

# 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

Monday, June 5, 1967

Senate called to order by the President.

Prayer by Rev. Clyde H. Bailey of Gardiner.

Reading of the Journal of yesterday.

### Papers from the House Non-concurrent matters

Bill "An Act Relating to Emergency Admittance of Paupers to Hospitals." (S. P. 659) (L. D. 1676)

In Senate, May 25, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed As Amended by House Amendment "A" in non-concurrence. (H-379)

On motion by Mr. Snow of Cumberland, the Senate voted to Recede and Concur with the House.

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)

In Senate, May 19, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed As Amended by House Amendment "A" (H-354), As Amended by House Amendment "A" (H-357) thereto, and House Amendment "B" (H-387) in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Recede and Concur with the House.

Bill "An Act to Authorize the Reconstruction and Elimination of Hazardous Locations on Portions of Star Route 6." (H. P. 404) (L. D. 570)

In Senate, May 26, Passed to be Engrossed As Amended by Committee Amendment "A" (H-339) in concurrence.

Comes from the House, Passed to be Engrossed As Amended by Committee Amendment "A" (H-339) and by House Amendment "A" (H-389) in non-concurrence.

On motion by Mr. Ross of Piscataquis, the Senate voted to Recede and Concur with the House.

## House Paper

Joint Resolution Expressing the Sympathy of the Maine Legislature on the Death of the Honorable George F. Mahoney, Insurance Commissioner of the State of Maine.

WHEREAS, in the death on June 1, 1967, of George F. Mahoney, the State of Maine lost a valued public servant and treasured friend; and

WHEREAS, his nationally recognized ability and integrity reflected his deep concern for the public interest and the genuine qualities of character and mind which he possessed; and

WHEREAS, in voicing our sorrow at his death we are echoing the sentiments of all who knew and admired him in public and private life; now, therefore, be it

RESOLVED: that the Members of the One Hundred and Third Legislature of the State of Maine express their heartfelt sympathy to Mrs. George F. Mahoney and their six children; and be it further

RESOLVED; that an engrossed copy of this resolution, signed by the Speaker of the House and the President of the Senate, and duly attested by the Secretary of the Senate, be immediately transmitted by the Secretary of the Senate to Mrs. George F. Mahoney as a small token of our deep sorrow.

Name: George W. Scott

Town: Presque Isle

(H. P. 1192)

Comes from the House Read and Adopted.

Which was Read and Adopted in concurrence.

## Committee Reports House

### Leave to Withdraw

The Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Pay for State Employees." (H. P. 621) (L. D. 877)

Reported that the same should be granted. Leave to Withdraw as covered by other legislation.

Comes from the House, report Read and Accepted.

Which Report was Read and Accepted in concurrence.

**Ought Not to Pass**

The Committee on Health and Institutional Services on Bill "An Act Relating to the Transfer of Incurrigibles From Training Centers to Reformatories." (H. P. 830) (L. D. 1238)

Reported that the same Ought Not to Pass as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on Legal Affairs on Bill "An Act to Provide for Electing the Civil Service Commission for the Fire Department of City of Biddeford." (H. P. 613) (L. D. 855)

Reported that the same Ought Not to Pass as covered by other legislation.

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

**Ought to Pass**

The Committee on Judiciary on Bill "An Act to Permit Savings and Loan Associations and Savings Banks to Consolidate." (H. P. 1002) (L. D. 1464)

Reported that the same Ought to Pass.

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

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In hastily reading the wording of 1464 some questions come to mind. I would address to any member of the Judiciary Committee two queries. This appears to permit savings banks and savings and loan associations any place in the state to consolidate without any geographical considerations at all, and the first sentence in subsection 1872 reads: "Any organization organized under the laws of this state may consolidate with a savings bank." It seems to me this is pretty broad legislation. I would appreciate some answers. If not, I might make a motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has addressed two questions to

members of the Judiciary. If a Senator wishes to answer, he may.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Senator Berry, I am not particularly prepared to give you a detailed and thorough answer, but it has been called to my attention. We felt in the Committee that this was an innocuous thing, and there is no difficulty in allowing them to get together and promulgate. The same type of institutions are involved, and we couldn't see any dark corners in the situation where they anticipated trouble, but it has been pointed out to us that the Legislature just recently did fail to allow the credit unions to do something of this sort, and on the basis that it is sort of a creeping thing it might possibly be a threat to the great banking institutions of the State. A lot of us didn't think so, but the Legislature in its wisdom did, and it might be that is the objection here, as Senator Berry has pointed out. However, my own personal feeling is that it doesn't do anyone any harm and it might be a constructive thing. However, I don't have any strong feelings on it.

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

Mr. BERRY of Cumberland: Mr. President, I am firmly convinced, after that very good explanation by Senator Mills, that this bill is unnecessary, therefore, I move that this bill and accompanying papers be indefinitely postponed.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for Tuesday, June 6, pending the motion of the Senator from Cumberland, Senator Berry, that the bill and its accompanying papers be indefinitely postponed.

**Ought to Pass — As Amended**

The Committee on Legal Affairs on Bill "An Act to Change Date of Caucus Election of City of Biddeford." (H. P. 665) (L. D. 920)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-367)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "A".

The Committee on State Government on Bill "An Act Increasing Number of Visitors for Maine Maritime Academy." (H. P. 382) (L. D. 529)

Reported that the same Ought to Pass As Amended.

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed, As Amended by Committee Amendment "A" (H-369)

Which reports were Read and Accepted in concurrence and the Bills read once. Committee Amendments "A" were Read and Adopted in concurrence, and the Bills, as Amended, tomorrow assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Taxation on Bill "An Act Providing for a Tax on Real Estate Transfers." (H. P. 645) (L. D. 900)

Reported that the same Ought to Pass in New Draft under the same title: (H. P. 1143) (L. D. 1627)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-307).

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: My attention has been called to this just recently, and it seems to be more than a toe in the door; it's a whole foot in the door of invasion of rights of privacy, and it is certainly another tax matter which I don't know as this legislative body as a whole is prepared to go into. I do note the absence of the chairman of the Taxation Committee, so just to start this going I will make a motion to indefinitely postpone the bill and all its accompanying papers, and suggest that the good Senator from Somerset, the Republican Floor Leader, put it on the table until the Chairman of the Committee comes back.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and specially assigned for Tuesday, June 6, pending the Motion of the Senator from Franklin, Senator Mills, that the Bill and all accompanying papers be Indefinitely Postponed.

The Committee on Retirements and Pensions on Bill "An Act Relating to Restoration to Service Under State Retirement Law." (H. P. 325) (L. D. 459)

Reported that the same Ought to Pass in New Draft under the same title: (H. P. 1187) (L. D. 1688.)

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

Which report was Read and Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Legal Affairs on recommitted Bill "An Act Relating to Clothing Allowance for Employees of Public Works Department of Lewiston." (H. P. 293) (L. D. 413)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

GOOD of Cumberland  
SPROUL of Lincoln

Representatives:

BAKER of Orrington  
SHAW of Chelsea  
CONLEY of Portland  
BELIVEAU of Rumford  
RICHARDSON

of Stonington  
CUSHING of Bucksport

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

(Signed)

Senator:

STERN of Penobscot

Representative:

WHEELER of Portland

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

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

Mr. GOOD of Cumberland: Mr. President, I move the Senate Accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion of Mr. Boisvert of Androscoggin, tabled and specially assigned for Tuesday, June 6, pending the motion of the Senator from Cumberland, Senator Good, that the Senate accept the Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Taxation on Bill "An Act Increasing the Gasoline Tax." (H. P. 428) (L. D. 592)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

FARLEY of York  
WYMAN of Washington  
YOUNG of Hancock

Representatives:

HANSON of Gardiner  
DRIGOTAS of Auburn  
ROBINSON of Carmel  
COTTRELL of Portland

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

(Signed)

Representatives:

SUSI of Pittsfield  
ROSS of Bath  
HARRIMAN of Hollis

Comes from the House, Majority Ought Not to Pass Report Read and Accepted.

On motion by Mr. Good of Cumberland, tabled and specially assigned for Wednesday, June 7, pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on Taxation on Recommitted Bill "An Act Relating to Refund for Malt Liquor Excise Taxes." (H. P. 768) (L. D. 1115)

Reported that the same Ought Not to Pass.

(Signed)

Senator:

WYMAN of Washington

Representatives:

SUSI of Pittsfield  
ROBINSON of Carmel  
ROSS of Bath  
HARRIMAN of Hollis  
COTTRELL of Portland

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

(Signed)

Senators:

FARLEY of York  
YOUNG of Hancock

Representatives:

HANSON of Gardiner  
DRIGOTAS of Auburn

Comes from the House, Majority Ought Not to Pass Report Read and Accepted.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: With reference to Item 6-11, a bill we brought before the Committee, it seems to be that if these people today who are paying an excise tax to the state for liquor, if there is a fire there is no claim. I also understood from the members of the Liquor Commission that they themselves have a bill along with the other liquor houses in the federal government, in case the liquor house was burned here in Hallowell, they themselves would not receive from the United States Government any excise tax that they had paid for liquor to the federal government. They also told me that they had the bill in the Minority Report Ought to Pass upon that substance, it was told to us before the Committee, and we signed as the minority members.

I do think that the bill in itself has some good in it, and I would like to make the motion, and ask for a division, that we accept the Minority Report on Item 6-11.

Thereupon, on motion by Mr. Johnson of Somerset, table and specially assigned for Tuesday, June 6, pending the motion of the Senator from York, Senator Farley, that the Senate accept the Minority Ought to Pass Report of the Committee.

## Senate

## Ought to Pass As Amended

Mr. Mills for the Committee on Judiciary on Bill "An Act Adopting the Uniform Arbitration Act." (S. P. 263) (L. D. 644)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-223)

Which report was Read and Accepted and the Bill read once. Committee Amendment "A", Filing S-223, was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A"** to S. P. 263, L. D. 644, Bill, "An Act Adopting the Uniform Arbitration Act."

Amend said Bill by inserting after "§5947" a new section as follows:

**'§5948. Applicability**

This chapter shall apply only to construction contracts and collective bargaining agreements.'

Further amend said Bill by renumbering "§5958." to be '§5949.' Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for Second reading.

Mr. Mills for the Committee on Judiciary on Bill "An Act Relating to Exemption of Property from Attachment and Execution." (S. P. 538) (L. D. 1389)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-222)

Which reports were read and Accepted and the Bill Read once. Committee Amendment "A", Filing S-222, was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A"** to S. P. 538, L. D. 1389, Bill, "An Act Relating to Exemption of Property from Attachment and Execution."

Amend said Bill in section 5 by striking out in the 23rd, 24th, 25th, 26th, 27th, 28th, 29th, and 30th lines (18th, 19th, 20th, 21st, 22nd, 23rd, and 24th lines in L. D. 1389) the underlined punctuation and words: "; provided that if the cash surrender value of any contract of life, endowment, annuity or accident insurance is or may be made payable to the insured or to the person effecting such contract of

insurance at his option without the consent of the beneficiary or assignee thereof, then the cash surrender value of any such contract of insurance shall be liable to the claims of creditors of the insured or of the person effecting such contract of insurance by attachment or execution"

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

Mr. MacLEOD of Penobscot: Mr. President, I would like to direct a question to any member of the Judiciary, if I may, regarding Committee Amendment "A", Filing S-222. I would like to ask if this amendment now leaves proceeds or cash surrender value of life insurance policies in the same status they were prior to — if the bill were enacted, would it affect the proceeds of life insurance or the cash surrender values as far as credit is concerned?

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, has directed a question to any member of the Committee on Judiciary.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and the good Senator from Penobscot, Senator MacLeod: That precisely is the intention. I am reaching for my copy of the amendment and that is exactly what we intended to do, to accomplish, to eliminate — one of the members of the Committee felt very strongly on that point — we did draft this amendment for that precise purpose of eliminating the cash surrender value of life insurance. I might say, good Senator, the insurance industry itself would have been satisfied with an amendment which would have made them vulnerable to bankruptcy proceedings, but this amendment goes further than that. It put them right back where they were, as you said in your remarks. But for the objection of one member, we probably would have had a broader amendment than this is, so I think not only the insurance industry would be satisfied with something less than this amendment but it goes beyond what they wanted. The bill itself does modernize the exemp-

tion statutes of the state and they have been in this archaic situation for generations, with only a minor change here and there, and we feel that this is on the whole very constructive legislation. I can say it probably because, even though I introduced the bill, I had considerable help from experts in the field.

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

Mr. MacLEOD of Penobscot: Mr. President, I wish to extend my heartfelt thanks to that unknown member of the Judiciary Committee.

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

#### Ought to Pass in New Draft

Mr. Lund for the Committee on State Government on Bill "An Act Creating a State Planning Council, Planning Committees and a State Planning and Economic Analysis Office." (S. P. 437) (L. D. 1090)

Reported that the same Ought to Pass in New Draft under the same title: (S. P. 668) (L. D. 1696)

Which report was Read and Accepted and the Bill In New Draft, Read Once and tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Education on Bill "An Act Relating to Public Higher Education." (S. P. 497) (L. D. 1256)

Reported that the same Ought to Pass As Amended by Committee Amendment "A", (S-224)

(Signed)

Senators:

KATZ of Kennebec  
SNOW of Cumberland  
MacLEOD of Penobscot

Representatives:

BAKER of Winthrop  
LEVESQUE  
of Madawaska  
CARROLL of Limerick  
ALLEN of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under a new title: "An Act Relating to

the State Colleges." (S. P. 666) (L. D. 1694).

(Signed)

Representatives:

HANSON of Lebanon  
RICHARDSON  
of Stonington  
SHUTE of Farmington

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

Mr. KATZ of Kennebec: Mr. President, Ladies and Gentlemen: This item and the divided report which follows are the heart and guts of the higher education legislation which we hope to present to you for your consideration this session. It is our intention to describe these without any editorial comment and table them until the next legislative day hoping that all of you will get interested enough to look at the bills.

L. D. 1256, which is the item under consideration today, is a nine-page very uninteresting statement of changes in the law which will be required if we pass the following legislation. You will notice that both of these are seven to three reports. The Minority Report in this L. D., Item 6-15, you might call it the corrections of inconsistencies requirement if we accept the Minority Report of the following legislation, so, Mr. President, I will go ahead, if it's agreeable, with our program to present these and hope that someone will subsequently table them for debate tomorrow.

(On motion by Mr. Snow of Cumberland, tabled and specially assigned for Tuesday, June 6, pending Acceptance of Either Report.)

#### Divided Report

The Majority of the Committee on Education on Bill "An Act Creating the University of the State of Maine." (S. P. 496) (L. D. 1258)

Reported that the same Ought To pass As Amended by Committee Amendment "A" (S-225).

(Signed)

Senators:

KATZ of Kennebec

SNOW of Cumberland  
MacLEOD of Penobscot

## Representatives:

BAKER of Winthrop  
LEVESQUE

of Madawaska

CARROLL of Limerick  
ALLEN of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under a new title: "An Act Creating the Maine Higher Education Commission." (S. P. 665) (L. D. 1693).

(Signed)

## Representatives:

HANSON of Lebanon  
RICHARDSON

of Stonington  
SHUTE of Farmington

(On motion by Mr. Snow of Cumberland, tabled and specially assigned for Tuesday, June 6, pending Acceptance of Either Report.)

**Divided Report**

The Majority of the Committee on Election Laws on Bill "An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Date." (S. P. 649) (L. D. 1657)

Reported that the same Ought to Pass As Amended by Committee Amendment "A", (S-226).

(Signed)

## Senators:

BERRY of Cumberland  
COUTURIER

of Androscoggin

## Representatives:

BOUDREAU

of Cumberland

HAWES of Union  
HENLEY of Norway  
BOURGOIN of Fort Kent  
BERNARD of Auburn

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

(Signed)

## Senators

ANDERSON of Hancock

## Representatives:

HODGKINS of Greene  
JANNELLE

of Scarborough

(On motion by Mr. Anderson of Hancock, tabled and specially assigned for Tuesday, June 6, pending Acceptance of Either Report.)

**Divided Report**

The Majority of the Committee on Judiciary on Bill "An Act Relating to Unjustified and Justified Abortions." (S. P. 215) (L. D. 478)

Reported that the same Ought Not to Pass.

(Signed)

## Senator:

HARDING of Aroostook

## Representatives:

DAREY

of Livermore Falls

BERMAN of Houlton

DANTON

of Old Orchard Beach

BRENNAN of Portland

QUINN of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft (S. P. 667) (L. D. 1695)

(Signed)

## Senators:

MILLS of Franklin

HILDRETH of

Cumberland

## Representatives:

HEWES of Cape Elizabeth

FOSTER

of Mechanic Falls

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: None of us, including the signers of the Minority Ought to Pass report, are in favor of abortion. On the other hand, I think most of us recognize that on certain occasions an abortion is medically justified and medically advisable. We recognize that there are religious overtones involved here, that some people, because of philosophical or religious beliefs, look upon any kind of an abortion as something that is wrong and evil. Others of us look upon it as something that occasionally is called for, but also recognize that making the performance of abortion easily and simply done may

lead to other evils which we recognize.

We redrafted, or suggested a redraft, of this bill, which is designed to control any danger that a liberalized therapeutic abortion law might be subject to abuse. In other words, we have changed the original bill to tie down the fact that permission and conscious permission of the woman involved must be obtained, and have gone so far as to say that if she is physically or mentally incapable of giving consent that the consent of the probate judge in the county in which she resides must be obtained in her place. Furthermore, instead of leaving this up to a single doctor who might get the consent or approval of another doctor as suggested by the original bill, which was an American Law Institute bill, we decided it would be wise to go further and attempt to put the responsibility on the hospital itself by requiring that no therapeutic abortions could be performed unless it was performed in a licensed hospital and only if all of the members, and there have to be at least three, of a special hospital board believe and find in writing that such an abortion was medically advisable so that, therefore, a doctor with a patient couldn't be swayed by his own perhaps emotional involvement and it would be left up to a more objective group. We couldn't see how, with this system, abuses could creep into this and make the State of Maine, as some people would suggest, an abortion mill.

As you all know, a law somewhat similar to this has been passed in the State of Colorado. It is perhaps interesting that this state has already performed two abortions since the law went into effect a month or so ago under this law. Curiously enough, both abortions arose because of a possible rape. One of them was a twelve year old girl.

I move that we accept the Minority Ought to Pass report.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, moves that we accept the Minority Ought to Pass in New Draft report of the Committee.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion of the Senator from Cumberland, Senator Hildreth. I think that this is a very dangerous piece of legislation. I am speaking on this, however, only as a member of the Judiciary Committee. I have no particular religious convictions which would prevent me from voting for this bill if I thought it was a good one. I think it is not a good one and these are some of my reasons.

First of all, we will go down through the various areas of where a therapeutic abortion may be permitted. The first one is in the case of the probably death of a woman. That is the law now. Abortion may be performed where the possible death of the woman will occur.

The second instance is where there is serious impairment of the physical health of the woman. This is where I suggest to you that the door is starting to be opened and opened a long ways. These are questions of judgment, it is true, but I think there are areas where grave abuses may occur. Also, if there is a serious impairment of the mental health of the woman, and this, I suggest to you, is where the barn door has been opened a long, long ways and is extremely dangerous.

Another instance is where there could be the birth of a child with a grave and permanent physical or mental deformity. Here again, this is a question of judgment, and there is no doctor who can say for a certainty that any child is going to be born with grave and permanent mental or physical deformity. We understand that in these cases where it is problematical, it may be one child in ten who would have such a deformity, so the question is this: Do you kill nine healthy children to make sure that you don't have the one who may have a grave deformity? And the second question which you must answer to yourself is what right do you have to kill the child who may have the deformity? He may turn out to be a genius in other respects

and compensate a great deal for the deformity which he has. So I suggest to you that in no event do we have the right to kill this unborn child because of this probable deformity which we mentioned.

We also come into the area of rape or incest. We know from the testimony which was presented by the physician, which was uncontested, undisputed, that if you have what I call a legitimate rape, perhaps that's a play on words, but if you have a real rape where a girl has been assaulted, it is no cooked up deal, she makes a complaint to her parents, she goes to a doctor. If she does that within five days of the assault, the chances of her becoming pregnant are practically non-existent, so I suggest to you that if a girl has been assaulted and it is a real rape, she is going to do that and the chances of her being pregnant, as I say, within that five-day period, are practically non-existent if she goes to the doctor and receives the treatment which is now available.

Then you get into the area of incest. This is one of the most pathetic of the situations. The testimony before the Committee was that in this instance a father or brother may be involved, and the girl is very reluctant to make the complaint. She will not make it until the last possible moment. It is usually in the sixth, seventh or eighth month, so as this bill provides, it must be within sixteen weeks' gestation so it would be rare, if ever, that a complaint would be made in the case of incest and the actual abortion was performed.

I will also mention to you that I have a doctor friend in Presque Isle who is a gynecologist. He is a member of the American Boards. I think that he is one of the top men in the field, not only in Aroostook County, but in the State of Maine. He took the pains and the trouble to write me and to write other people in the Legislature on this because he fears this bill. Now, I will tell you also that his fears do not relate to religious convictions. That has nothing to do with it, but his fears relate to the abuses which would occur under

the bill. Now, he has been practicing for some ten or more years, and he tells me that in his practice, and this is his specialty, gynecology, that he has not seen the need of killing an unborn child yet, and it is his feeling that he will not see the need.

Now, I know that we read that the sociologists say this is the kind of thing we must do, we must cut down on our population, and so on, that it is only a question of time before it will come, but I don't think that the question of time has arrived in the State of Maine. We are a sparsely populated state. We certainly couldn't justify this on the grounds that we need to keep our population down. I think that this is a very unfortunate bill. I think it would be very unfortunate for the people of Maine. I don't believe that the need has been shown for it. In order to justify legislation like this, where you are killing unborn people, I think you have to feel a need for it, and I suggest to you that there was no testimony whatsoever of the need for this kind of legislation in Maine.

I, therefore, Mr. President move that this bill and all of its accompanying papers be indefinitely postponed, and when the vote is taken, I ask that it be taken by the "yeas" and "nays".

The PRESIDENT: The Chair recognizes the Senator from York Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: In all the years that I have been here in either branch there was not any bill that I talked about to my wife nor was she interested, but in this bill my wife was interested, so much that we talked it over possibly for a month now and then. I have no religious beliefs on this matter, and have only one letter from a young lady in the City of Saco who is single who is against it. My wife and I between us raised a family of ten children. At no time when a child was delivered was my wife in the hospital over twenty minutes. We checked our family tree back on both sides as far back as we could, we came up with how

I should vote here today; I should vote against the bill and support the Senator from Aroostook County.

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

Mrs. SPROUL of Lincoln: Mr. President, there are probably a good many people who will wonder why that I should have submitted a bill like this. I will say that I read the bill as presented; I saw merit in it. I knew what would happen. I knew that it would cause a great deal of comment. I knew that probably it might, shall we say, in some quarters hurt me politically, and yet I felt that this was a subject that needed to be presented to the Legislature, needed to be argued.

I say to you in all honesty that there were two times that I can recall in my lifetime when I resorted to the physicians. One as I waited for a long-awaited child, and another time in a bitter despair for something else, and I say that at neither time have I found the physicians anything but cooperating, doing everything which they could to help. At no time in my lifetime have I found the physicians trying to put something over on people that they do not want. This bill here provides, in both drafts, that the woman herself and the physicians, there are three under the redraft, or at least the hospital staff, no abortion is going to be performed unless the woman herself has requested it, her husband or a board of the hospital staff. It seems that there are adequate safeguards here.

I quote in part from a letter written to me by the gentleman who submitted the bill in Colorado, and on page three he has said the following: "The bill provides for individual freedom and responsibility and minimizes punitive measures. The human morals factor is directly proportional to freedom and responsibility. The bill is permissive and not mandatory, and in no way demands the interruption of a pregnancy. It safeguards, even honors, the different views of the individuals and groups since no particular viewpoint can become dominant."

I have a wealth of material. I could speak, I think, a month without stopping if I started to read it to you, but it would serve no particular purpose. I think you have all heard the pros and cons of this bill, and I myself feel that I can support the bill, particularly in the redraft, and I commend those who take the unpopular side politically in having supported the bill. I am grateful for their support. I also respect the reasons for those who signed against the bill. Frankly, I have no personal interest in this, obviously. I certainly am not going to need it as far as my family goes at this point, so I would expect that everyone would vote according to their convictions, and I respect and admire them for the way that I know that they will vote. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, Ladies and Gentlemen: This is perhaps the most interesting bill of the session to me. First of all, it got Harvey Johnson's name in Playboy magazine, and I found that this was an offshoot of an interesting piece of legislation.

Second, I think that the public hearing on this bill was the finest public hearing I have ever attended. It did everything that a public hearing should do, that you hope it will do. It brought out factual, meaningful, professional opinion on both sides of the subject.

The third reason I find this bill so interesting is that I find that its sponsorship has called for more political courage than any other bill this session, and I shall be very proud to vote with Senator Sproul on this one.

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

Mr. STERN of Penobscot: Mr. President, Fellow Members of the Senate: I argued for this abortion bill before the Committee. I don't intend to argue lengthily here, I just want to state briefly that when I was younger in my practice, I ran across a number of cases that

brought this matter to my personal attention. There was an occasion when the court appointed me to defend a father who had raped his daughter. It did not become apparent for some time that the child was pregnant. I know personally that the child tried to commit suicide several times. It had also come to my attention, as I handle a great deal of criminal cases, many cases that I knew personally, that people had attempted illegal abortions. I know personally of people who died in the attempt. I know of many people who went out of the state and went out of the country, and I think, and I believe now, that where Colorado has passed the abortion laws that there will be many who are well off, who are wealthy, who will go to Colorado to attempt abortion in a legal manner, in a sanitary manner, in a safe manner, and I feel that this would put a burden on those who are poor and unable to go, and I feel that we should pass a similar law.

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

Mr. MILLS of Franklin: Mr. President, this measure, of course, is one of the most sensitive measures, in fact probably the most sensitive measure that has been before the Legislature this winter, and a person doesn't like to allow himself to be in a position where the opposition feels that he is taking the side of those who would murder or kill. I do take strong exception to those implications because certainly that is not the motivation, that is not the thinking of the philosophy of those who agree with Senator Sproul who introduced this legislation.

I have had numerous discussions during the winter with various women in connection with this bill and it has crossed my mind many, many times that perhaps the appropriate thing to do would be to let the women decide an issue like this. Because after all, they are the ones who go through travail, they are the ones who bear the next generation, and they are the ones who are most sensitive to the rights and wrongs of a thing of this kind. That, how-

ever, is not a possibility because of the make-up of our Legislature, of course, but I do wish to say that I don't feel the moral charges, the charges of recklessness that are leveled at those who have joined with the good Senator Sproul are appropriate.

There is one further comment that I would like to make in regard to the State of Colorado. That law has been in effect some weeks or months now, at least an appreciable period of time, and we have had reports from there that there has not been an influx of people seeking to take advantage of that law. I think the good Senator from Penobscot, Senator Stern, would be mistaken if he felt that Maine would encounter an influx of people seeking benefits under this legislation.

As a matter of fact, during the winter, doctors brought to my attention an instance in my own county of a girl of 15 or 16 years of age, unmarried, who in the first months of pregnancy, an illegitimate prospective pregnancy, did have German measles and it was reported to me that she went to Massachusetts, and there in a legal way had such an abortion. It surprised me because I felt that Massachusetts probably was much more conservative in its views than others, so for that reason I signed the Minority Report, joining with Senator Sproul and Senator Hildreth and the others in the House on this measure.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: On this particular bill, I do disagree with the other two members of the Judiciary Committee.

I want to make it very clear that I certainly challenge nobody's motives for the introduction of this particular piece of legislation or voting for it. I expressed at the Committee hearing a great deal of admiration for the courage of the Senator from Lincoln, Senator Sproul, for introducing the legislation.

However, that in no way lessens my opposition to it, and no matter how nicely we coin the phrase,

whether we call it abortion or whatever you may call it, therapeutic abortion, the fact is this: that this bill proposes that the life of an unborn child shall be terminated. Now, the question which you must ask yourself is whether the provisions in the bill justify the killing of the unborn child. I will suggest to you that there has been no testimony presented at the hearing nor in this Senate which in my mind justifies the killing of these unborn children, and this is the reason for my opposition.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Aroostook, Senator Harding, that the bill and its accompanying papers be indefinitely postponed. The same Senator has asked that the vote be taken by the "Yeas" and "Nays".

In order for the Roll Call to be entertained, there must be the expressed desire of at least one-fifth of the members present. Those in favor of taking the vote by the "Yeas" and "Nays" will please stand and remain standing until counted.

A sufficient number having arisen, a roll call was ordered.

#### ROLL CALL

"YEAS": Senators Albair, Anderson, Barnes, Boisvert, Brewer, Couturier, Curtis, Duquette, Farley, Harding, Norris, Reny,

"NAYS": Senators Beckett, Berry, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Snow, Sproul, Stern, Viles, Young, and President Campbell.

ABSENT: Senators Girard and Wyman.

A roll call was had.

12 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to indefinitely postpone the bill and its accompanying papers did not prevail.

Thereupon, the Senate voted to accept the Ought to Pass in New Draft report of the Committee and the bill, as Amended, was Read

Once and tomorrow assigned for Second Reading.

#### Final Report

The Committee on Education submitted its Final Report.

Which was Read and Accepted.  
Sent down for concurrence.

#### Second Readers

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

#### House

Bill "An Act Relating to Additional Appeals Under Liquor Laws." (H. P. 1185) (L. D. 1685)

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

#### House - As Amended

Bill "An Act to Authorize General Fund Bond Issue in Amount of Two Million Eight Hundred and Fifteen Thousand Dollars and to Appropriate Moneys for Construction, Extension and Improvement for Airports." (H. P. 1166) (L. D. 1667)

Bill "An Act Relating to Minimum Wages for Firemen." (H. P. 516) (L. D. 729)

Bill "An Act Revising Laws Relating to Licensed Small Loan Agencies." (H. P. 468) (L. D. 681)

(On motion by Mr. Harding of Aroostook, tabled and specially assigned for Tuesday, June 6, pending Passage to be Engrossed.)

Bill "An Act Relating to Joint Accounts in Banks and Loan and Building Associations." (H. P. 1001) (L. D. 1463)

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

Bill, "An Act Establishing Maximum Legal Interest Rate on Personal Loans in Excess of Two Thousand Dollars." (H. P. 345) (L. D. 493)

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

Mr. MacLEOD of Penobscot: Mr. President, I move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, at the appropriate time I would like to propose the proposed change which I understand to be an increase in the interest rate as set up by the Committee from 16 per cent to 18 per cent. Now perhaps the amendment could be offered and someone could perhaps table this until the next legislative day. I do intend to debate the advisability of attaching another increase in the rates. As was set up originally, the bill was 12 per cent, and the Committee came out with 16 per cent. Now someone is aspiring to get it up to 18 per cent, but I don't know where this is going to stop. We won't have any usury law at all if we keep edging it up, so I am going to oppose the increase of the Committee as it is now, and would suggest that perhaps this could be put on the table until the next legislative day. We might be able to iron it out.

Thereupon, on motion by Mr. Mills of Franklin, tabled and specially assigned for Tuesday, June 6, pending the motion of the Senator from Penobscot, Senator MacLeod, that the Senate reconsider its action whereby it adopted Committee Amendment "A".

#### Senate

Bill "An Act Relating to Election of School Board of City of Old Town." (S. P. 352) (L. D. 936)

Which was Passed to be Engrossed.

Sent down for concurrence.

Bill "An Act Providing a Bond Issue in the Amount of Fifty-nine Thousand Dollars for Constructing a Day School in Central Maine for the Mentally Retarded." (S. P. 466) (L. D. 1158)

Mr. KATZ of Kennebec presented Senate Amendment "A" and moved its adoption. Senate Amendment "A", Filing S-227, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 466, L. D. 1158, Bill, "An Act Providing a Bond Issue in the Amount of Fifty-nine Thousand Dollars for Constructing a Day School in Central Maine for the Mentally Retarded."

Amend said Bill in section 2 by striking out in the last line of the 2nd paragraph (Same in L. D. 1158) the words "state board" and inserting in place thereof the words 'Governor and Council'

Senate Amendment "A" was Adopted, and the Bill, As Amended, passed to be Engrossed.

Sent down for concurrence.

#### Senate — As Amended

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)

(On motion by Mr. MacLeod of Penobscot, tabled and specially assigned for Tuesday, pending Passage to be Engrossed.)

Bill "An Act Creating the Maine Higher Education Development Authority." (S. P. 495) (L. D. 1257)

Bill "An Act Relating to Foreclosure of Bonds for Deeds and Contracts for Sale of Real Estate." (S. P. 336) (L. D. 869)

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

Sent down for concurrence.

#### Enactors

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

An Act to Appropriate Funds and Provide Staff for Alcoholism Services. (S. P. 9) (L. D. 15)

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

An Act Appropriating Funds for Time and a Half Overtime Payment for State Employees. (H. P. 51) (L. D. 76)

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

An Act Removing Tolls from Augusta Memorial Bridge. (H. P. 349) (L. D. 497)

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

An Act Relating to Charging Fees for Services to Persons Acting as Subjects for Student Instruction and Training in Beauty Schools." (H. P. 611) (L. D. 854)

An Act Providing for a Council-Manager Form of Government for Town of Skowhegan and Increasing Compensation of Councillors of Town of Ashland. (H. P. 800) (L. D. 1209)

An Act Relating to Reports of School Administrative Districts. (S. P. 534) (L. D. 1369)

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

An Act Creating the Short Form Deeds Act. (S. P. 537) (L. D. 1442)

An Act Increasing Indebtedness of Baileyville School District. (H. P. 1142) (L. D. 1628)

An Act Revising the Laws Relating to Physical Therapists. (H. P. 1177) (L. D. 1675)

An Act Relating to Form and Arrangement of Ballots in General Elections. (H. P. 216) (L. D. 306)

(On motion by Mr. Harding of Aroostook, temporarily set aside.)

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

An Act Relating to Wearing Fluorescent Clothing When Hunting Southern Zone for Two Years. (H. P. 671) (L. D. 943)

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

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: I would like to move that Item 8-5, L. D. 943, be indefinitely postponed and I would like to speak briefly on this.

The PRESIDENT: The Senator from Hancock, Senator Young, moves that Item 8-5, An Act Relating to Wearing Fluorescent Clothing When Hunting Southern Zone for Two Years, be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Young.

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: I realize that the motives behind this L. D., An Act Relating to Wearing Fluorescent Clothing When Hunting Southern Zone for Two Years, the intent is good, but I think that the bill as it would be more dangerous than without having the compulsory wearing of fluorescent clothing. All it does is

pick out one zone that it is going to be tried in.

We will take one example. There was one group of hunters in the northern zone hunting somewhere near the line where zones divide. If they were tracking deer, we'll say, and they went from the northern zone over into the southern zone and they didn't have fluorescent clothing on, and they were caught over there, they would be violating the law, and I don't think that that would be a very good thing to do. Another thing, there are a great many people in the woods beside hunters in the fall of the year. At that time of the year there are people cutting wood, people cutting evergreens, people just traveling around on their wood lots or just in the woods in general. On a good day there are a number of people, and if they weren't wearing fluorescent and some hunter saw the bushes move, they are just as apt to shoot those people as they would another hunter, and they would just be looking for people, if some people didn't have fluorescent on. Some hunter would say, well, that must be a deer, so they would shoot just the same.

Another thing: If there was someone on their way to and from work and they had a little time when they wanted to step into the woods and do a little hunting before dark and they didn't have their fluorescent clothing, and if they did it and they were caught, they would be in violation, and I don't think this is good.

In order to have a good workable bill, it would have to be statewide and would have to include anyone in the woods during the hunting season, and I hope you will go along with my motion. Thank you.

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

Mr. FARLEY of York: Mr. President, as a member of the Inland Fisheries and Game Committee, I oppose the Senator from Hancock County. Most of the opposition to that bill was from his section of the county. A great many in this part of the state were in favor of it. I listened to the testimony and my vote was cast for those members of the Fish

and Game, and there were four of them there who presented evidence enough to convince me that they were right. These Fish and Game people are in the woods each and every day of the year and they were very strong for it. As a matter of fact now, as I remember the bill, it's only for thirty days. I thought it was a good bill, although I don't hunt or anything like that, but I do think that if anybody knows what is going on in the woods in the State of Maine, we should take the testimony of the game wardens, whether or not they hook somebody for being a poacher or have an extra fish; I don't think that goes with it.

I think they were very honest in their testimony before the committee, and I oppose the motion of the Senator from Hancock County.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I would like to comment briefly on the position taken by the good Senator from Hancock County regarding the effect of this bill, and then comment on my experience in this area.

As to the possibility of other persons who would not be wearing clothing being shot because they were not wearing fluorescent clothing, that has not been the experience of the more than thirteen states that have legislation similar to this. Incidentally, it is of real interest that Massachusetts to the south of us has a substantially lower fatality record. The last I knew, they had had no fatalities since they adopted a fluorescent clothing law, and it has not been the experience with the thirteen states who have this type of legislation that hunters have been shot. As a matter of fact, here we have found that 65 per cent of all hunting accidents have involved a hunter in the same party, and here in Maine we have found that rarely does some person other than a hunter get shot as mistaken for a deer. It is almost always another hunter. This is probably the result of the fact that others who are

in the woods are moving more quickly and making noise and are less liable to be mistaken.

I sponsored similar legislation at the last session, and I think that my interest in this type of legislation arose from the period of time that I served as prosecuting attorney in this county. It is and was the duty of the county attorney to investigate hunting fatalities and, in the course of that duty, I went out in the field and looked at the victim sometimes before the body had been moved, and talked to the hunter who had fired the gun and there were several things that struck me. Very fortunately I think they apply to the merits of this legislation. In the first place the great majority of people who are shot, mistaken for game in the woods, are shot at very close ranges, I am talking about 75 feet to 120 feet, so it is almost always at close range with very poor light conditions.

In one case I can recall a man was shot because he had a white T-shirt, it was in the early morning and showed a white V at his neck. The shooter was in the same party with him. He was a good friend of the victim and he saw the white V, being foggy, with very poor light conditions, he saw the white V and he fired—an experienced hunter. At that time it was clear to me that a fluorescent hat would have saved that man.

Another accident which was not a fatality occurred toward the coast, but was still in Kennebec County, again at close range, the victim was wearing a brown, bird-shooting type shell vest and that is what the hunter saw who fired the shot.

There was an exception, I believe, of one case in which a man was wearing fluorescent gloves. The gloves apparently were not a large enough area to be visible.

Here in Maine, the last time I checked the figures, we had not had one single person shot mistakenly for a deer when the person who was shot was wearing fluorescent clothing.

This is a bill which has been kicked around for some time and it is being tried successfully in other states.

What concerns me, of course, is not just the tragedy to the victim, we all think of that; I've had a chance to talk to the shooters who have shot people who were wearing white clothing, or wearing brown clothing, and I think having a requirement that fluorescent clothing be worn would be protection to the hunters who are out in the field and who would like to have an opportunity to see—not to excuse these person who pull the trigger—but under many of these circumstances the lighting is poor and the clothing that is being worn is not safe clothing. I think that if we do not enact it we will lose more lives here in Maine. If we pass this bill we will save many lives the next coming year, I am sure.

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

Mr. GOOD of Cumberland: Mr. President, I would like to ask a question through the Chair of anyone who may choose to answer. The bill says they shall be wearing fluorescent clothing. Does it mean all clothing, trousers, jacket, gloves and a hat?

The PRESIDENT: The Senator from Cumberland, Senator Good, poses a question to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Hancock, Senator Young.

Mr. YOUNG of Hancock: Mr. President, in answer to the question of the Senator from Cumberland, Senator Good, I believe it is just one particular piece of fluorescent clothing like a hat or jacket or extra something that can be seen all the way around.

While I am on my feet, Mr. President, I would like to make an answer to my good friend from York, Senator Farley, in regard to when he said that most of the opposition to this bill came from my area. It is true there was no opposition from the northern zone in particular. This bill doesn't affect the northern zone. The original bill said the southwestern zone, and if it had stayed in the southwestern zone, of which we do not have one now, you wouldn't hear me say a word against it. I just think that it is poor legislation,

and I think that if it was going to do any good, and do what the good Senator from Kennebec, Senator Lund, said, I think it would have to be on a state-wide basis. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Ross.

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: Like the good Senator from Kennebec, Senator Lund, I too sponsored this legislation in the 101st Legislature, but I had it in state-wide, and I don't mind telling you I took an awful clobbering on it.

I would like to pose a question through the Chair to anybody who would care to answer. Why is the southern zone going to be protected and not the northern zone? I can't understand the division.

The PRESIDENT: The Senator from Piscataquis, Senator Ross, has posed a question to any Senator who may answer if he so desires.

The Chair recognizes the Senator from Hancock, Senator Young.

Mr. YOUNG of Hancock: Mr. President, in answer to the question of the good Senator from Piscataquis, Senator Ross, I would say that the only reason it is for one zone is that they knew very well it couldn't be passed state-wide.

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

Mr. LUND of Kennebec: Mr. President, I feel uncomfortable getting up a second time, but there is perhaps a more practical answer, and that is that at least 75 per cent of our hunting fatalities have taken place in the southern zone over the past eight years.

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

Mr. BECKETT of Washington: Mr. President and Members of the Senate: I agree: this state-wide would be a good bill, but when it is divided in zones where one zone has it and one zone doesn't, it would make a lot of difficulty. In Washington County the line runs on the railroad track of the CPR

and it is probably the best hunting of any section of Washington County, so a man chases a deer to the track and the deer goes across the track, and he chases it, then he is in violation because he does not have on a yellow hat, and I think it would be unfair to the northern section to have this bill passed. I go along with Senator Young.

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

Mr. FARLEY of York: Mr. President, I don't know why I'm up here arguing about the bill. I don't go hunting, fishing or this or that. I simply sit there as a member of that Committee, and I have to try to judge who gives good testimony or bad testimony and try to be fair with both sides. That is utmost in my mind. I would agree relative to the southern section; that was, I think, the idea of the Committee and some of the game wardens, to try it down there for two years, and if it didn't work, why put it out through the window.

You have men come before a Committee who are dedicated to the department they belong to, and they are in the woods, in and out during the day, at night, or this or that, surely you can't bypass their testimony because probably somebody just doesn't think that way. We had a couple that didn't have much use for the fish and game wardens, for what reason I don't know, but I still think it's a good bill. I think it is worth a tryout, and I would like to see the Senate go along with it. I will ask for a division when the vote is taken.

The PRESIDENT: Is the Senate ready for the question. The pending question is the motion of the Senator from Hancock, Senator Young, that the bill be indefinitely postponed.

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

A division was had. 17 Senators having voted in the affirmative, and 12 Senators having voted in

the negative, the motion to indefinitely postpone the bill prevailed.

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

Mr. LUND of Kennebec: Mr. President, in view of the comments of those who have voted against the bill, that they would support the bill if it covered the entire state, I would hope that some person who voted on the prevailing side would move reconsideration in order to allow the bill to be amended to cover the whole State.

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

Mr. MILLS of Franklin: Mr. President, I did vote on the other side, and I move that the Senate reconsider its action whereby it indefinitely postponed bill, An Act Relating to Wearing Fluorescent Clothing When Hunting Southern Zone for Two Years.

Thereupon, on motion by Mr. Hoffses of Knox, tabled and specially assigned for Tuesday, June 6, pending the motion of the Senator from Franklin, Senator Mills, that the Senate reconsider its action whereby it indefinitely postponed the bill.

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

Mr. FERGUSON of Oxford: Mr. President, may I inquire if H. P. 831, L. D. 1239, is in possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative, but would request the Senator to defer the action on this bill until we dispose of the enactors.

#### Enactor

An Act Relating to Form and Arrangement of Ballots in General Elections. (H. P. 216) (L. D. 306)

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In regard to the abolishing of the big box, I have been quoted some as to my feelings on that. My feelings personally are the same as they always have been. It would be easier for me personally

to run if the big box were eliminated. However, I found, after I had made my talk in the Senate the last time, in talking with the voters, that they didn't necessarily concur with what would be easiest and most pleasant for me as a politician.

Now, the only people I have heard talk about rearranging the ballot and elimination of the big box, and think that this would be advisable, have been, in the overwhelming numbers, the politicians. It seems to me that the voters have a right to be heard on this particular matter to decide - in other words, I think that they have a right, if they wish, to have the privilege of either voting for a party or for an individual.

To me, it looks as if in this ballot it has all of the objections that the elimination of the big box had, plus a great deal more objections. There are people, I think, who have the right when they go down, the tally sheet to look at the score card and see which party a person belongs to. I have no objection in running to have it clearly set forth that I am a member of the Democratic Party, and I am troubled as to why someone from the other party should find it embarrassing that they are listed on the Republican side.

I understand that a referendum has been put on this to go out to the people and let them decide it. In other words, this is a so-called, let us say, reform measure. I suggest, however, that a reform measure is one which gives more rights to the people and does not take away some of their rights. As it now is, under the ballot a person may vote the straight ticket if he wishes, or he may vote for the individual candidate if he wishes. Under the ballot, the right to vote the straight ticket, of course, would be taken away.

I would also say that if this were one of a group of reform measures going out to the people of Maine, I certainly would have no objection to letting them decide that. I have wanted for so many years to let the people of Maine, if they could, decide whether or not they want to retain the ancient executive council, as to whether or not

they would like to have annual sessions, as to whether or not they would like to elect the attorney general, the state treasurer, or to have them appointed. Now, if this were included among a group of legitimate reform measures, I would certainly have no objection to letting the people decide on this. But we seem to be very slective this time as to what we think the people may decide on. As far as public power or any of these other matters, which I have discussed, they say "No, these are not the proper subject matter for the people to decide on." But we send some pseudo-reform like this out to the people and say "Now, this is our reform for this time." I can't buy that. This is not a reform measure, and I don't want the people of Maine to be misled that this is the extent of the kind of reforms which this Legislature feels that the people should decide on. It is on this basis that I move for indefinite postponement of this bill.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that this item, No. 8-11, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have enjoyed, profited by, and been educated by many of the comments made by the Senator from Aroostook, Senator Harding, in his role as Minority Floor Leader at this session. And I have sympathized with him when he has talked about measures which would help the State going down the drain. I think it boils down to what his personal views are, maybe. If he doesn't favor some of these measures, they are not good and they are not changes for the better. If he does favor them, and they go down the drain, those who vote against him are certainly working against the welfare of the State. So, I listened with a great deal of interest this morning to find by what stretch of the imagination he could possibly say that this measure was not a progressive measure. I think it boiled down to the fact

that it has got a referendum on it.

Let's face it, we will have a modern ballot if this goes through. We will have something that you will have to read to vote on if this goes through. We will be mixing Republicans and Democrats and any other party together by office if this goes through.

I might say parenthetically that I originated in a state which has this ballot, and I used it many years before I came to Maine. It was a state where recounts are unknown. It was a state where candidates were selected only on their merits. It was a state where there has been a preponderance of partisanship that could have changed the ballot if it had been determined that it would favor a party, but this was not done. The Massachusetts ballot is a very, very fair ballot. It lists people merely by the category and it, unfortunately, has today received the connotation as removing the square box, but the positive, the progressive, measure is that by mingling candidates and requiring the voters to select and choose, we are going to come up, I firmly believe, with a very good result in our state elections.

Let's not incidentally decide merely on the referendum provision. I would vote for this and heartily support it without it. If it is necessary to put it through, I would vote for it with the amendment. I believe this is very progressive legislation, and I would urge your support to defeat the motion.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: Briefly I rise to support Senator Harding. I just want to say that one of the dangers of this arrangement of this particular ballot is, as I understand it, they mix the Republicans along with the Democrats, they are very close together, the typing isn't very large, and I am afraid they may vote for me in the mistaken idea that I may be a Republican, and I would rather not have the votes than take that chance.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I listened with interest to the arguments given by the Senator from Aroostook, Senator Harding, against this bill. I recall reading one of the best arguments given during the last session in favor of removing the big X, which he injected into his debate. One of the best arguments in favor of removing the big X was given by the then Majority Floor Leader from Aroostook, Senator Harding, and I am paraphrasing now, because I don't have it in front of me, but he said "We only get down here maybe every 50 years or so, and that means that when we have this one chance to do something we should do it. It is a progressive, good piece of legislation and it should be passed." This was two years ago. Now he is not only against removing the big X, he is against an even better bill, as far as progressive, good government is concerned, and that is this so-called Massachusetts ballot. And he says only the politicians are talking about removing the big X or putting in this type of ballot. Well, if only the politicians are talking about it let's give the people a chance to indicate their desires on this particular question, because there is an amendment with a referendum attached to it. I hope the motion to indefinitely postpone does not prevail.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In relation to the remarks by the Senator from Cumberland, Senator Berry, I would say that the measures which I try to get passed are the measures which give more rights to the people. I oppose those measures which take rights away from the people. It is on this basis which I favor annual sessions, for instance, which I think the Senator favors, and favor the elimination of the executive council so that the people will have a chance to choose the people who are confirming or denying

confirmation to those who are posted, that the people have a chance to determine who will be their state treasurer, their secretary of state, and what have you. As I say, if this group really wants to put before the people a group of reforms, and let the people decide on this whole group, and let them decide on public power too, for instance, I would have no objection. This is a legitimate group of reforms, and let the people pick and choose which of them they wish.

But to put this one out and say "This is a reform, and this is going to make Maine better, and this is the only one we see need of," that I object to.

I would pose a question to the good Senator from Cumberland, Senator Berry. He mentions that they have this in the Commonwealth of Massachusetts, and I assume, as a result of this ballot, that certain politics have developed in Massachusetts. But I would say this in all sincerity, I would not trade the kind of politics we have in Maine, Senator, for the kind of politics which exist in Massachusetts.

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

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: Serving on the Committee on Election Laws, I have heard the testimony on this bill, and my objections are basically the same as my objections to the previous bill eliminating the big square. First of all, I feel that this ballot will certainly have a tendency to lessen party discipline, and which we have all come to realize is very important in passing legislation.

I also feel, perhaps more importantly, that the voters will have to wait a considerably longer period at the polls if they are to exercise their duty. Further, I feel that when an individual does not know all the candidates — and there are bound to be candidates that he will not know, perhaps one or two — that he should certainly have the advantage of voting more or less on party philosophy rather than voting blind. I do realize that

this ballot will carry a designation of the party affiliation, however, I do feel that many individuals, by the time they reach the middle part of the ballot and further on, will simply become discouraged and will stop; will not vote for the offices listed at the bottom of the ballot.

I feel personally that freedom of the individual to vote as he pleases, to vote for party philosophy as well as for the individual if he so desires, is at stake, and I will support the motion of the Senator from Aroostook, Senator Harding.

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

Mr. ANDERSON of Hancock: Mr. President, when the vote is taken, I move that it be taken by a division.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: Everybody goes to Boston. They used to go the see Ted Williams hit a home run. But a lot of times he didn't hit them, and I haven't hit them this morning very well. But this does take a little part of my life, politically, political history. When I first cast my vote in the City of Biddeford as a Democrat the County was controlled by the Republican Party. It was over 12 years before I saw daylight and the Democratic Party came into existence in the State of Maine under Louis Brann.

Politics, as I said to you, is only a hobby to me. I take you back now to a primary in the Republican Party when Mr. Farrington had defeated Ralph O. Brewster for the nomination for Governor of the State of Maine. But there was something wrong in the City of Portland, and there was a n investigation. Prior to that the State Chairman of the Republican Party, George L. Emory, of the City of Biddeford, was a Farrington man, 100 per cent. After the recount in the City of Portland at that time, from that primary, Mr. Brewster received the nomination of the Republican Party in the State of Maine. In

headlines in the State of Maine in newspapers was a statement by George L. Emory: "Vote the Straight Republican Ticket," which the citizens of the State of Maine did. I thank you.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would like to rise in opposition to the motion to indefinitely postpone. I think perhaps at this late date the good Senator from Aroostook, Senator Harding, has finally gotten through my thick skin, and I have agreed that perhaps this bill, which he did say was a limited governmental reform measure—and then, of course, as it went through here a week or so ago we decided that we thought the people should decide, so we added an amendment to it which allowed the voters of the State to decide whether they wanted this ballot or not.

Now the Democratic Party has had this in their platform, to my knowledge, for a great many years. And I think the Republican Platform this year calls for this item, and I think that they have given it very serious consideration and they feel, as I have said once before, with governmental reform you take the first step, and then you go from there. I would certainly hope the bill is not indefinitely postponed. I request a division when the vote is taken.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Aroostook, Senator Harding, that the bill be indefinitely postponed. As many as are in favor of indefinitely postponing the bill will now stand and remain standing until counted. Those opposed?

A division was had. Seven Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion did not prevail.

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

The PRESIDENT: The Chair earlier in the session advised the Senator from Oxford, Senator Ferguson, that the Senate does have in its possession House Paper 831, L. D. 1239, "An Act Providing for Area Directional Signs for Route 6 and Maritime Provinces."

Thereupon, on motion by Mr. Ferguson of Oxford, and under suspension of the rules, the Senate voted to reconsider its action whereby the bill was Passed to be Enacted.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: This one got by me on Friday of last week and evidently it is a money bill that will cost some money to put up, so I now move that this bill lay on the Special Highway Appropriations Table.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves that this item, L. D. 1239, H. P. 831, now lay on the Special Highway Appropriations Table. Is this the pleasure of the Senate?

The motion prevailed.

#### 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 31, 1967 by Senator Johnson of Somerset.

Pending — Enactment.

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

Mr. JOHNSON of Somerset: Mr. President, I now move the pending question and would like to speak briefly.

The PRESIDENT: The pending question is on the passage of the bill to be enacted.

Mr. JOHNSON: Mr. President and Members of the Senate: This morning someone placed a copy of an editorial, I believe it was Senator Ferguson, on your desks. I have read it. As I read through it, it says here about this bill being unenforceable, it says "House leaders had not been told, if their opin-

ion had been asked, who is going to be the judge of intentional overloading, which is one of the problems perhaps with the bill." I would say this: that the State Police have been asked, and they say that the bill is enforceable. Anyone else that is asked the question "Who is to be the judge?" Who else but the courts.

I would like to go on a little further here. There is a letter underneath stating that it will cost \$50,000. It is my contention that it won't cost anything. We had a bill here sometime ago which had to do with the rebate of the gas tax on the turnpike. As I recall, I went to an officer of the State and he said that it would cost approximately \$250,000 per year, and that money would be taken from the Highway Fund. I can recall saying "Well, we have two and a half million dollars in surplus; why can't we take it from that area?" And he said "Well, we need at least that much to come and go on. We have so many bills that are outstanding, if we don't have this surplus we cannot operate. When we get down to \$500,000 or a few hundred thousand it is hard to operate." Well, it is my contention that if this bill does cost anything it will be only that cost in fines that is received by the Highway Department, which would be so infinitesimal that it would hardly be worth the bookkeeping cost to take care of it. The average fine is \$100. So, on that basis alone, I doubt very much that it would cost the State any money. I would move that this bill now be passed to be enacted.

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

Mr. LUND of Kennebec: Mr. President, as I had indicated the other day when this bill was printed erroneously on the calendar, I have an amendment I would like to offer, and I would like to inquire as to the appropriate motion to make at this time in order to reconsider and offer an amendment?

The PRESIDENT: The appropriate motion would be that the Senate suspend the rules and

reconsider its action whereby this bill was passed to be engrossed.

Mr. LUND: I would so move, Mr. President.

The PRESIDENT: The Senator from Kennebec, Senator Lund, moves that the rules be suspended and that the Senate now reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, when the vote is taken on reconsideration I would request a division.

The PRESIDENT: The Chair would explain that as the motion to reconsider is not being made within 24 hours of the action sought to be reconsidered, that it will require a two-thirds vote. If the Senator from Aroostook, Senator Barnes, objects to the reconsideration then the motion would be put.

As many as are in favor of reconsidering our former action whereby this bill was passed to be engrossed will stand and remain standing until counted. Those opposed to the motion to reconsider? A division was had. 13 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to reconsider did not prevail.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: The proponents of this legislation having effectively blocked my opportunity to offer and debate my amendment, which would have restored the level of fines to the present level today, I see no other alternative than to move for indefinite postponement of the bill, and would speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Lund, now moves that Item 1 on the calendar, H. P. 1122, L. D. 1594, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: This is perhaps an unfortunate day to bring up partisan politics, but I was here as a freshman in

the other body last session and I saw a succession of what we call trucking bills whistling through with such regularity that I think some bills that the truckers thought weren't going to pass actually got passed. And I really thought that last session every bill was passed that the truckers could possibly ask for, and I thought there wasn't anything left to ask, but apparently I was wrong.

One of the difficulties with this type of legislation is that by accident, or by design, the area of overload and maximum limits has grown so complicated that unless a person is going to make a lifetime study of it, or a full-time job, it is pretty difficult to penetrate the maze of exceptions and special provisions. But the point, I think, that we tend to forget is that all of our laws relating to overload are aimed at one objective, namely: to protect our highways from destruction by too heavy trucks. It has been established pretty conclusively, I think, over the period of years that as the overload of a truck goes up the amount of damage it does to the highways increases drastically. So the damage isn't proportional to the weight, but it goes up very rapidly when you exceed what are considered to be the proper maximums. And I think it also should be pointed out that our maximums in Maine are already well above those that are provided in other states, and well above those that are recommended by the Highway Motor Vehicle Commissioners.

Last session a series of special 10 per cent exceptions were granted and it became complicated, as I said, and so as this bill came along I had an occasion to discuss it with the legislative representative representing the truckers, and he made the point that this, he said, makes two changes: It makes the fines optional, so that no longer do we have mandatory fines, but it reduces the level of the fines. At the present time the fines are available to a limit of \$500 when the excess of overweight is 10,000 pounds or more. If the bill passes in its present form the limit is going to be \$200. In other words,

no matter how much the overload is in excess of 10,000 pounds the Court cannot, no matter how flagrant the Court views the violation, cannot assess more than \$200 in fines. Bearing in mind that the purpose of these fines, after all, is to enforce the overload laws that we have, I cannot see any earthly justification for passing this legislation in its present form, and I hope all of the Senate will think very carefully of the public interest involved, not only the debate here in the Senate, not only the efforts of the lobbyists, but the public interest involved in protecting our highways, and vote for postponement of this bill.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Lund, that the bill be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I rise to support the motion of the Senator from Kennebec, Senator Lund. Looking over some of the legislation that passed the last session of the Legislature, the 102nd, I did find out that there was a very damaging section of the law repealed, that is, under Title 29, Section 1654, which repealed that section, and I will read it: "Which fines and costs of the court shall not be suspended as they relate to gross weight, may not be suspended as related to axle weight." This means that after the amendment of 1965 that the courts could suspend the fine. Prior to that there was no suspension of the fine on the gross weight.

I think there has been quite a good deal said about this particular thing, the day in court, and so forth, but there have been a great deal of misstatements made about this particular bill, or bills, as we have three different bills embodied in this particular bill we are talking about today, L. D. 1594. It is very alarming to me, particularly in the 73,280, the highest weight that we carry on our highways, with what would be the \$200 fine after this amendment, that the trucks carrying as much as ten

tons over could only be fined \$200. The amendment certainly is not in the best interest of the general public.

A fellow Senator spoke the other day about the tolerance weight for wood products and so forth, that it was trying to protect the small operators. Well, Legislative Document 1608 has already been signed by the Governor, and if you take the time to look at this piece of legislation, it certainly gives a great deal more tolerance flexibility to various other people doing business, such as raw ores, finished lumber, and raw lumber. I thought we were pretty liberal in passing this piece of legislation. It certainly takes care of most of the objections that people are talking about. In fact, people are talking about L. D. 1594, some items in there, that we have already taken care of in Legislative Document 1608, which is Public Law 331 now.

I didn't think there would be any opposition. I have had a great deal of mail on this - I don't know why, in one sense, because I was not on the Committee on Transportation - likely they are looking to the Committee on Highways to sort of protect the public's interest in trying to stop this piece of legislation. I hope today that the Senate will give this piece of legislation serious consideration where we have already taken care of about everything that the average person in here is interested in.

The good Senator from Aroostook, Senator Barnes, spoke about his people up in Aroostook County. The representative from Eagle Lake, Mr. Martin, made a statement that is in the log taking care of some of the pulp operators. Well, they have been taken care of, up to 125 per cent of your tolerance during certain months of the year, and 110 per cent tolerance all the time. So, if you want to break up your roads, and next year come back here and you have got to have 4, 5 or 6 cents added onto the gasoline tax to repair your highway damage that this vicious bill will do to the highways, then I would say this is what you are going to be faced with. So, I certainly hope that the Senate will

go along with the motion of the Senator from Kennebec, Senator Lund, to indefinitely postpone this bill.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: This bill has been kicked around back and forth for weeks and I am getting tired of it. It has been tabled and retabled. Every effort has been made to kill this bill. Now, we hear that it is a bill to protect the big truckers. You say that the truckers got everything they asked for in the last session of the Legislature. Well, I am not necessarily for the big truckers, and I have voted against some of their bills already, the double-bottom, and I would vote against any other bill if I thought it didn't have merit. This bill, in my estimation, has a lot of merit.

This bill is designed to protect some of the small truckers, woods operations and other operations where they unintentionally overload. They say that other bills protect these people and take care of the situation. I disagree with that. This bill in my estimation, is a good sound piece of legislation. We heard it presented. We heard all the arguments, both pro and con. In my candid opinion, this bill needs serious consideration to protect the people who unintentionally overload due to pick up of snow and ice, wet lumber, wet logs and so forth. This is not a bill to raise revenue for the State of Maine, so when they say you will lose so much, \$50,000, I can't agree with that either.

The Commissioner of Highways, Mr. Stevens, can write all the letters he wants to, and that will not convince me he is right. He has been wrong in other instances, and he is wrong this time. Ladies and Gentlemen of the Senate: I hope you will support my efforts to get this bill passed, and I hope when the vote is taken you will not vote to indefinitely postpone. When the vote is taken I would respectfully request a division. Thank you.

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

Mr. FARLEY of York: Mr. President, I would like to direct a question to the Senator from Oxford County, Senator Ferguson, as to whether or not the fines now in the District Court all go into the Highway Department or do we still retain what portion each county receives in the State of Maine?

The PRESIDENT: The Senator from York, Senator Farley, has directed a question to the Senator from Oxford, Senator Ferguson, who may answer or not, as he desires.

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I understand there are certain violations that go to the counties. If you are trucking and you are hauling in excess over your registration, if your truck is registered for 50,000 pounds, and you are carrying 60,000 pounds, the difference from your registration then goes to the State, just the same as the \$25 each month for the tolerance during the months that the roads are frozen. That is my understanding of the bill.

Of course, the District Court, in lieu of court expense, they can add \$10 to each case for cost of court. This is the right in your statutes now, that the District Court can add \$10 to the fine.

Talking about revenue loss to the highway, of course, in the area of the large loads, we are not talking so much about fines here, we are talking about fees that the truckers should be paying. If they are going to be hauling 60, 70 or 80 thousand pounds, and if they get caught, they can haul five or ten tons over and above the 73,280 if this bill goes through. Again I would remind the Senator from Aroostook, Senator Barnes, if he would take time to read Legislative Document 1608, that he can see in this where the pulp operators, hauling all kinds of lumber and forest products and everything, are taken care of under this bill. There is no question about this. You get up to 125 per cent — always 110 per cent, and then you have another 15 per cent extra during the months that the highway is frozen. Again, I hope you will

support the motion of the Senator from Kennebec, Senator Lund.

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

Mr. FARLEY of York: The Senator from Oxford County has got me more mixed up now than when I asked the question. The reason I asked the question was that in 1951 I was a member of the Highway Committee, and we did put a bill through that would affect every county in the State of Maine. I don't know just what it was, 15 per cent of the fine, or 25 per cent of the fine. It is my understanding that counties now don't receive 5 cents from any truck that is overloaded. Now, these trucks that are overloaded, or the other trucks, they come through our community and this and that, and use our main streets and this and that and everything else, and we don't get any revenue from it one way or the other. Now, if that bill has been passed — of course, I was away from here for a few years, surely the Highway Department now has a lot more money in the Highway Department from fines than they had after 1951.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: Of course, during those years before the District Court the County of York got special treatment on fines. And it is understandable too on account of the heavy trucks going through, but the county does not receive the fines now on account of the District Court, because they are not standing the cost of operating the Court, I understand.

But we are talking about the fees now. Let's forget about the fines. The fees that the truckers are going to save on this, the Highway Department is not going to get this amount by \$50,000 a year.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: I think the Senator From Oxford County knows that in 1955, against my own Governor, and

against a telegram from Washington under the Eisenhower Administration, that I stayed with him, and I thought I was going to be thrown out of my party, on overweight, and what was going to happen, and this and now, and at that time we were talking about pulpwood and bolts. I don't know what bolts are, but I do know what pulpwood is. I cast my vote at that time, and it was only a margin of one vote, and I cast it along with the Senator from Oxford County, Senator Ferguson.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I think we are debating a bill here that will really hurt nobody. It won't hurt the roads. It is going to help everybody that is in the business, with no deprivation of any department or any other group.

The good Senator from Kennebec, Senator Lund, said that last year the truckers were here and asked for this and got it, and let's put it this way: They weren't the only ones. The businessman was here, the lawyer was here, the Department of Health and Welfare was here, the Highway Department was here. You have mentioned them; everyone was here for a little more. And they will be here next year, or two years from now, for a little bit more. So, our job, I think, is to adjust ourselves and our thinking to the change in times, the change in business, and to adapt those policies and principles that will help, and not hinder, this State to become a little more progressive and a little more competitive.

As far as damage to the roads is concerned, I think that anyone that has been involved - perhaps some may not have been - but the great damage in this State, in fact, I would say 95 per cent of any damage, is due to frost in this State. To give you an example, I can think of three roads that have been rebuilt. In other words, curves have been taken out in the past four years - these were first-class roads - where they have been bypassed and a straight section put

on, the other road was not damaged except for that part where they dug for the drains at the adjacent part of the new road. These roads are still sitting there, and in four years they have got birch trees and maple trees at least four and five feet high coming right out of the middle of the road. So, I say it is nature that does the damage; it is not the vehicles.

The PRESIDENT: The pending question is the motion of the Senator from Kennebec, Senator Lund, that this bill be indefinitely postponed. As many as are in favor of the indefinite postponement of the bill will stand and remain standing until counted. Those opposed to the indefinite postponement?

A division was had. 13 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to indefinitely postpone the bill did not prevail.

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

The President laid before the Senate the second tabled and today assigned matter, (H. P. 1047) (L. D. 1519) Bill "An Act Increasing Fees for Sheriffs and Deputies."

Tabled—May 31, 1967 by Senator Ferguson of Oxford.

Pending—Enactment.

Thereupon, on motion by Mr. Ferguson of Oxford, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 126) (L. D. 255) Senate Report—Ought Not to Pass from the Committee on Taxation on Bill "An Act Repealing Application of Sales Tax to Telephone and Telegraph Service."

Tabled—June 1, 1967 by Senator Good of Cumberland.

Pending—Acceptance of Report.

On motion by Mr. Good of Cumberland, retabed and specially

assigned for Thursday, June, 8 pending Acceptance of Report.

The President laid before the Senate the fourth tabled and today assigned matter, (H. P. 1159) (L. D. 1656) Bill "An Act Relating to Powers of Administrative Hearing Commissioner Concerning Minors Under the Liquor Laws."

Tabled—June 2, 1967 by Senator Johnson of Somerset.

Pending—Consideration.

(In Senate—May 24, 1967 Passed to be Engrossed.)

(In House—June 1, 1967 Engrossed as Amended by House Amendment "A", Filing H-380.)

On motion by Mr. Johnson of Somerset, the Senate voted to Recede and Concur.

The President laid before the Senate the fifth tabled and today assigned matter, (S. P. 361) (L. D. 965) Senate Report—Ought to Pass as Amended by Committee Amendment "A", Filing S-217, from the Committee on Judiciary on Bill "An Act Relating to Competence to Stand Trial and Release of Persons Found Not Guilty by Reason of Mental Disease or Defect."

Tabled—June 2, 1967 by Senator Lund of Kennebec.

Pending—Acceptance of Report.

On motion by Mr. Lund of Kennebec, the Senate voted to accept the Ought to Pass as Amended Report of the Committee, and the Bill was read once.

Committee Amendment 'A', Filing No. S-217, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 361, L. D. 965, Bill "An Act Relating to Competence to Stand Trial and Release of Persons Found Not Guilty by Reason of Mental Disease or Defect."

Amend said Bill in section 1 by striking out in the 10th line (8th line in L. D. 965) the stricken out words "provided that the respondent does not object." and inserting in place thereof the words and punctuation "provided that the respondent does not object,

Further amend said Bill in section 1 by striking out in the next to last line before subsection

1 of "Sec. 101." (Same in L. D. 965) the underlined punctuation and words ", or any justice thereof in vacation," and by striking out in the 4th line from the end of subsection 1 (3rd and 4th lines in L. D. 965) the underlined punctuation and words ", or any justice thereof in vacation,"

Further amend said Bill in section 1 by striking out all of subsection 2 and the following paragraph of "§ 101." and inserting in place thereof the following:

"2. Bail. Except in the case of a defendant who is charged with the commission of an offense, the only punishment for which is life imprisonment, order the defendant's release on bail, with or without the further order that the defendant undergo observation at a state mental hospital or mental health clinic of the Department of Mental Health and Corrections, or by arraignment with a private psychiatrist, and treatment when it is deemed appropriate by the head of the hospital or clinic or by the private psychiatrist. When such outpatient observation and treatment is ordered, the head of the hospital or clinic or the psychiatrist shall, within the time specified by the court, forward a report to the court, containing the opinion of the head of the hospital or clinic or of the psychiatrist, relative to the defendant's competence to stand trial and his reasons therefor. If it is made to appear by the report of the head of the hospital or clinic or of the psychiatrist that the defendant is competent to stand trial, the court shall forthwith set a date for, and shall hold, a hearing on the question of the defendant's competence to stand trial and shall receive all relevant testimony bearing on the question. If it is made to appear to the court by the report of the head of the hospital or clinic or of the psychiatrist, that the defendant is not competent to stand trial, the court may order continued outpatient observation and treatment for a definite or indefinite period of time, or may commit the defendant to the custody of the Commissioner of Mental Health and Corrections, as provided in this section.

The defendant may, not less than 60 days following release on bail or commitment, petition the court having jurisdiction of the case for a rehearing to determine his competence to stand trial. Upon receipt of the petition, the court shall set a date for, and shall hold, a hearing on the question of the defendant's competence to stand trial and shall receive all relevant testimony bearing on the question.'

Further amend said Bill in section 2 by striking out the last 3 sentences of the first paragraph of that part designated "§ 104," and inserting in place thereof the following: "The commissioner shall forthwith file such report with the court in the county in which the person is hospitalized. The court shall review the report and if it is made to appear by the report that any such person may be ready for release, the court shall set a date for, and hold a hearing on the question of such person's readiness for release, and shall receive the testimony of at least one psychiatrist who has observed or treated such person and any other relevant testimony. If, after hearing, the court finds that such person may be released without danger to the public within the foreseeable future, due to mental disease or, if committed therefor, mental defect, the court shall order the unconditional release of such person or in the court's discretion release, subject to conditions deemed appropriate and necessary, which may include outpatient treatment to continue until it is made to appear to the court that such treatment is no longer necessary, to be then terminated by the court's order, and supervision for one year by the State Probation and Parole Board, which supervision upon review by the court at the end of one year may be extended for one year.'

Further amend said Bill in section 2 by striking out in the 4th line of the 2nd paragraph of that part designated "§ 104," (3rd line in L. D. 965) the underlined punctuation and words "or any justice thereof in vacation," and by striking out all of the 4th para-

graph and inserting in place thereof the following:

'Notice of any hearing under this section shall be given to the county attorney or Attorney General at least 14 days before the hearing date,' and by striking out in the 3rd and 4th lines of the next to last paragraph (3rd line in L. D. 965) the underlined words and punctuation "or justice thereof in vacation,'

Further amend said Bill by inserting before the emergency clause the following:

'Sec. 3. R. S., T. 15, § 105, additional. Title 15 of the Revised Statutes is amended by adding a new section 105, to read as follows: §105. Authority to receive persons for observation committed by the United States District Court

The Commissioner of Mental Health and Corrections may, in cases deemed appropriate by him, upon request of the Judge of the United States District Court for the District of Maine, authorize the superintendent of the Augusta State Hospital, Bangor State Hospital or Pineland Hospital and Training Center, whichever institution is suited to the particular case, to receive for observation persons committed by the Judge of the United States District Court for the District of Maine under Title 18, U.S.C., §4244; provided that in each case a court-ordered preliminary examination shall have indicated the apparent need for further observation.

In each case of admission for observation under this section, the Commissioner of Mental Health and Corrections is authorized to contract with the proper authorities of the United States for the support of the person so admitted, during the period of observation.'

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

The President laid before the Senate the sixth tabled and today assigned matter, (H. P. 511) (L. D. 724) Bill, "An Act Relating to Complaints and Violations Under Motor Vehicle Sales Finance Act."

Tabled — June 2, 1967 by Senator Hildreth of Cumberland.

Pending — Enactment.

On motion by Mr. Mills of Franklin, retabled and specially assigned for Tuesday, June 6, pending Enactment.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 124) (L. D. 150) Bill, "An Act Relating to Use of Dealer Registration Plates."

Tabled — June 2, 1967 by Senator Reny of York.

Pending — Consideration.

(In Senate—March 28, 1967 Passed to be Engrossed as Amended by House Amendment "A", Filing H-175.)

(In House — April 21, 1967 Indefinitely Postponed in Non Concurrence.)

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

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

Senate Amendment "A", Filing No. S-228, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 124, L. D. 150, Bill, "An Act Relating to Use of Dealer Registration Plates."

Amend said Bill by inserting at the end the following underlined sentence:

**'A complete record must be kept by dealer for inspection at any time stating the hour and date the**

**motor vehicle is loaned and when it is returned, and registration number of motor vehicle loaned, and registration number of customer's motor vehicle.'**

Senate Amendment "A" was adopted and the Bill, as Amended, was Passed to be Engrossed in nonconcurrence.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and today assigned matter, (S. P. 550) (L. D. 1447) Senate Reports — from the Committee on Legal Affairs on Bill, "An Act Providing for the Registration of Land Surveyors." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A". Filing S-205.

Tabled — June 2, 1967 by Senator Stern of Penobscot.

Pending — Motion by Senator Good of Cumberland to Accept the Minority Report Ought to Pass as Amended by Committee Amendment "A" Filing S-205.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for Thursday, June 8, pending motion by Senator Good of Cumberland to accept the Minority Report Ought to Pass as Amended by Committee Amendment "A" Filing S-205.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.