

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Friday, May 19, 1967

Senate called to order by the President.

Prayer by Rev. George C. Mills of Farmingdale.

Reading of the Journal of yesterday.

On motion by Mr. Ross of Piscataquis, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, May 22, at four o'clock in the afternoon. (S. P. 657)

Which was Read and Passed.

Sent forthwith to the House for concurrence.

Papers From The House Non-Concurrent Matters

Bill, "An Act to Clarify the Meaning of a Labor Dispute Under Employment Security Law." (H. P. 322) (L. D. 456)

In Senate May 11, Passed to be Engrossed, in concurrence

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

On motion by Mr. Good of Cumberland, the Senate voted to recede and concur with the House.

Bill, "An Act Creating a State Employees' Suggestion Awards Board." (S. P. 643) (L. D. 1648)

In Senate, May 12, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed As Amended by House Amendment "B" (H-315) in non-concurrence.

(On motion by Mr. Wyman of Washington, tabled until later in today's session)

House Paper Joint Order

ORDERED, the Senate concurring, that Bill, "An Act Relating to Protecting Source of Public Water Supply." (S. P. 435) (L. D. 1154) be recalled from the Engrossing Department to the House. (H. P. 1165)

Comes from the House, Read and Passed

Which was Read and Passed in concurrence.

On motion by Mr. Ross of Piscataquis, the following Resolution was presented:

JOINT RESOLUTION

WHEREAS, a regional conference on "The State of the New England State Legislatures" will be held at Wentworth-by-the-Sea near Portsmouth, New Hampshire on September 10-13, 1967, composed of distinguished representatives of the six New England states; and

WHEREAS, the conference will discuss the problems and prospects of the state legislatures in New England; and

WHEREAS, much of the information and data to be used as background for the conference can only come from those persons intimately knowledgeable about the state legislatures; and

WHEREAS, the regional conference will serve to allay much of the criticisms and misconceptions about what the legislature can and should do; and

WHEREAS, the conference is sponsored jointly by two non-partisan educational organizations — the New England Center for Continuing Education and the American Assembly of Columbia University; and

WHEREAS, the conference requires the fullest bipartisan participation of the six state legislatures to be most beneficial;

NOW — THEREFORE, be it resolved by the House of Representatives and the Senate of the State of Maine that the Legislature of the State of Maine affirm its support for the concept of this regional conference to discuss the problems and prospects of the legislatures, and that all members of this Legislature who are asked to participate in the activities of the conference and the preliminary activities concerned with providing expert factual information about the Maine Legislature be requested to participate to the fullest extent possible to the end that the people of the states will be better informed about the legislature and its operations. (S. P. 656)

Which was Read and Adopted.
Sent down for concurrence.

At this point the President appointed as President pro tem Senator MacLeod of Penobscot.

Senator MacLeod was escorted to the rostrum by the Sergeant-at-Arms where he assumed the Chair, the President retiring.

Committee Reports

House

Ought to Pass in New Draft

The Committee on Legal Affairs on Bill, "An Act Relating to Realty Subdivisions in Municipalities and Unorganized Territory." (H. P. 633) (L. D. 889) reported that the same Ought to Pass in New Draft under the same title (H. P. 1162) (L. D. 1663)

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

The Committee on Legal Affairs on Bill, "An Act to Create a Hospital Administrative District in Washington County." (Emergency) (H. P. 1053) (L. D. 1527) reported that the same Ought to Pass in New Draft under new title: "An Act to Create Down East Community Hospital District No. 1." (H. P. 1161) (L. D. 1662)

Comes from the House, report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed. (See action later in today's session.)

Which reports were Read and Accepted in concurrence, the Bills read once in New Draft, and tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Eligibility for Benefits Under Employment Security Law by Those Attending Vocational Training Courses." (H. P. 794) (L. D. 1172) reported that the same Ought to Pass in New Draft (H. P. 1163) (L. D. 1664).

(Signed)
Senators:

JOHNSON of Somerset

GOOD of Cumberland
NORRIS of Oxford

Representatives:

HOOVER of Phillips
HUBER of Rockland
BEDARD of Saco
DRUMMOND of Sidney
EWER of Bangor

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

(Signed)

Representative:

DURGIN of Raymond

Comes from the House, the Majority — Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed.

On motion by Mr. Good of Cumberland, the Senate voted to Accept the Majority Ought to Pass in New Draft Report of the Committee. The Bill in New Draft was read once and tomorrow assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in Amount of One Million One Hundred and Fifty Thousand Dollars for Construction at Pineland Hospital and Training Center and of Regional Care Facilities for the Severely Mentally Retarded at Bangor." (S. P. 371) (L. D. 984) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing a Bond Issue in the Amount of Six Hundred and Fifty Thousand Dollars for a Vocational Educational Institute in Washington County." (S. P. 137) (L. D. 267) reported that the same should be granted Leave to Withdraw, as covered by other legislation.

Mr. MacLeod for the Committee on Business Legislation on Bill, "An Act Clarifying the Investment Powers of Stock Insurance Companies." (S. P. 388) (L. D. 1022) reported that the same should be granted Leave to Withdraw.

Mr. Stern for the Committee on State Government on Bill, "An Act Relating to County Auditing." (S. P. 311) (L. D. 750) reported that the same should be granted Leave to Withdraw.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Certain County Officials of Lincoln County." (S. P. 128) (L. D. 257) reported that the same should be granted Leave to Withdraw, as covered by other Legislation.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Certain County Officials of Hancock County." (S. P. 312) (L. D. 751) reported that the same should be granted Leave to Withdraw, as covered by other Legislation.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Increasing Salary of Judge of Probate of Washington County." (S. P. 288) (L. D. 668) reported that the same should be granted Leave to Withdraw, as covered by other Legislation.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Increasing Salary of Chairman of Board of County Commissioners of Washington County." (S. P. 287) (L. D. 667) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of Certain County Officials of Knox County." (S. P. 285) (L. D. 665) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Relating to Establishing Salary of Deputy Clerk of Courts of Hancock County by County Commissioners." (S. P. 129) (L. D. 258) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Albair for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for Roads and Athletic Field at Maine Maritime Academy." (S. P. 208) (L. D. 547) reported that the same "Ought Not to Pass"

Mr. Lund for the Committee on State Government on Bill, "An Act Relating to Notice of Legislative Hearings." (S. P. 347) (L. D. 931) reported that the same "Ought Not to Pass"

(See action later in today's session.)

Mr. Stern for the Committee on State Government on Bill, "An Act Providing for an Economist Within the Department of Economic Development." (S. P. 141) (L. D. 269) reported that the same "Ought Not to Pass" — covered by other Legislation.

Mr. Wyman for the Committee on State Government on Bill, "An Act Creating a Regional Coordination Program Under the Division of Industrial Promotion of the Department of Economic Development." (S. P. 85) (L. D. 166) reported that the same "Ought Not to Pass" — covered by other Legislation.

Mr. Stern for the Committee on State Government on Bill, "An Act Providing for Consultant Service by the Division of Research and Planning of the Department of Economic Development." (S. P. 88) (L. D. 169) reported that the same "Ought Not to Pass" as covered by other Legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. MacLeod for the Committee on Business Legislation on Bill, "An Act Relating to Directors of Insurance Companies." (S. P. 386) (L. D. 1020) reported that the same "Ought to Pass."

(On motion by Mr. Katz of Kennebec, tabled pending Acceptance of the Committee Report.)

Mr. Wyman for the Committee on State Government on Bill, "An Act Relating to Meetings of the Advisory Council of the Depart-

ment of Economic Development.” (S. P. 86) (L. D. 167) reported that the same “Ought to Pass”

(See action later in today’s session.)

Mr. Lund for the Committee on State Government on Bill, “An Act Providing for a Coordinator of Apprenticeship in the Department of Education.” (S. P. 199) (L. D. 430) reported that the same “Ought to Pass.”

Mr. Lund for the Committee on State Government on Bill, “An Act Providing for State Government Internship Program.” (S. P. 200) (L. D. 431) reported that the same “Ought to Pass.”

Mr. Couturier for the Committee on Towns and Counties on Bill, “An Act Relating to Expenditure of Assessment for Fire Protection Tax in Certain Townships.” (S. P. 571) (L. D. 1441) reported that the same “Ought to Pass.”

Mr. Couturier for the Committee on Towns and Counties on Bill, “An Act Relating to County Funds for Buildings for Education Programs for Retarded Children.” (S. P. 201) (L. D. 432) reported that the same “Ought to Pass.”

Which reports were Read and Accepted and the Bills Read Once and tomorrow assigned for Second Reading.

Ought to Pass—As Amended

Mr. MacLeod for the Committee on Business Legislation on Bill, “An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies.” (S. P. 373) (L. D. 986) reported that the same Ought to Pass As Amended by Committee Amendment “A” (S-159)

(On motion by Mr. Katz of Kennebec, tabled pending acceptance of the Ought to Pass, As Amended, Report of the Committee.)

Mr. Farley for the Committee on Inland Fisheries and Game on Bill, “An Act Prohibiting Hunting From or On Public Ways.” (S. P. 262) (L. D. 643) reported that the same Ought to Pass As Amended by Committee Amendment “A” (S-157)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment “A”, Filing S-157, was read by the Secretary as follows:

COMMITTEE AMENDMENT “A”
to S. P. 262, L. D. 643, Bill, “An Act Prohibiting Hunting From or On Public Ways.”

Amend said Bill by striking out all of that part designated “§2457-A” and inserting in place thereof the following:

‘§2457-A. Shooting at wild birds or wild animals while on highways

It is unlawful for any person to shoot at any wild bird or wild animal while it is on a public highway, while hunting, unless the line of fire is high enough above the elevation of the highway to preclude any danger to the users thereof.’

Committee Amendment “A” was adopted and the Bill, As Amended, tomorrow assigned for Second Reading.

Mr. Harding for the Committee on Judiciary on Bill, “An Act Relating to Transportation and Possession of Liquor by Minors.” (S. P. 407) (L. D. 1038) reported that the same Ought to Pass As Amended by Committee Amendment “A” (S-161)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment “A”, Filing S-161, was read by the Secretary as follows:

COMMITTEE AMENDMENT “A”
to S. P. 407, L. D. 1038, Bill, “An Act Relating to Transportation and Possession of Liquor by Minors.”

Amend said Bill in section 1 by striking out in the 3rd line (2nd line in L. D. 1038) the word “sentence”; and by adding at the end the following new sentence:

‘No minor shall be charged with more than one offense under this section in any given instance wherein the same set of facts is involved.’

Further amend said Bill in section 2 by striking out all of the last 2 paragraphs (same in L. D. 1038) and inserting in place thereof the following:

‘No person under the age of 21 years shall be convicted of any offense under this section if intoxicating liquors are found out-

side the passenger or driver's section of a motor vehicle under his control unless said person has actual knowledge of the presence of said liquors. The trunk or locked glove compartment of any vehicle shall not be construed under this section to be within the passenger or driver's section thereof.'

Committee Amendment "A" was adopted and the Bill, As Amended, tomorrow assigned for Second Reading.

Mr. Couturier for the Committee on Towns and Counties on Bill, "An Act Relating to Review of and Issuing Bonds for Projects Under Housing Authority Law." (S. P. 354) (L. D. 938) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-158)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment "A", Filing S-158, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 354, L. D. 938, Bill, "An Act Relating to Review of and Issuing Bonds for Projects Under Housing Authority Law."

Amend said Bill by striking out the Title and inserting in place thereof the following Title: 'An Act Relating to Review of Projects Under Housing Authority Law.'

Further amend said Bill by striking out, at the beginning of the first line, the underlined abbreviation and figure "Sec. 1."

Further amend said Bill by striking out all of section 2.

Committee Amendment "A" was adopted and the Bill, As Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Public Utilities on Bill, "An Act Authorizing Joint Rates Between Certain Transportation Carriers." (S. P. 609) (L. D. 1603) reported that the same Ought to Pass.

(Signed)

Senators:

BREWER of Sagadahoc

LUND of Kennebec
VILES of Somerset

Representatives:

WILLIAMS of Hodgdon
LINCOLN of Bethel
SNOW of Caribou
SAWYER of Brunswick
CLARK of Wells

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

(Signed)

Representatives:

D'ALFONSO of Portland
HEALY of Portland

(On motion by Mr. Lund of Kennebec, tabled pending Acceptance of Either Report.)

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Providing for the Administration of a Major Medical Insurance Program for State Employees." (S. P. 367) (L. D. 962) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington
LUND of Kennebec

Representatives:

DENNETT of Kittery
WATTS of Machias
CORNELL of Orono
PHILBROOK
of South Portland
RIDEOUT, Jr.
of Manchester

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

(Signed)

Senator:

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD, Jr.
of Kingman

(On motion by Mr. Wyman of Washington, tabled and specially assigned for Wednesday, May 24, pending Acceptance of Either Report.)

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvement." (S. P. 251) (L. D. 611) reported that the same Ought to Pass.

(Signed)
Senators:

COUTURIER
of Androscoggin
SPROUL of Lincoln
MILLS of Franklin

Representatives:

CROMMETT
of Millinocket
FARRINGTON of China
SNOWE of Auburn
ROBERTSON of Brewer
MEISNER
of Dover-Foxcroft
WIGHT of Presque Isle

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

(Signed)
Representative:

NADEAU of Sanford

On motion by Mr. Couturier of Androscoggin, the Senate voted to accept the Majority Ought to Pass Report of the Committee. The Bill was read once and tomorrow assigned for Second Reading.

FINAL REPORTS

The following Committees submitted their Final Reports:

Committee on Inland Fisheries and Game

Committee on Labor

Committee on Public Utilities.

Which were Read and Accepted and Ordered Placed on File.

On motion by Mr. Snow of Cumberland, the Senate voted to reconsider its action earlier in today's session whereby it voted to accept the Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Notice of Legislative Hearings." (S. P. 347) (L. D. 931)

On further motion by the same Senator, tabled and specially assigned for Tuesday, May 23, pending Acceptance of the Committee Report.

On motion by Mr. Stern of Penobscot, the Senate voted to reconsider its action earlier in today's session whereby it voted to accept the Ought to Pass Report of the Committee and gave the Bill its first reading on Bill, "An Act Relating to Meetings of the Advisory Council of the Department of Economic Development." (S.P. 863) (L. D. 167)

On further motion by the same Senator, tabled and specially assigned for Tuesday, May 23, pending Acceptance of the Committee Report.

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action earlier in today's session whereby it voted to accept the Ought to Pass in New Draft Report of the Committee and gave the Bill its first reading on Bill, "An Act to Create a Hospital Administrative District in Washington County." (Emergency) (H. P. 1053) (L. D. 1527).

On further motion by the same Senator, tabled pending Acceptance of the Committee report.

At this point the President resumed the Chair, Senator MacLeod retiring amid the applause of the Senate.

Second Readers

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

House

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws Related to Sea and Shore Fisheries." (H. P. 242) (L. D. 350)

Bill, "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and the Issuance of Not Exceeding \$5,400,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 1160) (L. D. 1659)

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

Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 1120) (L. D. 1592)

(On motion by Mr. Couturier of Androscoggin, tabled and specially assigned for Monday, May 22, pending Second Reading.

House—As Amended

Bill, "An Act Relating to the Computation of Secondary School Tuition." (H. P. 979) (L. D. 1421)

Which was Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

Senate

Resolve, Reimbursing Certain Municipalities for the Control of Dutch Elm Disease. (S. P. 627) (L. D. 1629)

Which was Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate—As Amended

Bill, "An Act Concerning Duty of Reasonable Care of Social invitee." (S. P. 432) (L. D. 1086)

Bill, "An Act Relating to Municipal Financing of Industrial and Recreational Projects." (S. P. 193) (L. D. 545)

Bill, "An Act Establishing the Maine Medical Laboratory Act." (S. P. 475) (L. D. 1208)

Bill, "An Act Creating a Council-Manager Form of Government for the City of Saco." (S. P. 552) (L. D. 1505)

Which were Read a Second Time and Passed to be Engrossed, As Amended.

Sent down for concurrence.

Enactors

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

An Act Relating to Form and Arrangement of Ballots in General Elections. (H. P. 216) (L. D. 306)
(See action later in today's session.)

An Act Relating to Appeals from Land Damage Board. (S. P. 231) (L. D. 556)

(On motion by Mr. Ferguson of Oxford, placed on the Special Highway Appropriations Table.)

An Act Relating to Credit for Military Service Under Retirement Law. (S. P. 277) (L. D. 657)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Appointment, Duties and Tenure of Permanent Chief of Fire Department of City of Westbrook. (H. P. 677) (L. D. 949)

An Act Creating the Uniform Act on Paternity. (S. P. 472) (L. D. 1164)

An Act Relating to Minimum Amount of Benefits Under Employment Security Law. (S. P. 505) (L. D. 1220)

An Act Amending the Portland Renewal Authority Law. (H. P. 907) (L. D. 1317)

An Act Relating to Constitution of Police Department of City of Lewiston. (S. P. 487) (L. D. 1343)

An Act Requiring Approval of County Commissioners of Court Term Bills. (S. P. 459) (L. D. 1359)

An Act to Revise the Laws Relating to Authority for Granting Degrees and to Approval of Degree-Granting Institutions. (S. P. 637) (L. D. 1641)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Funds of Deceased Patients and Inmates. (H. P. 1154) (L. D. 1650)

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

Resolve, to Reimburse Marguerite Spohrer of York for Well Damage Resulting from Use of Salt on Route 1. (H. P. 93) (L. D. 121)

(On motion by Mr. Ferguson of Oxford, placed on the Special Highway Appropriations Table.)

Resolve, for Construction and Erection of Statue to "The Maine Lobsterman" in Washington, D. C. (H. P. 661) (L. D. 916)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Resolve, to Reimburse Elmer Hannigan of Portland for Property Damage by Highway Construction. (H. P. 734) (L. D. 1057)

(On motion by Mr. Ferguson of Oxford, placed on the Special Highway Appropriations Table.)

Emergency

An Act Appropriating Funds for Airport at Bar Harbor. (H. P. 50) (L. D. 75)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Emergency

An Act Relating to Board of Commissioners of Police for the Town of Sanford. (H. P. 1117) (L. D. 1590)

Which, being an emergency measure, and having received the affirmative vote of 31 members of the Senate, was Finally Passed, and, having been signed by the President, was presented to the Governor for his approval.

Emergency

An Act Relating to Sources of Supply and Purposes of North Jay Water District. (S. P. 608) (L. D. 1596)

Which, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was Finally Passed, and, having been signed by the President, was presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter (H. P. 1122) (L. D. 1594) Bill, "An Act Relating to Weight Violations of Trucks." Tabled May 10 by Senator Mills of Franklin, pending Passage to be Engrossed.

On motion by Mr. Lund of Kennebec, retabled and specially assigned for Monday, May 22, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and today assigned matter (S. P. 429) (L. D. 1083) Senate Reports from the Committee on Judiciary on Bill, "An Act Relating to Counsel's Argument of Monetary Value of Pain and Suffering in Personal Injury Actions." Majority Report, Ought to Pass; Minority Report, Ought Not to Pass. Tabled May 11 by Senator Hildreth of Cumberland, pending Acceptance of Either Report.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I am one of the two signers of the Minority Ought Not to Pass Report and I want to explain to you my strong opposition to this bill.

I have two basic reasons for being opposed to it. The first reason is my quarrel with the soundness of the law and what it does. Basically, the law would allow counsel, at the termination of a trial involving personal injuries, to argue the monetary value of pain and suffering that the attorney's client suffered from as a result of an accident. During the trial of such a case, evidence can be introduced as to what that injury was, that there is pain and suffering, and that the claimant is suffering from the injury. Evidence can be introduced as to what causes the pain, how long the pain is likely to last — the extent of the pain can be described in every particular. During the trial of the case, it is not permissible to introduce evidence as to the monetary value as to this pain and suffering, and for very good reasons, because pain and suffering is not susceptible to a definition, a definition of the monetary value involved. It is a subjective thing that is personal to an individual who is suffering from pain.

Now, the bill is not designed to allow this evidence to be introduced. The bill is designed merely to allow counsel at the end of the trial to place a particular monetary value upon the pain and suffering while he is arguing in summation to the jury. The attorney, not being allowed to introduce evidence during the trial, is now arguing from a basis, which no evidence has been introduced, of a particular value that should be placed. For instance, this bill would suggest that he could suggest to the jury that if a fellow had lost a leg, let's say, and was in pain, that perhaps this pain could be assessed at the rate of two cents a minute, or ten cents an hour, or \$20 a day or at some

particularly defined value amount, and then the counsel would go on to argue that the man's life expectancy is so many years, and in these years there are so many waking hours in which he will be suffering this pain, and you multiply this times the increment that counsel suggests and you come up with a glorious figure that may be well up into the several hundreds of thousands of dollars.

This is a very misleading thing because obviously you cannot assign a particular value to this pain and suffering. You can suggest that overall this pain and suffering should be compensated for, and it should be compensated in a particular amount and the man be awarded this by the jury, but it is very misleading to say, and very illogical to say, that each moment, for instance, is worth a particular amount and, therefore, over a period of years the compensation should be that much. That is only my first point.

My second point is more basic than this. It does not relate to whether you think or might think it is a sound idea to allow counsel to argue a point to the jury on which no evidence has been introduced; but forget that. My second point is more basic. It is my feeling that the legislature should not be considering this kind of a matter. Oftentimes the Supreme Court of this State has considered a question and said, in effect: "This is a decision that the legislature should make. We are a court, we concern ourselves with what the law has been and what it says, but you are asking us to make policy decisions. We don't want to do it. This is a question for the legislature." An example of this is a case some years ago in which our court held that they would not overturn the immunity of charitable institutions. Charitable institutions did not used to be subject to suit, and the court said it is up to the legislature to make broad policy decisions. As a result of this decision, this legislature did, a couple of sessions later, did in fact pass a law changing the charitable immunity doctrine.

Now, what you are being asked to consider here today is kind of the opposite. This legislature, by this bill, is being asked not to make a broad policy decision, but it is being asked to insert itself into the field of the judiciary. I wonder how many of you here really feel that you are happy and confident in making a decision of this type which is entirely technical, which has been handled by the courts for hundreds of years, and is something that you do not have experience with. It seems to me it is a little bit like passing a law to suggest to the Maine Medical Association the manner in which a particular operation should be handled. I just think this is an area that the legislature trusts to the courts.

There is some question as to what the law really is in the State of Maine. I suggest that if the monetary value of pain and suffering should be allowed that it would be well for the people who are in favor of this to find out through a court decision as to whether or not they can argue the monetary value of pain and suffering. In fact, no lawyer has asked our Supreme Court whether he can argue this or not. Instead, they come to the legislature and ask the legislature to tell the courts what he can argue in the trial of a case.

I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, moves that this bill and accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President, I am not a member of the Judiciary Committee, but I am in support of the Majority Ought to Pass Report on this particular bill.

Now, Senator Hildreth is finally talking about some subject I know something about. I might say that the strongest argument in support of this bill is the fact that Senator Hildreth has had the ability and the opportunity to come before

this body and argue to you ladies and gentlemen, to argue to you, the merits of an argument. Look at all the unanimous committee reports that have been turned out that a bill ought to pass, where the committees actually heard the evidence in connection with them, and what persuaded you to change your mind? It was the ability of Senator Hildreth and others who have come before you and argued to you that what the committee did should not have been done because he made you see the light of day; he made you see the light of reason; he made you see the light of logic. That's what argument does. It helps; it doesn't hinder, and the day we can't go in and argue something on the facts, it will be a sad day for the State of Maine and it will be a sad day for our courts.

Let me go into the law. He's talking to me about — well it has never been tested out. He doesn't know how many times I tried to argue before a jury on facts that had been before the jury on pain and suffering, and I have tried to argue the monetary value and the court said, "Brother Stern, I exclude that. Don't proceed any further." But my poor client had no money to go to the Supreme Court to determine whether or not the court was right in the exclusion of the argument.

Let me go along a step further. He has not told you, and it's a matter of public record that courts throughout the state, throughout the United States, have passed by what we call judicial decree by their opinion that this is something that should be allowed. This is a typical example. Here he is arguing, the very fact that he is arguing against this bill, is the strongest support for the bill. Just think what we would have if we were not permitted to come before this body and argue the merits or demerits of a particular bill. Boy, the Judiciary Committee would pass everything. So I want to say to you, all we want and all we ask is that if we have a case that involves pain and suffering that a lawyer be permitted, to the best of his ability, to persuade

a jury that the case is worth so much money upon the facts, upon the evidence that has been presented in court, and I say to you, and I am sure I will not be contradicted, because if the jury does not abide by the facts and by the law that is given by the court, our Supreme Court will be the first to cut the verdict down. That's what they are there for, so there is no danger. All we want is the right and equal opportunity to argue the merits or demerits of a particular proposition. We are doing it every day in the Senate and we feel that we should do it in the court room. The court protects both parties. He tells the jury, regardless of the counsel's arguments, that the court is no place for sympathy, bias or prejudice; that they will render a verdict depending upon the facts and law as the court gives them with respect to the law and the facts as they have heard them. So there is nothing in my argument, there is nothing in the argument of any counsel that can argue something that is not there.

I urge you members of this Senate, and I urge you not to forget that if we take away the right of argument, whether it's in the courtroom or whether it's in the legislative halls, we will have taken away a priceless right, a priceless right to protect people whether it is a plaintiff or defendant, and remember, there is absolutely no difference whether or not we take away the right of argument in the legislative halls or whether or not we take away the right of argument in the courtroom. What we are doing now is being done in various states throughout the United States, as I said, by court opinion, so I urge you to vote for the right of freedom, for the right to argue the merits or demerits of a particular proposition.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to speak just very briefly as a member of the Judiciary Committee and as one of the signers of the eight to two

Majority Ought to Pass Report. I would hope that you would not vote with the Senator from Cumberland, Senator Hildreth, on this, and I would ask that when the vote is taken, that a division be had.

I would mention, members of the Senate, that the judges' ruling on this is not universal. Some judges have ruled that you may argue the monetary value of conscious pain and suffering. So this is not consistent, and we feel that it is unfair.

Another thing that I would mention is that in almost everything that does come into a case, you argue about it. For instance, I've heard argued the value of a horse, the loss of a horse. I've heard of the value of loss of pigs, their monetary value. It seems to me that it is pretty rough when you can argue the value of those kind of things — the value of the loss of an old 1959 automobile, but you can't argue the value, as far as monetary damage, as far as conscious pain and suffering is concerned.

I would call your attention to the fact that the arguments that this bill provides shall conform to the evidence or reasonable deductions from the evidence in the case.

I would mention that I thought that one of Senator Hildreth's finest moments was before our own committee when he was presenting a bill which would have created some problems for a particular bureaucrat, and someone mentioned this, they said, "Senator Hildreth, wouldn't this create a problem for this particular bureaucrat if you did it this way?" Senator Hildreth rose to his full height and said, "I care not, the problems that may be created for the bureaucrats. What I am concerned with is that we protect the little man." And so I subscribe to him in that degree and I would say, Senator Hildreth, that these people on the jury who are there, there is the big man, there is the little man, but don't underestimate them. What one lawyer says, the other lawyer may rebut. These people have intelligence. In this day and age this theory that you can't let them hear this,

you can't let them hear that — the courts are opening the doors and are letting the people hear the case; letting them decide it. It seems to me that is the way it ought to be. This is what this bill is all about. I would hope that you would go along with the Judiciary Committee in this particular case.

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

Mr. LUND of Kennebec: Mr. President, Members of the Senate: I speak with some hesitation today because I'm beginning to feel like a hatchet man, I'm afraid, but some of the comments in some of the debate concern me because this isn't simply a problem of creating problems for bureaucrats or causing problems for the little man, but in this bill at least and some other bills, there is a basic philosophical problem. We have delegated to the courts legislatively and our Constitution entrusts the courts with certain constitutional powers by which the courts regulate the proceedings of criminal and civil trials, and when a legislature continues to persist to tinker with the rule-making powers of the courts, I think it is unfortunate. I think it is ill-advised. I think this is bad legislation.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Hildreth, that this bill and its accompanying papers be indefinitely postponed. The Senator from Aroostook, Senator Harding, has requested that the vote be taken by a division.

As many as are in favor of the motion to indefinitely postpone will stand and remain standing until counted. Those opposed?

A division was had. 16 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion to Indefinitely Postpone Prevailed.

Sent down for concurrence.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 599) (L. D. 1580) "Resolve Proposing an Amendment to the Constitution to Grant Adult Rights to Persons

Twenty Years of Age and to Reduce the Voting Age to Twenty Years" Tabled May 11, 1967 by Senator Hildreth of Cumberland, Pending Motion by Senator Anderson of Hancock to Indefinitely Postpone.

On motion by Mr. Harding of Aroostook, retabled and specially assigned for Thursday, May 25, Pending Motion by Senator Anderson of Hancock to Indefinitely Postpone.

The President laid before the Senate the fourth tabled and today assigned matter, (H. P 853) (L. D. 1386) House Reports — from the Committee on Towns and Counties on Bill, "An Act Relating to Enactment of Municipal Zoning." Report "A" Ought to Pass; Report "B", Ought Not to Pass. Tabled May 16 by Senator Couturier of Androscoggin, pending Acceptance of Either Report.

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

Mr. COUTURIER of Androscoggin: Mr. President, I now move that the Senate accept Report "A", Ought to Pass, on L. D. 1386, and I would speak briefly on the motion.

Mr. President and Members of the Senate: The purpose of L. D. 1386 is to provide an alternative method for adopting and amending zoning ordinances in Maine towns. This is a bill which would permit town meetings to vote and authorize the selectmen in a town to adopt and amend the zoning ordinance. I feel very strongly that this is good permissive legislation, and that it is a step toward encouraging better land use development in our communities, while forcing no community to do so.

In concluding my remarks, I would like to say that when the Towns and Counties Committee reported this bill out that through an oversight a redraft of the bill was not made and, accordingly, I will request that Senate Amendment "A" be adopted if the Ought to Pass Report is accepted. This amendment would put the bill in the proper legal form.

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

Mr. SEWALL of Penobscot: Mr. President, I rise to support the motion of Senator Couturier. I, too, feel that positive steps must be taken to encourage Maine communities to adopt zoning ordinances and controlled land use to prevent the haphazard and uncontrolled growth which is plaguing the State. Now is the time when positive action must be taken.

As I understand L. D. 1386, it is permissive legislation which offers an alternative method for towns to adopt and amend zoning ordinances. Under existing statutes, the town meeting of a town must vote on a zoning ordinance and every amendment to that ordinance. Under the proposed bill a town could continue to use this procedure or, if the town desired, it could vote to authorize the municipal officers to adopt and amend the zoning ordinance.

The new alternative procedure has a distinct advantage of permitting the voters in a community to make the decision of whether or not they want zoning, and then vest the authority in the municipal officers to formulate and adopt the ordinance. The citizens of the community would still have the protection of public hearings and appeal from the final decisions of the municipal officers. In essence, the bill would vest some legislative authority in the municipal officers elected by the people.

In response to the objection that this bill is an invasion of the authority of town meetings, I would submit that this is not the case. If anybody has taken away the authority of the town meeting it is the State Legislature which has not permitted town meetings to take such action.

In conclusion, Mr. President, I feel very strongly that this bill is excellent, permissive legislation which will permit more citizens in this State to enjoy the protection of proper land use controls and foster proper growth of this State. I urge you to support the motion of Senator Couturier. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Mrs. Sproul.

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I quite agree with the Senators who have already spoken that probably zoning is necessary and advisable in a good many cases. I have signed the Ought Not to Pass Report for the reason that—and I can express this briefly in this manner: supposing that the municipal officers who were handling the zoning were certain persons whom one did not particularly care for at that time; they could go right ahead and zone most anything and in any manner. That is why I have signed the Ought Not to Pass Report of the Committee.

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

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: With all due respect for the Chairman of our Committee, Senator Sproul, I do have to say, and repeat once again, that this is permissive legislation in that if the town doesn't want to take advantage of this alternative method it doesn't have to. It can just leave it where it is, in the law books, if we do pass it.

I would suppose if it were adopted by any community, and there were abuses in that town, if it is anything like most of the towns which I know about, at the next town meeting the same officials would not be in office very long.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, this is a matter that, it seems to me, strikes at home rule to quite an extent. It would simply say that if a municipality, in its wisdom, wanted to delegate to the selectmen the power to make ordinances it could do so. You know how easy it is to get through votes on "Yes" or "No" questions like that on occasion, special town meetings and so forth. Even at town meetings, a large block may attend a town meeting and decide that the body itself, the pure democracy that we know of in the town meeting, would never enact a particular ordinance. But

if they can just get through a majority vote at some meeting to get that power over into the hands of the selectmen, then they could possibly get through an ordinance which would have very far-reaching results and effects upon the valuations of property in the town. And it might very well be something which the town meeting itself would never enact.

Now, if we are so much concerned about zoning in the municipalities of the State, it would seem to me that this great Capitol City of Augusta might very well first clean itself up with a zoning ordinance. And if these people who are so anxious to put this over onto the towns, and to make this easy method of zoning property in our little towns of the State, they might very well start with some of the cities which haven't as yet gone into it.

It seems to me that this measure represents a distrust of the people voting as a whole in the town meeting. And it is a way of circumventing that pure democracy that does still exist in the hamlets and towns throughout the State. For that reason, I signed the Ought Not to Pass Report.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I would like to direct a question through the Chair to any member of the Legal Affairs Committee who would care to answer it. If I read this bill correctly,—question is: Can the municipal officers, after a zoning ordinance has been adopted, can they then change from residential to commercial without holding a hearing, a public hearing, after the initial zoning ordinance is adopted?

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, has addressed a question to any member of the Legal Affairs Committee who may wish to answer.

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, we had before the Legal Affairs Committee some 160 bills, and I don't remember them all.

This one here, it says it was assigned to the Legal Affairs Committee, but I don't believe we heard that one. I believe it was Towns and Counties.

The PRESIDENT: I suggest to the Senator that he is simply calling on you for professional advice.

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President, evidently I am in error. The Legislative Document reads that it was referred to Legal Affairs, and perhaps that was changed to Towns and Counties. I am sorry. I direct the question to a member of the Committee on Towns and Counties.

The PRESIDENT: The question is now directed to any member of the Towns and Counties Committee who may wish to answer.

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COURTIER of Androscoggin: Mr. President and Members of the Senate: My legal minds informed me that under the redraft, or Senate Amendment "A," which I am planning to submit this morning, the answer to the question would be "No," they would not be able to do so.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Androscoggin, Senator Couturier, that we accept Report "A," Ought to Pass.

As many as are in favor of accepting Report "A," Ought to Pass, will say "Yes." Those opposed, "No."

A viva voce vote being taken, the motion prevailed, and the Bill was Read Once.

Mr. Couturier of Androscoggin presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A," Filing No. S-154, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 853, L. D. 1386, Bill, "An Act Relating to Enactment of Municipal Zoning."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

R. S., T. 30, §4953, sub-§ 3, amended. Subsection 3 of section 4953 of Title 30 of the Revised Statutes is amended to read as follows:

3. Enactment; public hearing. A zoning ordinance or amendment may be enacted only after a public hearing has been held by the planning board for its consideration at least 10 days before it is submitted to the legislative body. **In towns where the legislative body is the town meeting, such legislative body may at a regular or special meeting thereof vote on the following question: "Shall the municipal officers be authorized to enact and amend a zoning ordinance?" If the question is voted on favorable, said municipal officers may enact and amend from time to time a zoning ordinance.'**

Senate Amendment "A" was adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

The President laid before the Senate the fifth tabled and today assigned matter, (S. P. 630) (L. D. 1631) Bill, "An Act Creating the Pest Control Compact." Tabled May 18 by Senator Berry of Cumberland, pending Enactment.

On motion by Mr. Berry, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was passed to be engrossed.

The same Senator offered Senate Amendment "A" and moved its adoption.

Senate Amendment "A," Filing No. S-162, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 630, L. D. 1631, Bill, "An Act Creating the Pest Control Compact."

Amend said Bill by striking out all of section 2 and inserting in place thereof the following:

Sec. 2. Appropriation. There is appropriated from the General Fund to the Forestry Department the sum of \$6,500 for the fiscal year ending June 30, 1968 and \$6,500 for the fiscal year ending June 30, 1969, for the purposes of carrying out this Act. The breakdown shall be as follows:

Department 1967-68 1968-69
FORESTRY,
DEPARTMENT
OF
 Pest Control
 Compact
 All Other \$6,500 \$6,500'

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

Sent down for concurrence.

The President laid before the Senate the sixth tabled and today assigned matter, (S. P. 612) (L. D. 1597) Bill, "An Act to Regulate the Alteration of Wetlands." Tabled May 18 by Senator Johnson of Somerset, pending Passage to be Engrossed.

Mr. Johnson of Somerset moved the pending question. Thereupon, the Bill, as amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the matter tabled earlier in today's session, (S. P. 643) (L. D. 1648) Bill, "An Act Creating a State Employees' Suggestion Awards Board."

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

On motion by Mr. Hoffses of Knox, the Senate voted to take from the table the 26th tabled and unassigned matter, (S. P. 604) (L. D. 1587) "Resolve Regulating Fishing on Part of Moose River, Somerset County." Tabled May 2 by the same Senator, pending Final Passage.

On further motion by the same Senator, the Senate voted to reconsider its action whereby the Resolve was Passed to be Engrossed.

Mr. Viles of Somerset presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-160, was read by the Secretary as follows:

SENATE AMENDMENT "B" to S. P. 604, L. D. 1587, Resolve, Regulating Fishing on Part of Moose River, Somerset County.

Amend said Resolve in the 8th line (7th line of L. D. 1587) by inserting after the underlined word "fishing" the underlined words "under the general law"

Further amend said Resolve by striking out all of the last 9 lines (last 8 lines of L. D. 1587) and inserting in place thereof the following:

'closing to all but fly fishing from September 16th to September 30th, with a daily limit of one fish.'

Senate Amendment "B" was adopted and, under suspension of the rules, the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the matter tabled earlier in today's session, (S. P. 643) (L. D. 1648) Bill, "An Act Creating a State Employees' Suggestion Awards Board."

Comes from the House, Passed to be Engrossed as Amended by House Amendment "B" (H-315) in non-concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to Recede and Concur.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the 36th tabled and unassigned matter, (H. P. 882) (L. D. 1294) House Reports — from the Committee on Education on Bill, "An Act Providing Vocational Education Loan Funds." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass. Tabled May 12 by the same Senator pending acceptance of either Report.

The same Senator then moved acceptance of the Majority Ought Not to Pass Report of the Committee.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I was a signer of the Minority Report on L. D. 1294, and I have been hastily hunting for the reasons why I was in favor of the passage of the document. I am not sure whether I have them

all, because I wasn't aware until 30 seconds ago that this was coming off the table.

Vocational students or students attending two-year courses of any type of higher education in the State of Maine have been in the past completely forgotten by both the State of Maine, as far as help, and by most scholarships available from outside private sources including the Federal Government. The Federal Government, under the 1965 Higher Education Act, did provide for help for these people, but in the past there has been practically nothing.

This bill is not a gift. It would provide a loan fund in the amount of \$150,000, the first year of the biennium, and \$115,000, in the second year of the biennium.

I would like to read you the statement of purpose. The Legislature recognizes that financial assistance to Maine students who wish to attend institutions of higher learning has heretofore been available to students attending four-year colleges of the academic variety to a much greater extent than to those wishing to attend vocational schools, technical schools, junior colleges, and similar institutions specializing in career preparation, and recognizes that this lack of financial assistance has kept many Maine students from obtaining an education which would be highly valuable to them and to the economy of Maine."

Members of the Senate: A two-year student, under a loan program that is of assistance to him, is out working far sooner than a four-year student, and is far more able to repay the loan quicker.

I would like to just comment briefly on what a Representative of the other body discovered when he went into his own S.A.D. and talked to the superintendent of the S.A.D. about situations similar to what I am talking about this morning, the two-year person. The only school in Maine offering a two-year course in Forestry now is Unity Institute. Here is "Boy A: Family income \$5,000. Mother, chronic illness, expensive medication. Three children under 18. Has saved \$400, and is going to

earn \$400. this summer. No chance of work in college. Parents cannot help at all. Needs \$1,300."

Another: "Family income \$3,960. Sister at college. Saved \$640. Earned \$250. last summer. Family cannot help. Needs \$610."

There are some others here that are worse as far as economic circumstances are concerned, but I don't want you crying all over the Senate floor here this morning. There are many young people who need help.

I have a relative who next month is graduating from the Southern Maine Vocational Institute. He has been unable to have any help from his parents. He is taking the Marine Technology Course. This last semester if he had had just \$200, on a loan to help him, it would have made things far, far easier than what he has had to go through. If a loan fund such as this had been available, he would have had this \$200. He has an offer of a job. He is going to graduate, but he has gone through school under a severe handicap. He stayed out of school a year and a half after graduation to earn enough money to pay his first year's tuition and room and board at S.M.V.I. And he has been able to save money last summer for the second year, but it wasn't enough. He has been able, somehow, through private means, to get some funds to finish his education. But with the help of this program for the two-year person, he would have been able to finish in much better circumstances.

I would hope that the motion of the Senator from Kennebec, Senator Katz, that the Majority Report be accepted, will be defeated, and that the Senate would accept the Minority Ought to Pass Report.

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

Mr. STERN of Penobscot: Mr. President: This is another example of what argument will do. I am convinced that Senator MacLeod is right, and I will support him.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I, too, agree with Senator MacLeod, although our conclusions are completely different. So now I will further confuse Senator Stern by additional argument.

The bill which we have in front of us would seek to appropriate \$221,000. of State money to loan to vocational students. This is a worthwhile cause. But it is not a judicious use of \$221,000. During the entire session we have been working on a permanent loan program for all Maine students, and we think we have it in pretty good shape now. I think if you will go along with the Ought Not to Pass Report we will offer you an opportunity to create, with a minimum appropriation of State funds, a temporary 1.6 million dollar student loan fund that will benefit all Maine students. If you will go along with us on this, too we will soon offer to you a program which will pledge the credit of the State for the permanent establishment of something over a \$12 million loan fund. But our use of the money in our approach is, I think, much more judicious. There is no leverage in this bill and this bill seeks, purely and simply, to appropriate money and to pass it out on a one-to-one basis. The approach of the others who would favor the adoption of my motion would create a leverage of twelve-and-a-half-to-one. In other words, for every million dollars of State money that we put aside for loans we would generate twelve and a half million dollars for actual loan funds.

There are thousands of youngsters involved here. This is a very-very important decision for the Legislature to make. But in very clear conscience, I think that the approach of this bill, which singles out the vocational students for such a large appropriation of money, is short-sighted, and I hope it will be defeated.

Everything, of course, that the Senator said was correct, that vocational students have indeed been neglected. They have been neglected for two reasons. In the first place, the Congress of the

United States was slow getting a vocational program started. In the second place, actually we had very few vocational students in Maine. I call to your attention the fact that vocational training in Maine is just really getting rolling in high gear now. It is going to be big, it is going to be important, and it is going to have thousands of youngsters involved, and I think we cannot afford to jeopardize the entire loan structure of the State by attempting to pass a patchwork and temporary loan bill of this type.

For those of you who like the idea of a special loan fund for vocational students, and I resist the temptation to single these people out as second-class citizens or as different citizens, I call to your attention that the bill as written has some rather glaring errors in it. So, those of you who would attempt to espouse the cause, I would direct your attention to the bill itself and urge you to dig into the bill a little bit further,

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Sort of a parliamentary inquiry, Mr. President: Would you read how the Committee Report came out?

The PRESIDENT: The Ought Not to Pass Report was signed by the Senator from Kennebec, Senator Katz, the Senator from Cumberland, Senator Snow, Representatives Allen of Caribou, Richardson of Stonington, Hanson of Lebanon, Baker of Winthrop, and Levesque of Madawaska. The Ought to Pass Report was signed by the Senator from Penobscot, Senator MacLeod, and Representatives Shute and Carroll.

The Chair recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President, I rise in support of the remarks made by the Senator from Kennebec, Senator Katz. To emphasize one point that I don't feel has been fully covered, to me, I think it would be unfortunate to allot such a large sum of money for a specific category of students. The other loan programs which Senator Katz has discussed with

you are broad programs, and could be awarded to various categories of students in accordance with their needs. To me it would be a mistake to allot such a large sum of State funds and make them available for simply one category of students. Therefore, I would urge you to support the motion of the Senator from Kennebec, Senator Katz.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I also have been remiss in my duties. My main criticism about this bill is that it takes \$221,000. of State money and loans it out to the students. If we pursue the approach that I recommend, this \$221,000., instead of just being appropriated and passed out to the students, will be put into a rotating fund, and this exact same amount of money would generate two and three-quarter million dollars in loans. So even if you support the principle, this is a very, very short-sighted approach.

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

Mr. MacLeod of Penobscot: Mr. President and Members of the Senate: I do not pretend that this is a perfect answer to a scholarship loan program, but I will say this: the vehicle that the good Senator from Kennebec, Senator Katz, is talking about that would generate this twelve-for-one in money has been in existence for some time. There are about twenty schools in this State of the two-year nature which haven't even been able to get applications from the agency that is presently handling these funds because they say that they haven't had them; they have only had enough for the four-year students. I am saying that if we pass this legislation, at least we are sure that the two-year student will be getting some help. There is no assurance whatsoever that they will be considered

because I know right now that the Higher Education Assistance Foundation hasn't even bothered to send applications to two-year schools who were eligible under the Higher Education Act that was passed in 1965, and have been unable to even get applications from the agency or the organization that will be administering the funds the Senator is talking about. They will get the funds under this program. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Kennebec, Senator Katz, that the Senate accept the Majority Ought Not to Pass Report of the Committee. As many as are in favor of accepting the Ought Not to Pass Report will say "Yes;" those opposed, "No."

A viva-voce vote being taken, and the Chair being in doubt, a division was ordered. Eight Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to accept the Minority Ought to Pass Report of the Committee. The Bill was read once and tomorrow assigned for Second Reading.

On motion by Mr. Anderson of Hancock, the Senate voted to reconsider its action earlier in today's session whereby it passed to be enacted Item 8-1, An Act Relating to Form and Arrangement of Ballots in General Elections. (H. P. 216) (L. D. 306).

On motion by the same Senator, tabled and specially assigned for Tuesday, May 23, pending Enactment.

The adjournment Order having been received from the House, on motion by Mr. Ross of Piscataquis, adjourned until Monday, May 22, at four o'clock in the afternoon.