bill, "An Act Relating to Compensation of and Per Diem Fees of Deputy Sheriffs." (H. P. 261) (L. D. 331)

Senate

Resolve Authorizing Fred P. Haskell to Bring Civil Action Against the State of Maine. (S. P. 541) (L. D. 1539).

Bill, "An Act Relating to Salaries of County Officers in the Several Counties of the State." (S. P. 531) (L. D. 1519)

(Read a second time, and on motion by Mr. Jacques of Androscoggin, tabled pending passage to be engrossed.)

Bill, "An Act Relating to Information Against Attorneys." (S. P. 285) (L. D. 847)

Senate — As Amended

Bill, "An Act Affecting Certain Statutes Pertaining to Court Process and Procedure in Criminal Cases and to Kindred Matters." (S. P. 356) (L. D. 1140).

Bill, "An Act Amending the Banking Laws." (S. P. 379) (L. D. 1216)

Which were read a second time and passed to be engrossed.

Enactors

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

Bill, "An Act Relating to Educational Qualifications for Barbers." (H. P. 56) (L. D. 68)

Bill, "An Act Relating to Term of Office of Mayor of Lewiston." (H. P. 349) (L. D. 452)

Bill, "An Act to Establish a Bureau of Public Administration at the University of Maine in Orono." (H. P. 439) (L. D. 594)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Increasing Salaries of Members of Harness Racing Commission and Running Horse

Racing Commission." (H. P. 545) (L. D. 717)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Definition of Aid to Dependent Children." (H. P. 625) (L. D. 832)

(On motion by Mr. O'Leary of Oxford, tabled pending passage to be engrossed.)

Bill, "An Act Increasing Appropriation for Stipend Fund for Disbursements to Certain Agricultural Societies." (H. P. 794) (L. D. 1256)

(On motion by Mr. Duquette of York, placed on the Special Appropriations table pending passage to be enacted.)

Bill, "An Act Relating to Junk Yards." (H. P. 832) (L. D. 1059)

Bill, "An Act to Create the Maine Indian Housing Authority." (H. P. 933) (L. D. 1270)

Bill, "An Act Providing for Longevity Pay for State Department Officers Whose Salaries are Fixed by Statute." (H. P. 970) (L. D. 1347)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Appointment of Agent or Guardian Ad Litem in Actions for Equitable Relief in Mortgage Foreclosures." (H. P. 1016) (L. D. 1381)

Bill, "An Act Increasing Amount of Property of Bethlehem Lodge, No. 35." (H. P. 1027) (L. D. 1397)

Bill, "An Act to Provide Adjustments in Pensions Being Paid to Members of the Police and Fire Departments of the City of Portland." (H. P. 1071) (L. D. 1458)

Bill, "An Act Appropriating Money to Match Federal Funds Provided Under the Manpower Development and Training Act of 1962." (H. P. 1106) (L. D. 1512)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Exempting Municipal Development Corporations from Fees Under the Securities Law." (H. P. 1107) (L. D. 1513)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Examinations as Registered Pharmacists by Assistant Pharmacists." (H. P. 1111) (L. D. 1517)

Bill, "An Act Providing State Aid to Towns for Care of Poor Persons." (S. P. 80) (L. D. 225)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Application of Certain Carriers to Gasoline Road Tax." (S. P. 263) (L. D. 917)

(On motion by Mr. Cahill of Somerset, tabled pending passage to be enacted and especially assigned for Tuesday next.)

Bill, "An Act Relating to Ownership of Property by Nonstock Corporations." (S. P. 394) (L. D. 1219)

Bill, "An Act Providing for a Study and Revision of Maine Corporate Law." (S. P. 500) (L. D. 1466)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bill, "An Act Relating to Penalty for Indecent Exposure." (S. P. 501) (L. D. 1467)

Bill, "An Act Relating to Disposal of Dangerous Buildings in Municipalities." (S. P. 515) (L. D. 1491)

Resolve in Favor of Marine Research Society of Bath for Support and Maintenance of Museum. (H. P. 193) (L. D. 248)

Resolve Appropriating Funds for Operation of Advisory Committee on Education. (S. P. 160) (L. D. 490)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted)

Which bills were passed to be enacted and resolves were finally passed.

Emergency

Bill, "An Act to Reactivate Maine Committee on Problems of

the Mentally Retarded." (S. P. 527) (L. D. 1505)

(On motion by Mr. Duquette of York, placed on the Special Appropriations Table pending passage to be enacted.)

Bond Issue

Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Nine Million Six Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 482) (L. D. 635)

(On motion by Mr. Harding of Aroostook, the bill was tabled pending passage to be enacted.)

Emergency

Bill, "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1966 and June 30, 1967" (S. P. 529) (L. D. 1511)

Mr. O'LEARY of Oxford: Mr. President, I move that this bill be tabled pending enactment.

Mr. CAHILL of Somerset: Mr. President, I request a division.

A division of the Senate was had.

Nine having voted in the affirmative and twenty-two opposed, the motion to table did not prevail.

Thereupon, on motion by Mr. Harding of Aroostook, the bill was tabled pending passage to be enacted.

(On motion by Mr. Casey of Washington, the Senate voted to reconsider its action taken on Item 7a-2½ on the Supplementary Journal bill, "An Act Relating to Compensation of Per Diem Fees of Deputy Sheriffs" (H. P. 261) (L. D. 331) whereby the bill was passed to be engrossed; and to further reconsider its action whereby Committee Amendment A was adopted; on further motion by the same Senator, Senate Amendment A to Committee Amendment A was read and adopted (S - 204), Committee Amendment A as amended by Senate Amendment A was read and adopted and the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. SHIRO of Kennebec: Mr. President, is the Senate in possession of (H. P. 307) (L. D. 410) Resolve, Appropriating Funds for Regional Airport to Service Augusta, Waterville and Surrounding Areas?

The PRESIDENT: The Chair would inform the Senator that it is, having been requested by the Senator.

Mr. SHIRO: Mr. President, I move that we reconsider our action whereby we accepted the Committee Ought not to pass report.

Mr. O'LEARY: Mr. President, I did not understand the title.

The PRESIDENT: Resolve, Appropriating Funds for Regional Airport to service Augusta, Waterville and Surrounding Areas.

Mr. O'LEARY: Mr. President I object.

The PRESIDENT: Does the Senator ask for a division?

Mr. O'LEARY: I do, Mr. President.

The PRESIDENT: The question before the Senate is a motion of Senator Shiro of Kennebec to reconsider acceptance of the Ought not to pass report. A division has been requested.

A division of the Senate was had.

Thirteen having voted in the affirmative and eighteen opposed, the motion to reconsider did not prevail.

Mr. GLASS of Waldo: Mr. President, is the Senate in possession of S. P. 425, L. D. 1360, Bill, "An Act Regulating Fishing in Certain Portions of Kennebec River?"

The PRESIDENT: The Chair would answer that it is, having been requested by the Senator.

Mr. GLASS: Mr. President, I would yield to the Senator from Franklin, Senator Maxwell.

On motion by Mr. Maxwell of Franklin, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

Mr. SMITH of Cumberland: Mr. President, I rise for a little information on that comedy act between Mr. Shiro and Mr. O'Leary. I would like to table that to another legislative day so we can understand it.

The PRESIDENT: The Chair will inform the Senator that that bill is no longer before us and the reconsideration motion having been lost it cannot be reconsidered again.

Mr. Maxwell of Franklin presented Senate Amendment "E" and moves its adoption.

Senate Amendment "E" was read by the Secretary.

Mr. MAXWELL of Franklin: Mr. President and ladies and gentlemen of the Senate: As I left the halls yesterday I ran into several fishermen and people who were concerned over this bill and they all seemed to be of the same opinion, that if this could be limited to alligators they would all go along with it, but in checking I find there are no alligators in the Kennebec so I put the word "hornpout" in instead.

Mr. GIRARD of Androscoggin: Mr. President, I move the indefinite postponement of this amendment and ask for a division.

The PRESIDENT: The question before the Senate is the motion of the Senator from Androscoggin, Senator Girard, that Senate Amendment A be indefinitely postponed. A division has been requested.

A division of the Senate was had.

Twenty-seven having voted in the affirmative and four opposed, Senate Amendment E was indefinitely postponed.

Thereupon, the bill as amended was passed to be engrossed in non-concurrence.

Sent down for concurrence.

Mr. CARTER of Kennebec: Mr. President, I move that the Senate reconsider its action whereby it passed this bill to be engrossed and I hope that the Senate will go along with me in voting against my motion.

Thereupon, a viva voce vote being had

The motion to reconsider engrossing did not prevail.

On motion by Mr. Mendell of Cumberland, the Senate voted to take from the table the 61st tabled and unassigned item, Resolve, Proposing an Amendment to the Constitution Providing for Annual

Legislative Sessions; tabled on May 11 by Senator Mendell of Cumberland pending consideration; and that Senator moved that the bill be passed to be enacted.

Mr. BROWN of Hancock: Mr. President, I rise in opposition to the motion of my good friend, Senator Mendell of Cumberland, and I would like to speak briefly on this bill.

The PRESIDENT: The Senator may.

Mr. BROWN: Mr. President and members of the Senate: I think that in a few years if we had annual sessions they would be the same length as our session now. We are in the 61st day of our session this year and I am sure if we had annual sessions that the thirty-day limit or the sixty-day limit would bring us to the same length of time. I think that we would also have the same bills that we have now and they would be bills repeating every year instead of every other year. As long as we have a Governor's council I think the council serves the functions of the legislature in the off year.

Another thing that I would have against the annual sessions would be the cost. The estimated cost of this session will be \$966,000 and in all probability in 1967 it will be over a million dollars.

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

Mr. MENDELL of Cumberland: Mr. President, I would like to begin my remarks with a quotation from W. Brooks Graves on American State Government:

"It has been said that two of the most important developments of recent years affecting the work of legislative bodies are the constant expansion of the volume of work which they are called upon to perform and the increasing complexity and technicality of the subjects with which they have to deal."

This has been due to the growing functions and services of state governments. Some illustrations of the growing functions and services of State Government are:

1. Larger appropriations which call for more screening of budget requests.

2. More regulatory laws are passed to govern our economy.

3. More administrative agencies which call for the legislature to scrutinize the operations of these agencies if the legislature is to serve as an effective check upon arbitrary administrative action.

Legislatures have made some progress in solving these problems by establishing research and information agencies. However, one problem of legislators that has not yet been solved is whether to devote more of their time to these problems or they must give less of their time to each individual problem which confronts them. What are the alternatives to these particular problems?

The alternatives are:

1. Longer sessions, which we are right in now.

2. More special sessions, or

3. Annual sessions.

I would like to present a short history of legislative sessions in the United States during the past 175 years. Beginning with the thirteen original colonies, all of these colonies had annual sessions. In fact in Maine we had annual sessions up until 1880.

What were the reasons for biennial sessions which actually are something of the 19th Century? No. 1, the people lost confidence in their legislators. No. 2, they felt that these legislators were being dealt over by the special interest groups.

Let's study the 20th Century. Since 1940 only two states have switched to biennial sessions. I would like to go back and correct my remarks. Since 1880 only two states have switched to biennial sessions, Massachusetts in 1938 and Georgia in 1924. At the present time both of them are back on annual sessions.

To bring us up a little closer to modern times, in 1938 when Massachusetts switched to the biennial they stayed on it for only six years, from 1938 to 1944, and when they switched back to annual sessions they made a little survey as to why they had decided

to go back to annual sessions, and this is what they came out of this survey with:

1. They found that their long experience with annual sessions was good.

2. They found that under biennial sessions it did not bring any material benefits or improvements.

3. The biennial sessions did not reduce legislation or even halve it.

4. A mere reduction of legislation is not a praiseworthy accomplishment unless the demand for same decreases. This was not the case.

5. Under the biennial budget, they found this was not good.

6. They also found that biennial sessions did not attract better men.

7. There were some savings in cost; however, this represented less than ten per cent of the State budget.

Ladies and gentlemen of the Senate: the most important function of the state legislature is the approval and enactment of the budget. This action determines the taxes the citizens will pay and the quality of state government services they will receive. Budgets can be much more accurate if made annually rather than biennially. This is especially true during an inflationary period, which we have had for the past nineteen years.

The business of state government has expanded so rapidly that many problems, special aside from budgetary ones, need attention more frequently than every other year. This means either special sessions or longer sessions. The legislature can not handle all bills every other year, there are just too many of them. Also, the growth of agencies and executive powers has resulted in the legislature supervising these budget requests more accurately, and this takes time.

These arguments I have mentioned have been presented by a number of study committees and by eminent writers in the field of state government.

For example, New Jersey, which has always had annual sessions,

while adopting its new constitution in 1947 considered biennial sessions but it retained annual sessions for the following reasons:

1. Greater independence of the legislature.

2. Problems of state are not limited to alternate years.

3. The less time devoted to legislation the greater the chance of getting poor legislation.

4. Biennial sessions tend to encourage greater executive power at the expense of legislative powers.

5. The most important are operational requirements of state government: Budget requirements. Legislative control over Administrative agencies. Estimates of department budgets tend to give the department the benefit of the doubt.

In conclusion: Annual sessions mean more efficient government. Proof is in the fact that fifteen states have changed to annual sessions during the past twenty years and nine in the past ten years. Better legislators will be attracted due to shorter sessions. The legislature will once again serve as a better check on the administrative departments of the state. And what most experts in state government think most important, the state budget may receive better treatment and more accurate treatment.

I now move that we defeat the motion of good Senator Brown.

The PRESIDENT: The motion before the Senate is the motion of the Senate from Hancock, Senator Brown, that this bill and all accompanying papers be indefinitely postponed.

Mr. HARDING of Aroostook: Mr. President and members of the Senate: I do subscribe to the view which the Senator from Cumberland, Senator Mendell, has expressed. We are now living in 1965 and not in the 19th Century, and we do have problems come up year by year which do need the attention of the legislature. As good as some would have us believe that the executive council is — and I would say we do have an exceptionally fine executive council this particular year—

nevertheless that council is not empowered to pass laws, only the legislature can do this. As far as the legislature meeting each year, the need has been shown by the fact that almost always in the past ten years it has been necessary in the off year for the Governor to call the legislature into special session to take care of matters which have arisen on an emergency basis. Now that is not the way, we contend, that a good government should be run. The needs of the people should be planned and they should be taken care of on an annual basis.

I would ask, Mr. President, when the vote is taken that we have a division, and I would also ask the good members of the Senate to vote against the motion that the Senator from Hancock, Senator Brown, has made for indefinite postponement, and I further ask for a five minute recess.

(Recess)

Called to order by the President.

The PRESIDENT: The pending motion is the motion of the Senator from Hancock, Senator Brown that Item 61 on Page 18, L. D. 215, S. P. 44 be indefinitely postponed. Is this the pleasure of the Senate?

Mr. HARDING of Aroostook: Mr. President, I have requested a division.

The PRESIDENT: A division on the motion to indefinitely postpone has been requested.

A division was had. Four having voted in the affirmative and twenty-five opposed the motion to indefinitely postpone did not prevail.

The PRESIDENT: This being a constitutional amendment it requires the affirmative vote of two-

thirds of the members present for passage. All those in favor of the passage of this resolve will please rise and remain standing until counted.

Twenty-six having voted in the affirmative and four in the negative, twenty-six being more than two-thirds of the membership present, the resolve was finally passed. Sent down for concurrence.

The PRESIDENT: The Chair lays before the Senate Item B-1, which is L. D. 1138, S. P. 371, "An Act Relating to Operation of Motorcycles While Learning to Drive" which was tabled earlier in today's session by the Senator from Hancock, Senator Brown, pending consideration. Is it the pleasure of the Senate that we recede and concur?

The Senate thereupon voted to recede and concur.

The President laid before the Senate the 8th tabled and today assigned matter (S. P. 355) (L. D. 1080) Bill, "An Act Relating to Tuition for Students Attending Secondary School Outside of Residence," which was tabled earlier in today's session by Mr. Cahill of Somerset pending engrossment, and this afternoon assigned.

Mr. SNOW of Cumberland: Mr. President, I move that the bill be passed to be engrossed as amended.

On motion by Mr. Hilton of Somerset the bill was tabled until the next legislative day pending passage to be engrossed.

On motion by Mr. Harding of Aroostook,

Adjourned until tomorrow morning at 9:30.