

# 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

Tuesday, June 6, 1967

Senate called to order by the President.

Prayer by Rev. Raymond C. Wixson of Dover-Foxcroft.

Reading of the Journal of yesterday.

### Papers from the House Non-Concurrent Matters

Bill "An Act Regulating Snow Traveling Vehicles." (S. P. 654) (L. D. 1666)

In Senate, May 24, Passed to be Engrossed As Amended by Senate Amendment "A" (S-171)

Comes from the House, Passed to be Engrossed

As Amended by: Senate Amendment "A" (S-171) and

As Amended by House Amendment "A" (H-359)

As Amended by House Amendment "A" (H-393) thereto

In non-concurrence.

(On motion by Mr. Good of Cumberland, tabled and specially assigned for Thursday, June 8, pending further consideration.)

Bill "An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws." (S. P. 660) (L. D. 1678)

In Senate, May 26, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed As Amended by House Amendments "A" (H-374) "B" (H-384) and "C" (H-390) in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I move the indefinite postponement of House Amendment "A", Filing H-374.

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

Thereupon on motion by Mr. Harding of Aroostook, tabled and specially assigned for Wednesday, June 7, pending Reconsideration of Engrossment.

## House Paper Joint Order

ORDERED, the Senate concurring, that Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred and Fifty Thousand Dollars for Construction at Pineland Hospital and Training Center and of Regional Care Facilities for the Severely Mentally Retarded at Bangor." (S. P. 371) (L. D. 984) be RECALLED from the Legislative files to the House. (H. P. 1193)

Comes from the House, Read and Passed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The Appropriations Committee considered this problem very carefully. There is certainly, in our state support of the hospital facilities for the mentally retarded, a serious hiatus primarily confined to young children aged six and under. This is not only an emotional subject, but a real serious problem. We have young parents who have a very, very severely mentally retarded child, what we might say almost a hopeless case, and many of these situations involve a mother or a father being constantly with the child. However, the problem, of course, is one of money, and your Appropriations Committee intends at this stage to recommend inclusion in the general fund bond issue facilities either at Pineland or at Bangor which would permit a staff providing hospital care for these unfortunates. With this background, Mr. President, I move the indefinite postponement of this Joint Order.

Thereupon, the Senate voted to Indefinitely Postpone the Joint Order.

### Orders

Mr. Johnson of Somerset presented the following Order and moved its passage:

WHEREAS, public education is a decisive factor in the intellectual development and economic advancement of this State and the primary responsibility of its citizens; and

WHEREAS, expenditures for public education continue to rise requiring additional revenue commitments with no foreseeable systematic approach toward establishing goals or priorities to meet the expansion of our educational effort; and

WHEREAS, a state-wide inventory and evaluation of our present educational system is warranted and prerequisite to future investment of state funds; now, therefore, be it

ORDERED, the House concurring, that there is created a special joint interim committee of the 103rd Legislature, to consist of 2 Senators to be appointed by the President of the Senate, 4 Representatives to be appointed by the Speaker of the House, to develop a preliminary proposal for a comprehensive study of public education in the State of Maine at all levels subprimary through the twelfth grade. Said proposal to contain the recommendations of the Committee including, but not limited to the following areas of study: A determination of the purpose and direction of public education and its costs, state goals, priorities in the expenditure of state and local funds, and recommending an equitable division of financing by state and local governments, and an analysis and evaluation of student population; physical plants; teacher and professional staffing, its preparation, proficiency, and utilization; school district organization; curriculum; guidance; special education for the mentally retarded, emotionally disturbed, the drop-outs, those otherwise handicapped and education for the adult; effective functioning of the State Board of Education and the Department of Education and the use of data processing.

The Committee shall have the necessary authority to carry out this order and to secure reports, documents and any other information concerning the proposed study; to hold hearings if necessary; to employ clerical staff assistance; to contact, select or engage professional consultant or consultants; to confer when and if deemed appropriate with staff members of the Department of

Education and other state departments; with staff and members of appropriate federal commissions, departments and agencies and non-governmental research sources, for specific information; and be it further

ORDERED, that the members of the Committee shall serve without compensation, but shall be reimbursed for their expenses incurred in the performance of their duties under this order; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this order; and be it further

ORDERED, that the Committee submit its preliminary study proposal together with necessary findings and recommendation at the next special session of the 103rd Legislature or to the 104th Legislature as the Committee shall determine.

(S. P. 669)

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

Mr. JOHNSON of Somerset: Mr. President, the reading of this order very clearly, I think, indicates just what the plan is. The idea is that we as legislators and as part of the public should know just about what is going on in the field of education, in all of the fields. There are so many of us who do not know and perhaps do not understand them. The thousand dollar appropriation for the amount of work involved here may seem a little ridiculous, but we have assurances that there will be a grant from a foundation that will implement this bill and carry out its objectives.

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

Mr. KATZ of Kennebec: Mr. President and Ladies and Gentlemen: I would like to explain briefly the mechanics of how this will work. First, I will say that, as implemented, it will be the most sweeping study of education in the State of Maine in modern times. It will attempt a type of study that I believe is unique in the United States. With this original thousand dollar appropriation, the

original committee of six members of the Legislature will attempt in the time allotted to get together the final proposal for the sweeping study that we think will ultimately be made. In other words, this will be the groundwork committee, and I would hope that this groundwork study will be ready for the special session.

As envisioned, this study will probably take a couple of years, the cost of which unquestionably will be in excess of \$100,000. I hope we will make use of the voluntary aid and assistance of hundreds and hundreds of Maine residents, and it will not be a professional study in that it will be accomplished by professionals; it will be a professional study in that it will be supervised and led by professionals and hopefully the actual studying itself will be by the people of the State of Maine to determine just what kind of an educational plan they have while the education goes on.

You will notice that included in the study is a proposal to look at the responsibilities of financing education, something that we have been discussing in this chamber now for the past several weeks, also the responsibility for what percentage of education should be paid for by the state; what percentage by the locality.

Another question is the method of subsidy payment. Is our present formula the best possible formula that we can pursue?

Mr. President, I hear the reading of this measure with great interest, and I would assure the Senate that there will be outside money available. Just the last couple of days I have been reading the federal legislation that is being discussed in Washington H R-7019, which in its final analysis will release substantial sums of money to the states for this type of approach. I think it would be interesting to tell you that I have been in contact with people of the Carnegie Foundation who have expressed interest in the type of approach Maine is suggesting. We have also been in contact with the Harvard Graduate School of Education who have encouraged us to pursue this path and I greet

this Order with great enthusiasm, Mr. President.

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

Mr. MILLS of Franklin: Mr. President, I too greet this Order with enthusiasm since I bear one of those labels which all of us cherish, I think, "Friend of Education". I have done a little teaching in my time. My wife happens to be a teacher. I have been making observations of education over the years. They say everyone who has been to school claims to be an expert in the field of education. Some of us have had to rub elbows with the professional educational field more than others, however, and I have noted over the years that there is a strong penchant for studies, and we have had some studies very currently. It occurs to me that last year, I think, that we spent over \$50,000 studying higher education. I think there has hardly been a session of the Legislature go by when we haven't authorized some sort of study of education, and we have an office building right by here that a good part of is populated by the Department of Education, and I think a good part of their function is possibly to be studying — not teaching, but studying education and administering education in this state.

I know this is a perilous area to take any exception to, but I just don't understand and I can't conceive of what area of education in Maine that we have left unstudied in the past years. However, since this Order only requires \$1,000, and most orders that come through here for study have a price tag of 30, 40, 50, 60 and \$100,000, this must be a bargain. I certainly acquiesce in it, but I'm going to be very much interested to see what they turn up because we certainly have been studied, and studied, and studied in this field of education, and I don't know what area is left. I should think they would have to study the studies that have been made in the past, but as I say, I hope this Order will have a passage since it seems to be a bargain.

Thereupon, the order received passage.

Sent down for concurrence.

### Committee Reports

#### House

#### Leave to Withdraw

The Committee on Towns and Counties, on the following Bills, reported that the same should be granted Leave to Withdraw, as covered by other Legislation:

Bill "An Act Increasing Salary of Sheriff of Hancock County." (H. P. 165) (L. D. 228)

Bill "An Act Increasing Salaries of Certain Sagadahoc County Officers." (H. P. 168) (L. D. 231)

Bill "An Act Increasing Salary of Register of Deeds, Southern District, Aroostook County." (H. P. 253) (L. D. 361)

Bill "An Act Increasing the Salary of the Oxford County Sheriff." (H. P. 292) (L. D. 412)

Bill "An Act Increasing Salaries of Jury Commissioners of Hancock County." (H. P. 294) (L. D. 414)

Bill "An Act Increasing Salary of Sheriff of York County." (H. P. 553) (L. D. 785)

Bill "An Act Increasing Salary of Deputy Clerk of Courts of York County." (H. P. 554) (L. D. 786)

Bill "An Act Increasing Salary of Clerk of Courts of York County." (H. P. 555) (L. D. 787)

Bill "An Act Increasing Salaries of County Commissioners of Penobscot County." (H. P. 562) (L. D. 794)

Bill "An Act Increasing Salaries of Judge and Register of Deeds of Penobscot County." (H. P. 815) (L. D. 1191)

"An Act Increasing Salaries of Registers of Deeds and Register of Probate in Oxford County." (H. P. 923) (L. D. 1332)

Bill "An Act Increasing Salary of Register of Probate of York County." (H. P. 924) (L. D. 1333)

Which reports come from the House Read and Accepted.

Which were Read and Accepted in concurrence.

#### Ought Not to Pass

The Committee on Legal Affairs on Bill "An Act Relating to Definition of Practice of Professional

Engineering." (H. P. 451) (L. D. 626)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought to Pass — As Amended

The Committee on Health and Institutional Services on Bill "An Act Revising the Laws Relating to the Reformatories for Men and Women." (H. P. 742) (L. D. 1121)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (L. D. 1692)

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

Which report was Read and Accepted in concurrence and the Bill read once. Committee Amendment "A" was Read and Adopted in concurrence.

On motion by Mr. Greeley of Waldo, and under suspension of the rules, the bill was given its Second Reading and Passed to be Engrossed.

The Committee on Appropriations and Financial Affairs on Bill "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants." (H. P. 12) (L. D. 24)

Reported that the same Ought to Pass As Amended by Committee Amendment "A", (H-386).

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

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence, and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Ought to Pass in New Draft

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Provide for Night Pay Differentials

for State Employees." (H. P. 258) (L. D. 379)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Provide a Minimum Wage Plan for State Employees." (H. P. 1190) (L. D. 1690)

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

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

#### Divided Report

The Majority of the Committee on Highways on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1968 and June 30, 1969." (H. P. 99) (L. D. 126)

Reported that the same Ought to Pass in New Draft under the same title: (H. P. 1173) (L. D. 1672)

(Signed)

Senators:

FERGUSON of Oxford  
GREELEY of Waldo  
ROSS of Piscataquis

Representatives:

CROCKETT of Freeport  
NADEAU of Biddeford  
BURNHAM of Naples  
McNALLY of Ellsworth  
WOOD of Brooks  
DUDLEY of Enfield

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

(Signed:)

Representative:

WALTZ of Waldoboro

Comes from the House, Majority Report — Ought to Pass in New Draft, Read and Accepted and the Bill Passed to be Engrossed, As Amended by House Amendment "A" (H-350)

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Wednesday, June 7, pending Acceptance of Either Report.)

#### Divided Report

The Majority of the Committee on Highways on Bill "An Act to

Authorize the Issuance of Bonds in the Amount of Ten Million Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 691) (L. D. 972)

Reported that the same Ought to Pass in New Draft under new Title: "An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Eight Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways." (H. P. 1174) (L. D. 1673)

(Signed)

Senators:

FERGUSON of Oxford  
GREELEY of Waldo  
ROSS of Piscataquis

Representatives:

CROCKETT of Freeport  
WOOD of Brooks  
McNALLY of Ellsworth  
DUDLEY of Enfield  
NADEAU of Biddeford  
BURNHAM of Naples

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

(Signed)

Representative:

WALTZ of Waldoboro

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

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Wednesday, June 7, pending Acceptance of Either Report.)

#### Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Clarifying the Offense of Procuring Liquor for Certain Persons." (H. P. 845) (L. D. 1253)

Reported that the same Ought to Pass in New Draft under same title: (H. P. 1191) (L. D. 1691)

(Signed)

Senators:

MILLS of Franklin  
HILDRETH

of Cumberland  
HARDING of Aroostook

Representatives:

FOSTER

of Mechanic Falls

**DAREY**

of Livermore Falls  
**HEWES** of Cape Elizabeth  
**QUINN** of Bangor

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

(Signed)

Representatives:

**DANTON**

of Old Orchard Beach  
**BRENNAN** of Portland  
**BERMAN** of Houlton

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

In Senate: The Ought to Pass in New Draft report of the Committee was Accepted, the Bill Read Once, and tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Judiciary on Bill "An Act Relating to Municipal Regulation of Community Antennae Television Systems. (H. P. 632) (L. D. 888)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

**HILDRETH**

of Cumberland  
**MILLS** of Franklin

Representatives:

**DANTON**

of Old Orchard Beach  
**BRENNAN** of Portland  
**FOSTER**

of Mechanic Falls  
**BERMAN** of Houlton

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-388)

(Signed)

Senator:

**HARDING** of Aroostook

Representatives:

**HEWES** of Cape Elizabeth  
**QUINN** of Bangor

**DAREY**

of Livermore Falls

Comes from the House, Minority - Ought to Pass As Amended report Read and Accepted and the Bill

Passed to be Engrossed As Amended by Committee Amendment "A" (H-388)

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

Mr. **HILDRETH** of Cumberland: Mr. President and Members of the Senate: This is a divided report and I signed the Ought Not to Pass Report. Actually this was my second choice. I had three choices really. One was Ought Not to Pass, the other was Ought to Pass, but my first choice in this matter would have been to put this whole matter of the regulation of Community Antennae Television System under the Public Utilities Commission. The Commission is a group that is qualified technically to deal with some of the problems that can arise from the operation of a CATV system. They have got accountants, and have experience in setting rates and in dealing with questions of whether service is in the public interest and is proper service.

However, I wasn't able to talk to anyone on the Judiciary Committee into following me, so I went back to my second choice which is Ought Not to Pass.

The present law is at this moment being tested in the Supreme Court or will be on Thursday. There is a very involved case being argued in the Supreme Court involving the City of Waterville and several applications for service that have arisen there. This case is going to come out one way or another, and it is going to clarify the present law. You will notice in the new draft, the Ought to Pass in New Draft, the document has a preamble on it that the Legislature declares this act necessary to clarify prior intentions and possible ambiguities of legislation relating to municipal regulations of CATV. My feeling is that a lot of effort and time has gone into doing exactly this in the Supreme Court, and a very qualified group of people will arrive at a decision.

My second basic reason for opposing the bill is that there is, in my view, a great potential for skulduggery if this law were changed giving the municipalities the power over CATV systems that



this bill would give them. They would be able to give an exclusive ten-year franchise to any particular individual. In some cases you can imagine the political and financial pressure that might be brought to bear upon the town fathers of any given town. Secondly, in many cases, ten years is about the period that might be required in order for a CATV operator to recover his investment and start actually making a return. The town wouldn't be able to regulate his return at all. On the other hand, the town would be able to potentially hold him up at the end of the ten-year period and the whole matter would come up again with the political and financial ramifications so that I think it would be dangerous.

I, therefore, hope that the Majority Ought Not to Pass Report will be accepted.

The PRESIDENT: Does the Senator make that his motion? The Senator from Cumberland, Senator Hildreth, moves that the Senate now accept the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and specially assigned for Wednesday, June 7, pending the motion of the Senator from Cumberland, Senator Hildreth, that the Senate accept the Ought Not to Pass Report of the Committee.

#### Senate Ought to Pass

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Fort Fairfield Municipal Park." (S. P. 422) (L. D. 1076)

Reported that the same Ought to Pass.

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

#### Second Readers

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

#### House

Bill "An Act Relating to Restoration to Service Under State Retirement Law." (H. P. 1187) (L. D. 1688)

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

#### House — As Amended

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

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

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

#### Senate

Bill "An Act Relating to Unjustified and Justified Abortions." (S. P. 667) (L. D. 1695)

Bill "An Act Creating a State Planning Office." (S. P. 668) (L. D. 1696)

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

Sent down for concurrence.

#### Senate — As Amended

Bill "An Act Adopting the Uniform Arbitration Act." (S. P. 263) (L. D. 644)

Bill "An Act Relating to Exemption of Property from Attachment and Execution." (S. P. 538) (L. D. 1389)

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

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

Sent down for concurrence.

#### Enactors

The Committee on Engrossed Bills reported as Truly and Strictly Engrossed, the following:

An Act Appropriating Operating Funds for Vocational Educational Institute in Washington County. (S. P. 136) (L. D. 266)

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

An Act Providing for Associate Degree in Nursing at Aroostook State College. (S. P. 296) (L. D. 735)

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

An Act Relating to Directors of Insurance Companies. (S. P. 386) (L. D. 1020)

An Act Relating to Counter-signing Fees for Insurance Agents and Brokers. (H. P. 875) (L. D. 1287)

An Act Providing for a New Charter for the City of Waterville. (H. P. 945) (L. D. 1385)

An Act to Grant Public Utilities Commission Control Over Cooperatives. (H. P. 1168) (L. D. 1669)

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

Mr. Hoffses of Knox was granted unanimous consent to address the Senate.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: There are several important days in a man's life span, but undoubtedly the most important day is that day on which he is born into the world to view its wonders and its beauties. It is a great day for his parents also. His mother is happy and delighted at the wonder that she and nature have performed. His father is proud beyond words, thinking that only he is able to effect such a great accomplishment and passes out cigars to avail himself of the opportunity to tell all of his friends of his abilities. The Senator father undoubtedly at times had a vision that his miniature sample of manhood would one day become a Senator in his own right, which accomplishment he has attained.

Now this tiny bundle of howling humanity grew, in spite of the wet diapers, slowly but surely into manhood, twenty-one years. The anniversaries were an important event in his life. After reaching that age of manhood, these anniversaries to all of us have a way of becoming less and less important, and I found that when I reached the half-century mark, I oft-times wish that those annual events just would not come around or perhaps they would come every

two years or something like that. It would be much more appreciated. Now, I am not trying to imply that the person whom I have reference to feels the same way. He may enjoy each of these birthdays with more and more enthusiasm. That I will leave up to him to say.

The Senator I am referring to has served this august body for six terms, with only the short interval of two years ago, when he was absent from our ranks. When I came into this Senate in the 101st Legislature I was new and very much unacquainted with the members who were seated here. A friend of mine who had been around here for sometime took me aside and gave me a thumbnail sketch of the character and the abilities of its members. He indicated that such and such a Senator was very forceful in his debate on the floor, another was a gifted orator, another was quiet but very dedicated, still another was ineffective, but a wonderful guy, and so on and on. The Senator I now speak of was sketched as one who was not what you would consider a silver-tongued orator or a colorful, flamboyant politician but was extremely effective in a quiet, unassuming way, honest beyond question, and dedicated to the cause of good government for the State of Maine, and loyal to the constituents in his county. I have found this gentleman to be all these things and more too, and I am sure that you have found him likewise.

Speaking of birthdays, I do not intend to reveal which anniversary this distinguished gentleman is celebrating today. If he so chooses, he may do so, but I question if you would believe him, especially if you tried to keep up with him walking down the corridors or on the way to the hotel. I am very proud to know this eminent lawmaker and to be privileged to serve with him in this distinctive body, and I feel certain that you feel equally proud.

I would request that you join me in extending birthday greetings and many happy returns of the day to the eminent and distinguished Senator from Washington

County, the Honorable Hollis J. Wyman.

(Applause)

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This sort of overwhelms me. I didn't expect it and unfortunately I don't have the eloquence of the good Senator from Knox, Senator Hoffses. I disagree with him on some things. I think just the same that perhaps he has gilded the lily. I agree with him on other things. I don't like these birthdays, and I take perhaps less interest in them and perhaps I am less fond about them, this being my 67th. In any event I am very appreciative of the kind remarks, and I can say that I am very happy to serve in this Senate. I think we have a wonderful Senate and a wonderful membership, and I am very happy and proud to be here. Thank you.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action of yesterday whereby it passed 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) to be Engrossed.

On further motion by the same Senator, tabled and specially assigned for Thursday, June 8, pending Passage to be Engrossed.

#### Orders of the Day

The President laid before the Senate the first tabled and today assigned matter (H. P. 588) (L. D. 819) House Report — Ought to Pass in New Draft Under New Title (H. P. 1182) (L. D. 1684) from the Committee on Judiciary on Bill, "An Act Relating to Publication of Foreclosure Notices."

Tabled — June 1, 1967 by Senator Johnson of Somerset.

Pending — Acceptance of Report.

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

Mr. MILLS of Franklin: Mr. President, this matter has stirred up some very logical differences of opinion and caused some consternation in the press associations of the state. I would like to make a little explanation of what it is about.

The original legislation was a bill to authorize the new newspaper, which has its place of business in Brunswick, but which resulted from a merger with the Bath newspaper, which is over in Sagadahoc County, to run legal notices for Sagadahoc County, the notices of foreclosure, of mortgages and notices of probate proceedings pending in that county, and also I think, pardon hearings. Anyway the series of notices that are known as legal notices are a source of some income to the newspapers that run them. Upon the introduction of that legislation, the newspaper being published in Bath in Sagadahoc County, the Coastal Journal, felt that it would be deprived of the legal advertising emanating from Sagadahoc County, where it is distributed and they opposed the measure, saying that it would be a loss of income to it, and pointing out to us in the committee that it had already been running the legal notices for some time, so that the situation became somewhat reversed. We then found that there was a distinct possibility that Sagadahoc notices being run in the Coastal Journal was perhaps not correct, perhaps not technically correct, because that paper was being distributed rather freely in the county without a bonafide subscription list. As a matter of fact up on the right hand corner, I think it said "Free". But it is a fine appearing newspaper and has all of the attributes, I would say from examining quite a number of issues, of a newspaper, and entitled probably to much more credit in the dissemination of this type of advertising than you get from other newspapers which have stronger credentials in other counties.

However, its one deficiency was that, being a freely distributed paper, it didn't qualify for second class privileges and, therefore, came outside the definition of a

newspaper for legal advertising. So in order to correct that, we drafted a provision that would provide for third class newspapers to have that privilege, and then the fat hit the fire. We heard from the organizations of the newspapers over the state, and you just can't fight with the newspaper, as the old saying goes among politicians, and, however, we recognized an area here where something ought to be done to protect those legal notices down in Sagadahoc County. We would like to have perhaps Senator Johnson or some other worthy Senator put this on the table so we could get another amendment going which will confine this type of definition to Sagadahoc County, and won't endanger this legal advertising for all these other newspaper organizations all over the state.

Thereupon, on motion of Mr. Johnson of Somerset, retabled, Unassigned, pending Acceptance of Report.

The President laid before the Senate the second tabled and today assigned matter (S. P. 635) (L. D. 1635) Bill "An Act Relating to the Water and Air Environmental Improvement Commission."

Tabled — June 1, 1967 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for Wednesday, June 7, pending Enactment.

The President laid before the Senate the third tabled and today assigned matter (H. P. 882) (L. D. 1294) Bill, "An Act Providing Vocational Education Loan Funds."

Tabled — June 1, 1967 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

On motion by Mr. Johnson of Somerset, retabled unassigned, pending Passage to be Engrossed.

The President laid before the Senate the fourth tabled and today assigned matter (S. P. 456) (L. D. 1133) Bill, "An Act Relating to Coverage Under Employment Security Law."

Tabled June 2, 1967 by Senator Good of Cumberland.

Pending — Enactment.

On motion by Mr. Good of Cumberland, retabled and specially assigned for Thursday, June 8, pending Enactment.

The President laid before the Senate the fifth tabled and today assigned matter (H. P. 1002) (L. D. 1464) House Report—Ought to Pass from the Committee on Judiciary on Bill "An Act to Permit Savings and Loan Associations and Savings Banks to Consolidate."

Tabled—June 5, 1967 by Senator Katz of Kennebec.

Pending—Motion by Senator Berry of Cumberland to Indefinitely Postpone Bill and Reports.

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

Mr. KATZ of Kennebec: Mr. President, I move the pending question.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Berry, that the Bill and accompanying reports be Indefinitely Postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As a member of the Judiciary Committee, I would like to explain very briefly the provisions of this bill. I would say first of all that I personally have no interest in it and, as far as my own county is concerned, I certainly could care less if this bill passed or it did not pass.

This bill was very ably presented to the Committee by Willis Trafton, whom I am sure is known to many of you people. Under the existing law our savings banks are permitted to merge, and under the existing law savings and loan associations are permitted to merge. This bill would permit savings and loan associations and savings banks to merge.

Now, the need for this is that in some isolated instances a savings bank is having a struggle under the

competition to stay open, but if it were able to merge with a nearby savings and loan association, they could operate more efficiently and still serve the public, and I don't think that this certainly would encourage any wholesale mergers of savings and loan associations and savings banks. If you will read the provisions of the bill, there has to be the agreement of two-thirds of the members voting of each of the organizations, so certainly nothing is going to be put over on these people that is not in the best interest of the people involved.

I would mention that this was a unanimous report of the Judiciary Committee. There was no opposition whatsoever to this proposal at the time of the hearing. Now I understand that Senator Berry was disturbed about one section that said "any organization organized," well I have an amendment which I have prepared which will clarify that, that we are speaking of an association which, of course, is a savings and loan association, so I would ask for a division on this.

As I say, this is a unanimous report of the Judiciary Committee, and it would be helpful to some few banks in order to serve the public more efficiently and, therefore, I would hope that you would support the Judiciary Committee on this one.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The provision of L. D. 1464 which causes the greatest concern is that provision which permits savings and loan associations, no matter where located in the State of Maine, to sell their assets to savings banks. I believe that this Senate, quite properly and soundly, defeated a measure recently which would have extended state-wide organization privileges to another form of banking. I believe the same objections apply here.

We in Maine have been very wary of developing financial institutions with very broad sweeping influence across the state. The bill, as originally presented, was intended to permit small savings and

loan associations who were having trouble to consolidate with savings banks. Insofar as these are located in communities served by that savings bank, I believe the legislation was very worthwhile. However, we do have here the prospect of a state-wide organization. This has historically been against the philosophy of our people in Maine.

I would support the motion to indefinitely postpone this measure.

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

Mr. KATZ of Kennebec: Mr. President, if I may, I would like to ask a question of the Senator from Aroostook, Senator Harding, because I am out of my field here. Does this give to the savings banks or the savings and loan associations merger powers presently not given to commercial banks? Aren't they presently restricted to contiguous counties?

The PRESIDENT: The Senator from Kennebec, Senator Katz, poses a question to the Senator from Aroostook, Senator Harding, who may answer or not, as he chooses.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I don't know of the commercial banks. I'm afraid I would not be able to answer the question. All I would say is that savings banks now under the statutes may merge with savings banks, it is the law — with other savings banks. Savings and loan associations now under the present law may merge with other savings and loan associations. I would mention to the good Senator from Cumberland, Senator Berry, that I find no restrictions geographically in the statute in regard to this merger in these particular instances, and so that is why I assumed, when these new provisions were put in, there were no geographic limitations put in because that would be inconsistent with the other merger provisions already in the law.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Sen-

ate: The answer to the inquiry posed by Senator Katz is "Yes". This would grant powers to savings and loan associations and to savings banks which are not now granted to commercial banks, and the observation of the good Senator from Aroostook, Senator Harding, that there are no limitations is exactly my objection to the bill.

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

Mr. MILLS of Franklin: Mr. President, a few weeks ago we did have the measure the Senator from Cumberland, Senator Berry, has mentioned in regard to the credit unions and I was in favor of that measure. I was unhappy to think that it was defeated, but I think that this measure is along the same line. It is one of these things where the commercial banks apparently either have been stirred up by their representatives, or by their imaginations see a threat here on the part of these mutual organizations to their well being, their survival in the field of banking.

Probably some of the older members recall the collapse of some 28 banks many, many years ago under those banks that were taken over from out of state, and then the bank holiday came along and 28 of them folded up like an accordion. The bank that was to take its place, I've heard this mentioned by officials of it many years ago, the bank that grew out of it, like out of the ashes of those 28 banks, was to concentrate on being a small area bank. Now, of course, it is the largest bank in the state and it is spread out over a good many communities and a number of counties, which is probably a good thing.

But it is rather humorous, I think, for this great bank and the great banks of Bangor and Portland, who are fighting so hard to absorb and to merge the little small country town banks and to bring them under their umbrella, for them to try to strike down a harmless little bill like this. This bill constitutes no threat to them, and it is only through, I think, the imagination of some of their fearful directors, and perhaps their

representatives here, not in the body, but who are looking after their interests here, that they have been stirred up to strike down the credit union attempt to provide for a logical type of merger as this one here today.

I do join with the good Senator from Aroostook in the support of this bill, as did everyone else on the Committee, and I think the banks can rest easy; they can sleep well, even if this bill should pass.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Berry, that this Bill and accompanying reports be Indefinitely Postponed.

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

A division was had. 15 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Senate voted to Accept the Ought to Pass Report of the Committee and the Bill was Read Once.

Mr. Harding of Aroostook presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing S-232, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 1002, L. D. 1464, Bill, "An Act to Permit Savings and Loan Associations and Savings Banks to Consolidate."

Amend said Bill in section 2 by striking out in the first line of that part designated "§1872" (same in L. D. 1464) the underlined word "**Organization**" and inserting in place thereof the underlined word '**association**'

Senate 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. 645) (L. D. 900) House Report—Ought to Pass in New Draft under Same

Title (H. P. 1143) (L. D. 1627) from the Committee on Taxation on Bill "An Act Providing for a Tax on Real Estate Transfers."

Tabled—June 5, 1967 by Senator Johnson of Somerset.

Pending—Motion by Senator Mills of Franklin to Indefinitely Postpone Bill and Report.

Mr. Mills of Franklin was unanimously granted leave to withdraw his motion to indefinitely postpone Bill and Report.

Thereupon, on motion by Mr. Wyman of Washington, retabled and specially assigned for Wednesday, June 7, pending consideration.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 293) (L. D. 413) House Reports—from the Committee on Legal Affairs on Bill "An Act Relating to Clothing Allowance for Employees of Public Works Department of Lewiston." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—June 5, 1967 by Senator Boisvert of Androscoggin.

Pending—Motion by Senator Good of Cumberland to Accept the Majority Ought Not to Pass Report.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This is one of 22 or more bills we heard concerning the City of Lewiston. We set aside two days for the City of Lewiston on their bills, and I would like to say at this time that those were two days when the hearings were excellent. Probably we enjoyed those two days more than we did many of the others, and the decorum of the people from Lewiston was splendid. They do take their politics seriously in Androscoggin County, but I want to tell you that the members from Androscoggin County had the meetings pretty well organized and they went along very smoothly.

Before I proceed further on this particular amendment, or bill, I would like to ask if the President

of the Senate would read the Committee Report please.

The PRESIDENT: The Majority Report, Ought Not to Pass, was signed by the Senator from Cumberland, Senator Good, the Senator from Lincoln, Mrs. Sproul, and Representatives Baker of Orrington, Shaw of Chelsea, Conley of Portland, Beliveau of Rumford, Cushing of Bucksport, and Richardson of Stonington. The Minority Report, Ought to Pass, was signed by the Senator from Penobscot, Senator Stern, and the Representative from Portland, Mrs. Wheeler.

Mr. GOOD: Mr. President, thank you. At the hearing we had two opposite forces at work. At the first part of the hearing we were given to understand that the public works employees had to buy their own clothing. This is L. D. 413 we are talking about, and it is a very simple bill. It simply says this, and I will quote: "The City shall supply regular employees of the Public Works Department, except office staff employees, with a clothing allowance not to exceed \$100 annually."

Now, the majority of the Committee did not favor the bill, so the pending motion is to accept the Ought Not to Pass Report. Later on in the hearing, after the fact that the hearing had been closed, the mayor appeared - he wasn't able to make it at the right time - and he said that clothing was being supplied to these employees in the form of raincoats, rubber boots and rain hats, at the expense of the city now.

I think perhaps another reason why I voted that this bill ought not to pass was that I thought \$100 seemed to be quite a large amount to be expended on each employee every year. Of course, I realize that the amount wouldn't have to be expended, but I imagine there would be quite a lot of pressure for it. Thank you.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Good, that we accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Girard.

Mr. GIRARD of Androscoggin: Mr. President and Members of the Senate: Of course, the municipal employees of Lewiston for the City Public Works are very much interested in this bill because they have been trying to get allowances for clothing for a good many years. Now, Senator Good said that they had their clothing. Yes, they have, but just the employees that work in the sewers; they get some kind of rubber coats and rubber boots. But they are the only ones that have clothing allowances, and sometimes these clothes come from the fire department when they don't use them any more.

Now, you know as I do, you have watched your own employees work for the city, and you know how much clothing they need during the year to work outdoors and repairing water leaks and digging trenches. Of course, everything is not all made and done by machinery yet; there is a lot of work being done by hand, pick and shovel, so they do need a lot of clothing. And you know how expensive clothing is today. Most of these employees who do manual work have take-home pay of probably \$65 a week. We might say that \$100 is a lot of money, but just buying a pair of gloves every week or two weeks is more than \$2, and that is what it would give an employee, about \$2.

So, I think the bill is very fair. I think it is tools that we are furnishing to our own employees. In some cities they even have uniforms for their own employees in the public works. They are not asking for uniforms, but for these regular employees who are working outdoors all the time, they feel, and a lot of people feel in the City of Lewiston, that they should have some clothing allowances to help them in their take-home pay. So, I would move that we accept the Ought to Pass Report of the Committee.

The PRESIDENT: The Chair will advise the Senator that the pending motion will dispose of the bill. We either accept the Ought Not to Pass Report or we don't.

The pending question is on the motion of the Senator from Cumberland, Senator Good, that we accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: First of all, let me say that I rise to oppose this bill. I differ from Senator Girard and possibly from Senator Boisvert in opposing this bill. However, I do agree with the mayor and with the city government of Lewiston.

I have seen here many, many groups being represented by lobbyists, and it seems that the taxpayers of Maine's second largest city do not have a lobbyist to apply the pressure.

A while back Senator Stern got up in this Senate regarding a bill which would effect, I believe, Old Town, and he said he certainly hoped that Old Town never got to be like Lewiston. Well, I think, Mr. President and Members of the Senate, that this is a case in point. This is a case where if we pass a bill we are adding another amendment to the city charter of Lewiston, a charter which is already overburdened by amendments to please this group and please that group. We are being asked here today, all of us, from Hancock to Cumberland, to legislate on a matter which can be properly decided by the city officials of Lewiston. We are being asked to overrule the city government of Lewiston. Sometimes I think we should be asked to revoke the city charter and to convert the City of Lewiston into a State district.

There are numerous problems also with this bill. Fine, they are opening the door. The office personnel doesn't go to work in the nude, so why shouldn't we pay for their uniforms too. If we keep on going, why don't we pay for the clothing for the teachers, or for the nurses in the Health and Welfare Department, or for people in other departments. The mayor has stated before, and it is true, that



special uniforms, or special wear, such as raincoats and boots, are furnished by the City. But I do think we have to put a stop to this special legislation once and for all. I feel that the proper thing to do is to broaden the city charter of Lewiston, to strengthen local home rule, and to let the people in Lewiston, as we do in other communities, run their own show; not to give anyone who has a grievance, so to speak, a chance to put an ax over the head of the municipal officials of Lewiston and to say "Give us what we want or we will go to the Legislature and get it."

I feel, Mr. President and Members of the Senate, that I certainly cannot be well informed about the problems faced in Bangor, or Caribou, or Presque Isle, or Sanford. I don't live there, and I am the first to admit that my ideas of what is going on in those communities is very sketchy. However, in the community where I live I am expected to know what is going on. I feel that I would not want to get involved in the internal problems of Sanford, or Presque Isle, or Caribou, or Ellsworth. I feel it is time for this Legislature to stress home rule. Certainly the Legislature should not be an ax over the head of municipal officials and override municipal officers in these matters.

Actually in many respects the Legislature, which is now concerned with the rising tax rates in municipalities throughout the State, in this exception is now becoming the give-away agent for numerous municipal funds.

If we pass this legislation and other similar legislation, Members of the Senate, we will simply be putting the City of Lewiston in an even tighter straightjacket. I certainly support the Senator from Cumberland, Senator Good, in his motion that we accept the Majority Ought Not to Pass Report. I feel that this can be settled on the local level and there is no need for the State to become involved. I certainly hope, Mr. President and Members of the Senate — in fact, I am quite sure we will have the opportunity to hear from Senator

Boisvert — and when the vote is taken I will request a division.

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: It looks as if it is another Lewiston day. There is a reason for Lewiston days at Augusta. I agree in part with what Senator Couturier has just said. The reason why you have every biennium many bills coming from the City of Lewiston, I do believe, through my experience, because I had the pleasure of serving as mayor, so has Senator Girard and, of course, Senator Couturier, we are living in the City of Lewiston with a charter that is unique, not only in the State of Maine, but in the United States. And this I am sincere about.

Now, if you look at the sponsor of this bill, look at the name of the sponsor, this man has been a city official for 13 years. He has been on the city council for 13 years, he has been president of the city council for three terms. If he had been able to settle this problem at the city level he would have done so.

The Public Works Department is dealing with three boards, and so are the other departments. There is a board of five members called the Board of Public Works. The employees refer their complaints to the Board of Public Works. Then it goes to the city council, composed of the mayor and seven aldermen. The mayor and Board of Aldermen cannot act without the Board of Finance, another board of five members. And most of the time when a problem like this arises there is a stalemate. This is the real reason why you see so many Lewiston bills. I agree with Senator Couturier that something should be done about the city charter of Lewiston. We have tried in the past, and we will try again. We would like to operate under a charter similar to the other communities in the State of Maine. But, in the meantime, what are we going to do about these little problems when they are not taken care of at the local level? I think that the public works employees

deserve consideration. They have been the forgotten group for a good many years. They start at \$1.65 an hour, which is the bare minimum that any employee in private enterprise is receiving at the present time. I do believe that you will support Senator Girard and vote against the motion of Senator Good to accept the Ought Not to Pass Report.

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

Mr. COUTURIER of Androscoggin: Mr. President, I will only add a few words to this, and that is to say that the Lewiston city charter will become more unique and more cumbersome the more we will amend with trivialities which can be accomplished without becoming State law. The charter is cumbersome. I am quite sure that in the long run it will be changed and will become what it should be, a broad guide line for operations of municipal government, and not a document which will tell us how many thumbtacks we have to use a year.

Mr. President and Members of the Senate, I will simply leave with this thought, and that is: that municipal officials are elected and are given the responsibility of solving municipal problems in the name of the citizens of the community. It is their job and their responsibility. And if the citizens and the voters are not happy with what they are doing then they are intelligent enough to kick them out of office.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Good, that we accept the Majority Ought Not to Pass Report of the Committee. Those in favor of the motion will stand and remain standing until counted. Those opposed to the motion will stand and remain standing until counted.

A division was had. 22 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

The President laid before the Senate the eighth tabled and today assigned matter, (H. P. 768) (L. D. 1115) House Reports—from the

Committee on Taxation on Bill "An Act Relating to Refund for Malt Liquor Excise Taxes." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—June 5, 1967 by Senator Johnson of Somerset.

Pending—Motion by Senator Farley of York to Accept the Minority Ought to Pass report.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: Relative to H. P. 768, having been one of those who signed the Ought to Pass Report as a minority member, I think what I had to say in reference to the bill yesterday will suffice for me to make a motion that we accept the Minority Report. I ask for a division.

The PRESIDENT: The pending question is on the motion of the Senator from York, Senator Farley, that we accept the Minority Ought to Pass Report.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: As a signer of the Majority Ought Not to Pass Report, I feel I should defend my position on this. It seems to me that this matter of insurance, although we have a memo or a letter here from the liquor dealers attempting to explain it, is still a business expense just as insurance on a potato house of potatoes is an insurance expense and it seems to me that it should be insured and taken care of that way, and that we should not ask the State to take care of it. I, therefore, oppose the motion to accept the Minority Ought to Pass Report.

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

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: I too was a signer of the Minority Report with the good Senator from York, Senator Farley, and against my 66-year old Chairman, Senator Wyman. The remarks which Senator Farley made yesterday, I think covers

my position, and I would accept his motion.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from York, Senator Farley, that the Senate accept the Minority Ought to Pass Report of the Committee. As many as are in favor of accepting the Minority Ought to Pass Report will stand and remain standing until counted. Those opposed to the motion will stand and remain standing until counted.

A division was had, 12 Senators having voted in the affirmative, and 18 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

The President laid before the Senate the ninth tabled and today assigned matter, (S. P. 497) (L. D. 1256) Senate Reports — from the Committee on Education on Bill, "An Act Relating to Public Higher Education." Majority Report, Ought to Pass as Amended by Committee Amendment "A" — Filing S-224; Minority Report, Ought to Pass in New Draft (S. P. 666) (L. D. 1694)

Tabled — June 5, 1967 by Senator Snow of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Johnson of Somerset, retabled pending Acceptance of Either Report.

The President laid before the Senate the tenth tabled and today assigned matter, (S. P. 496) (L. D. 1258) Senate Reports — from the Committee on Education on Bill, "An Act Creating the University of the State of Maine." Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-225; Minority Report, Ought to Pass in New Draft (S. P. 665) (L. D. 1693)

Tabled — June 5, 1967 by Senator Snow of Cumberland.

Pending — Acceptance of Either Report.

The PRESIDENT: The Chair

recognizes the Senator from Cumberland, Senator Snow.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: I rise to urge your favorable consideration of the Ought to Pass Report, the Majority Ought to Pass Report, of the Committee on Education. I believe that this is one of the most significant pieces of legislation to come before this Legislature this year. It would, in my opinion, create a system of public higher education that would enable Maine to have ultimately one of the best and one of the most efficient systems of higher education in the State. But it is not my task to speak to you on this subject. You will hear later from Senator Katz on this point. I would like to tell you something of the background of this bill.

During the 102nd Legislature it became apparent, I would say, to all of us in the Legislature that we needed a thorough study of our system of public higher education. It was apparent to us because, I feel, we were unsure in assigning priorities for construction. We were disturbed about the fact that some of the colleges and universities were accredited, whereas others were not. We were disturbed that students could not transfer and retain their credits freely between one public institution of higher education and another institution of higher education in the State. We felt that a thorough study was needed. In the interest of this the former Senator, Dwight Brown, the then Minority Leader of the Senate, and I co-sponsored, with the encouragement of Governor Reed, a measure asking for the appropriation of \$50,000 to conduct such a study. The measure was enacted without opposition. Subsequently the Governor appointed a commission, which, I feel, was an extremely able commission, to arrange for the study. Named as Chairman was President Coles of Bowdoin College. Others named to the commission were President Wieden of Aroostook State College, President Bluett of Westbrook Junior College, Mr. John Seeley, Chairman of the Governor's Advisory Committee on Education, Mr. Ben Dorsky, Mr. Hugh Saunders

of Saunders' Manufacturing Company, former Representative Kenneth Gifford and myself. In addition, the President of the University of Maine and the Commissioner of Education served ex-officio.

After a number of months of consideration the commission engaged the Academy for Educational Development to conduct the study for us. The President of the Academy of Educational Development is Mr. Alvin C. Ulrich, a former official of the Ford Foundation and former President of the University of the State of New York. A.E.D., in turn, chose Mr. James A. McKane, President of Kansas State University, to head the study. The A.E.D. people spent close to a year in Maine preparing their report. You have all had copies of it. I think we are all agreed, whether we agree with all of its recommendations or not, that it offers worthwhile guide lines for the organization of higher education in Maine. I hope when you vote on this you will vote to accept the Ought to Pass Report of the Committee, and I so move.

The PRESIDENT: The Senator from Cumberland, Senator Snow, moves that we now accept the Majority Report, Ought to Pass as Amended.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I guess you have all heard the story about the inebriate who was hanging on the lamp post and the officer came along and asked him what he thought he was doing and he said he was holding up the lamp post, and the officer moved him off and, whereupon, the lamp post fell down. Well, if indeed this man knew what he was doing, sometimes I have a feeling that in past years we haven't known exactly what we were doing in higher education.

This year there are some 25,000 Maine people involved in higher education. There seems to be no doubt that within 20 years this number will be tripled to 75,000. The logical question is are we ready for this huge wave? Do we really know what we are doing?

The answer has to be "No." We are not certainly among the vanguard of the states who have attempted to put higher educational affairs in order, and this is what this bill is attempting to do.

What it does, in effect, is to take the State Department of Education and the State Board of Education completely out of the business of higher education and says to these good people that "You have your hands full with the problems of kindergarten through twelve. Higher education is a specialized field; let's put it apart from your responsibilities." On the effective date of this act all public higher educational institutions, including the University of Maine, the state colleges, the state vocational schools and Maine Maritime Academy are consolidated into one entity called the University of the State of Maine. There will be a board of 15 trustees who, in turn, will hire the best available talent as President of the University of the State of Maine. After the bill gets rolling the present trustees will be out of business, and the 15 trustees will have the total responsibility for the executive decisions for the new entity.

There are several ways that Maine can approach the question of consolidation or coordination of higher education, and the higher education people with whom we entrusted the problem investigated all of them very, very carefully. And those of us who have signed the Majority Report, including all three Senate members of the Committee on Education, were firmly convinced that there is a magnificent opportunity for this Legislature to make the most important contribution to higher education in many, many a moon.

I call to your attention the fact that it started with a Democratic Legislature and a Republican Governor, and through the vagaries of life it now has the support of the Democratic Governor and, hopefully, the Republican dominated Senate. But it is strictly a bipartisan measure.

The proposal under consideration today makes an awful lot of sense to me, and I think that, given a chance to hear this debate today,

that the people of Maine would ask "Why haven't we done this sooner? Why have we waited so long?" And I think that, given a free choice, students in any of our higher educational institutions, given a chance to be a member of a greater university system, with free transferability of students and credits, I think the students would like it too.

Let's look into a couple areas of the State and see how it would benefit various areas. Auburn and Lewiston - considering the fact that we have three former mayors here - let me say Lewiston and Auburn: Presently Lewiston-Auburn has the beginning of an excellent vocational technical institute, and that is all. Under this proposed bill the higher educational opportunities in the Lewiston-Auburn area would be expanded to meet the needs of the area. If there are commuter needs, and there certainly are in Lewiston-Auburn, Lewiston - Auburn would have the available strength and support of the University of the State of Maine for the development of commuter opportunities. And there would be transferability of credits.

In the Machias area Washington State College now has an excellent four-year program for teacher preparation. But there is substantial need for other opportunities in the Washington County area. And instead of going ahead with the development of a new commuter facility, here in Washington County is a magnificent opportunity to offer whatever opportunities are required to serve the needs of the people.

We have heard debate earlier this session about Aroostook County and the crying needs of Aroostook County. I suggest to you, gentlemen, that this bill is the best possible answer to the needs of your county.

But there is one area that I think the taxpayer will be most greatly interested in. The financial decisions in higher education this session - and I mean in no manner any disrespect for the tremendously hard-working Committee on Appropriations - but

this session has been typical where higher educational monetary decisions are based upon a hodge-podge of factors rather than any statewide need or system of priorities Under L. D. 1258 a single budgetary program will be presented to the Legislature and, hopefully, this budgetary system will be one, having been hashed through at every level, having been put through the State Budget Office, gone through the Governor's desk, and thence to the Legislature and Appropriations to reflect the needs of the State. The capital budget too for all higher education would approximate this procedure.

Mr. President and Ladies and Gentlemen: It is a big field. The opportunity for substantially increased presentation is difficult to resist, but I would merely at this time hope that the Legislature will reach out and grab the opportunity that is presently in front of us and accept the Majority Ought to Pass Report.

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

Mr. STERN of Penobscot: Mr. President, a point of information. May I inquire as to the signers of the Majority Report and the Minority Report?

The PRESIDENT: The Majority Report is signed by the Senator from Kennebec, Senator Katz, the Senator from Cumberland, Senator Snow, Representatives Levesque, Baker, Carroll, Allen, and the Senator from Penobscot, Senator MacLeod.

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I rise to support both my vote in Committee and also the remarks made by the distinguished Senator from Cumberland, Senator Snow, and the Senator from Kennebec, Senator Katz.

One area in this report which particularly impressed me, and which I would like to quote, if I may, on Page 7 of the Report, is this: "The public and private higher education institutions in the State of Maine should plan to improve through various arrangements recommended in this report

the use of existing academic facilities and add additional facilities only after much better plans than now appear to exist are developed. Such plans recognized throughout the country today public institutions have achieved a much better use of space than is evidenced in public institutions in Maine today."

Some of you may be aware that I had quite an interest in the utilization of space in our higher educational institutions four years ago with reference to the Orono campus of the University of Maine. I am very pleased to report that tremendous progress has been made on that campus in utilizing space. Monthly reports are now submitted to the President from each department, through the use of their computer, giving the percentage of utilization of each classroom and each laboratory at the University. And classes are shifted to fill vacancies where they exist in the classroom utilization. So there is one campus that is doing something and is following it through on a continuing basis. But I am not sure this is being done statewide. Certainly there is no coordination between the needs of the facilities and needs of faculty and needs of new programs as between the vocational institutions, the state colleges and the University of Maine.

Under this single unified system the board of trustees would establish priorities and would plan ahead for new courses and new programs where they would best suit the needs of most of the people. As Senator Katz has pointed out, if this plan were adopted, there would be within a 40-mile radius of the population of Maine, practically all the population, a commuter facility available, which would offer diversified courses, and then they could go on to advanced studies at either Portland or Orono.

There are four bills in all. This is the most important one probably. If this is finally enacted into law I am convinced that the higher education of our young people in the State of Maine will advance tremendously and at far less cost than if we continue under our present divided system. I would also remind the people in this Senate

that this commission was made up of people from vocational schools, from the state colleges, from the University, along with people from industry and labor, and it was the unanimous recommendation of this group that this unified system be adopted. Thank you.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the adoption of the Majority Report, Ought to Pass as Amended, will say yes; those opposed no.

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

Committee Amendment "A", Filing No. S-225, was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A" to S. P. 496, L. D. 1258, Bill, "An Act Creating the University of the State of Maine."**

Amend said Bill in section 1 by striking out the period after the underlined word "**terms**" in the 9th line (8th line in L. D. 1258) and inserting in place thereof the underlined punctuation and words **'with the advice and consent of the Council.'**

Further amend said Bill in section 2 by inserting after the underlined word "**trustees**" in the 13th line (12th line in L. D. 1258) the underlined words **'and after consultation with appropriate faculty councils'**

Further amend said Bill in section 2 by adding at the end of that part designated "**Sec. 4-A.**" (same in L. D. 1258) the following underlined sentence: **'The faculty of each academic unit shall be consulted both in the appointment of its academic administrators and in the development of such programs, activities and planning.'**

Further amend said Bill in section 2 by striking out all of subsection 2 of that part designated "**Sec. 4-B.**" (same in L. D. 1258) and inserting in place thereof the following:

**'2. Budgets. Approving, subject to Title 5, chapter 149, the operating and capital budgets of the university. Budgets, accounts, vouchers, affidavits and other records and papers of the university relating to the public business shall be open for inspection to the citizens**

of this State at all reasonable times and for all proper purposes.

Further amend said Bill in section 2 by striking out in the 2nd line of subsection 9 of that part designated "Sec. 4-B." (same in L. D. 1258) the underlined word "directly" and inserting in place thereof the underlined words and punctuation "subject to Title 5."

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

The President laid before the Senate the 11th tabled and today assigned matter, (S. P. 649) (L. D. 1657) Senate Reports—from the Committee on Election Laws on Bill "An Act Relating to Recount and Other Election Precedures and Changing the Primary Election Date." Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-226; Minority Report, Ought Not to Pass.

Tabled—June 5, 1967 by Senator Anderson of Hancock.

Pending—Acceptance of Either Report.

On motion by Mr. Anderson of Hancock, retabled and specially assigned for Wednesday, June 6, pending acceptance of Either Report.

The President laid before the Senate the 12th tabled and today assigned matter, (H. P. 468) (L. D. 681) Bill "An Act Revising Laws Relating to Licensed Small Loan Agencies."

Tabled—June 5, by Senator Harding of Aroostook.

Pending—Passage to be Engrossed.

Mr. Mills of Franklin presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. 231, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 468, L. D. 681, Bill "An Act Revising Laws Relating to Licensed Small Loan Agencies."

Amend said Bill by striking out all of section 4 and inserting in place thereof the following:

'Sec. 4. R. S., T. 9, §3082, amended. The next to the last

sentence of section 3082 of Title 9 of the Revised Statutes is repealed and the following enacted in place thereof:

In addition to the interest provided for, no further or other charge or amount whatsoever for any examination, service, brokerage, commission, insurance or other thing, or otherwise, shall be directly or indirectly charged, contracted for or received, except insurance premiums for credit life insurance and lawful fees, if any, actually and necessarily paid out by the licensee to any public officer for filing or recording in any public office any instrument securing the loan, which fees may be collected when the loan is made, or at any time thereafter.

Sec. 4-A. R. S., T. 9, § 3082, amended. Section 3082 of Title 9 of the Revised Statutes is amended by adding at the end the following new sentences:

Upon a finding that interest or charges in excess of those permitted by this section and section 3081 have been charged, contracted for or received, the licensee shall forfeit to the borrower the amount of all payments made as principal and interest payments, and he shall mark and return the note and other papers as provided in section 3083, subsection 3. Reasonable attorneys' fees and costs shall be awarded to the borrower if he is the prevailing party in any action.'

Further amend said Bill by adding at the end the following sections:

'Sec. 7. R. S., T. 24, §1208 sub-§5, additional. Section 1208 of Title 24 of the Revised Statutes is amended by adding a new subsection 5 to read as follows:

5. Payments for insurance prohibited under other laws, etc., not authorized. Nothing in this chapter shall be construed to authorize any payments for insurance now prohibited under any other law, or rule thereunder, governing credit transactions.

Sec. 8. R. S., T. 24, §1209, amended. The 2nd and 3rd sentences of section 1209 of Title 24 of the Revised Statutes are repealed.

The PRESIDENT: The Chair recognizes the Senator from

Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I would move the indefinite postponement of Senate Amendment "A" and speak briefly.

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD: Mr. President and Members of the Senate: I have an amendment, Senate Amendment "B", which I plan to offer if Senate Amendment "A" is indefinitely postponed. I would say this: at least nine members of the Committee on Business Legislation have agreed to this amendment. Rather than a change in L. D. 681, it is taking another bill which we had before our Committee dealing with credit insurance and incorporating it into L. D. 681 because 681 deals with the same sections of the law.

I don't quite understand why the Senator from Franklin, Senator Mills, has put in this Senate Amendment "A". I will refer you to Section 4-A of this amendment that is a change from L. D. 681, which says: "Upon a finding that interest or charges in excess of those permitted" and so forth. It leaves out that the borrower has to initiate any action, and I don't particularly see the reason of eliminating the wording that was in our original bill, so I am opposed to it on that basis. I think that my amendment is going to take care of the abuses or the majority of the abuses that are alleged to exist in the credit, life and accident field dealing with the small loan agencies, and I feel that the bill, as written and as amended in the Committee, is a good bill with the Senate Amendment "B" which takes care of the insurance, and I would hope the Senate would support me in the indefinite postponement of Senate Amendment "A".

The PRESIDENT: The pending question is the motion of the Senator from Penobscot, Senator

MacLeod, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I had originally arisen intending to table this matter after the amendment was offered. There are two amendments which are pending here, Senator MacLeod's Amendment and Senator Mills' amendment, and it was my hope that the people interested could discuss these amendments together and see if there was some common meeting grounds. I am sure that at least one of the amendments is not clearly understood by all members of the Senate, and so if someone would move that this item be tabled until the next legislative day, I would be hopeful that we might find a common meeting ground in regard to these two amendments.

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

Mr. JOHNSON of Somerset: Mr. President, I move this item now lie on the table until the next legislative day.

Thereupon, tabled and specially assigned for Wednesday, June 7, pending motion by Mr. MacLeod of Penobscot that Senate Amendment "A" be Indefinitely Postponed.

The President laid before the Senate the 13th tabled and today assigned matter, (H. P. 345) (L. D. 493) Bill, "An Act Establishing Maximum Legal Interest Rate on Personal Loans in Excess of One Thousand Dollars."

Tabled—June 5, 1967 by Senator Mills of Franklin.

Pending — Motion by Senator MacLeod of Penobscot to Reconsider Adoption of Committee Amendment "A", Filing H-317.

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

Mr. MILLS of Franklin: Mr. President, there is going to be quite a bit said in regard to Item 12 when it comes up tomorrow, hopefully, and there will be quite an exhaustive treatment of the



subject matter, which will deal to some extent at least with the subject matter of Item 13. I would think that in the interest of orderly procedure that Item 13 should follow Item 12 so that there won't be unnecessary duplication in debate. Therefore, I would respectfully request that some member place this on the table so that it will be following 12.

Thereupon, on motion by Mr. Johnson of Somerset, retabled and specially assigned for Wednesday, June 7, pending motion by Mr. MacLeod of Penobscot to Reconsider Adoption of Committee Amendment "A".

The President laid before the Senate the 14th tabled and today assigned matter, (S. P. 373) (L. D. 986) Bill, "An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies."

Tabled—June 5, 1967 by Senator MacLeod of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. MacLeod of Penobscot, retabled and specially assigned for Wednesday, June 7, pending Passage to be Engrossed.

The President laid before the Senate the 15th tabled and today assigned matter, (H. P. 671) (L. D. 943) Bill, "An Act Relating to Wearing Fluorescent Clothing When Hunting in Southwestern Zone for Two Years."

Tabled—June 5, 1967 by Senator Hoffses of Knox.

Pending — Motion by Senator Mills of Franklin to Reconsider Indefinite Postponement.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: To give a very brief background of this L. D. 943, at the public hearing the members of the Fish and Game Department, namely: several wardens, were very much in favor of some form of legislation to legislate the wearing of fluorescent clothing while hunting.

Now, this bill has been introduced in several preceding Legislatures, and it has received negative support. Two years ago the good senator now from Kennebec was a member of the distinguished House and Introduced a similar bill and I, as a member of the Committee on Fish and Game, questioned the good Senator to quite some extent, and I signed the Ought Not to Pass Report. Since that time, and hearing the debate at the public hearing my attitude has somewhat softened. I did sign the Minority Ought Not to Pass Report. I did have some reservations as to its constitutionality.

Now, I am just as interested in saving lives as anyone else is. The sentiments have been quite strong that this could and would save lives and prevent accidents. I did promise the sponsor of this bill that I would not speak in opposition to it. I did keep my promise. Now we are going to, I believe, have an amendment proposed which does permit this wearing of this fluorescent clothing in a more limited area than the bill that we had before us. And if the members of this Senate see fit to reconsider its action and will vote to adopt the amendment which the good Senator from Kennebec, I believe, is going to offer, I will take one of those extremely unusual positions for myself, but not unusual for the good Senator from Penobscot and some of the others, of reversing their position on committee reports, and I would go along with this amendment which I anticipate will be presented for a two-year trial basis. The department is extremely interested in this measure, and I will go along and vote for this amendment.

I will now yield to the good Senator from Kennebec, Senator Lund.

The PRESIDENT: The pending question is on the motion of the Senator from Franklin, Senator Mills, that the Senate reconsider its action whereby this bill was indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: I would first move the pending question, Mr. President.

Thereupon, the Senate voted to reconsider its action whereby the bill was indefinitely postponed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed. The Senate then voted to reconsider its action whereby it adopted Committee Amendment "A", and Committee Amendment "A" was indefinitely postponed.

The Senate then voted to reconsider its action whereby it adopted House Amendment "B", and House Amendment "B" was indefinitely postponed.

Mr. Lund of Kennebec presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-234, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 671, L. D. 943, Bill "An Act Relating to Wearing Fluorescent Clothing When Hunting in Southwestern Zone for Two Years."

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

**'A person, while hunting with firearms in that area of the State south of U. S. Route 2 and west of the Kennebec River during the 1967 and 1968 deer hunting season, except when hunting waterfowl from a boat or blind, shall wear fluorescent, orange clothing which is visible from all sides.'**

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: In course of the debate yesterday the point was made by some of the opponents of this bill that they would vote for the bill if it covered the entire State. In a quick check of the membership of the Senate it became apparent that as many or perhaps more votes would be lost if the bill were attempted to be made to cover the entire state as votes would be gained. We, therefore, offer this amendment which somewhat further limits the area for this trial

period for the use of fluorescent clothing. However, I would point out that there is good reason to select this area since during the period from 1959 to 1966, in the area covered by this amendment, there have been 65 hunting accidents caused by mistaking humans for game. It is believed that some of these accidents will be prevented if this bill is adopted. In the area described the population is approximately 510,000 people. The merits of the bill were discussed fully yesterday. I won't go further into that. I do hope the Senate will go along with this as a trial area during a trial period.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I too signed the Ought Not to Pass Report on this bill, but now I am going to do an about face and concur with the remarks of the Senator from Knox, Senator Hoffses. I really think we should give this a trial run and if it saves one life it is well worthwhile. Thank you.

The PRESIDENT: As many as are in favor of the adoption of Senate Amendment "A" will say yes; those opposed no.

A viva-voce vote being taken, the motion to adopt Senate Amendment "A" prevailed, and the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the 16th 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 5, 1967 by Senator Mills of Franklin.

Pending — Enactment.

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

Mr. HILDRETH of Cumberland: Mr. President, I move that the rules be suspended and we reconsider our action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Hil-

dreth, moves that the rules be suspended and that we reconsider our action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: I rise, Mr. President and Members of the Senate, to oppose the motion, and I would like to speak briefly, if I may.

I understand that the purpose of reconsideration is to offer an amendment, and if the amendment which I have seen is the amendment which the Senator from Cumberland, Senator Hildreth, wishes to offer, I wish to express my opposition to it.

Under the bill, as it originally came to the Committee, a borrower would be able to recover a finance charge if there had been a willful violation of the section. Now, this is a civil action but, in effect, what it gave the borrower is a right, without any actual remedy, because in the usual case in a civil action it would be impossible to prove a willful violation. So the Committee unanimously amended it to take the willful part out. So if there now is a violation under the bill as it now reads, with the amendment, the borrower could avoid the finance charge. Some say that this may be harsh. I feel that it is not. These finance charges are established by statute, and it is a very simple thing for the secretary, or whoever may be doing it, to type it up and type it up properly. If you don't do this — in other words, if you make it so that it has to be a willful violation, actually in most cases, even though the fellow has been wrongfully charged, he won't even be able to recover the wrongful charge. So this is why I do oppose this reconsideration motion.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: Senator Harding is correct. The amendment which he has seen is the amendment that I would offer if my motion to suspend the rules and reconsider engrossment carries.

The original bill which was presented to the Committee and had a hearing was a bill that retained the word "willful" in front of the word "violation" in connection with violations of motor vehicle sales finance transactions. I was very much in favor of the bill, as were the other members of the Committee. During an executive session sometime later a majority of the Committee, without this particular matter having been given a public hearing so that opposition could be presented to it, suggested taking out the willful violations and just saying that any violation would throw out the effect of the transaction. I was somewhat skeptical of it at the time, but did not have sufficient information on it, and went along with the Committee Amendment.

I have since learned that there are nearly 100,000 of these automobile finance transactions each year in the State of Maine, and the effect of Committee Amendment "A", which is the stature that the bill now has, the effect of this Committee Amendment would be to say that any error, any clerical error, or any innocent error, in any one of these 100,000 transactions that are written up and processed by many different people would be a violation. An error would be the same thing as a violation. If we take out the word "willful" then any one of these errors that obviously are going to occur in a number of transactions like this would throw them out.

Now, if there is a problem in sharp practicing automobile sales people, I think we should be wise enough to find some other method of dealing with it rather than penalizing any clerk or secretary or any other person who inadvertently makes a mathematical error in the transaction. So, I would hope that my motion to reconsider would prevail.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would mention that as far as this technicality of some very minor error, actually these will

never actually come to court. What we are talking about are the cases where a person would have been in court to try to recover from the violation. In other words, an overcharge is what it amounts to. I feel that the borrower shouldn't be put to the burden when he goes to court of showing that the lender did this willfully; that all he should have is the burden of showing, if he has to go to court to correct this, that there was a violation. There should be no reason for a violation, because this is just a matter of taking out from the statute what the required rates are and putting them on the paper. I would ask for a division when the vote is taken, Mr. President.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I would just point out that the way the law stands now, if we don't amend it, is that even an undercharge would technically be a violation and would throw out the finance charges of the transaction. It doesn't have to be an overcharge; it could be any kind of an error, if we leave the law the way it is now, and it would be a violation. I would therefore hope that we would reconsider.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Hildreth, that the rules be suspended in order to reconsider our former action.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would support the position taken by Senator Harding and taken by the unanimous Committee in this regard. In many respects this measure does qualify perhaps under the description of a lawyer's bill, and perhaps it would qualify further in the special province of those who have prosecuted the criminal laws. Of course, this is not a criminal law, however, under contemplation here.

The insertion of the word "willfulness" here, as the law originally intended, would

definitely be a boon to the automobile industry of the State, to the automobile finance people of the State. It would be placing their transactions beyond the pale of the little man whom our good Senator from Cumberland, Senator Hildreth, so wishes to protect with his ombudsman. I say that if he had such an official operating today that his ombudsman would be standing here with Senator Harding and myself, because we speak for no lobby, we speak for no organized industry; we are speaking from the depths of our experience, which is rather considerable when you consider the nine other members of the Committee who have been practicing law for quite some years, and we recognize this as a motor vehicle industry bill, which of course they have the right to put in here, but which would put their deals beyond the approach, beyond the attack of the little fellow, the poor man, the man who is bilked by these automobile deals in many instances, who has to get transportation in some way and finds these charges overloaded upon him. And when that is done, on the unequal status between the man buying the car - and many of them are buying old clunkers, as you know, and buying the so-called bombers, and they are loaded up with a heavy, heavy trade-in price in many instances - they are on such unequal footing that the car dealer must - if this little fellow that the ombudsman would protect is to be protected - the car dealer must be under a heavy duty and a heavy responsibility.

If you say that only his willful errors will nullify anything, then any lawyer who has prosecuted cases in court, especially criminal cases, knows that this is a guarantee to the automobile lobby and the automobile industry that they can make any old errors they want to up and down the scale, overcharge, as they do on occasion, and be free because of this legislative sanction. I certainly hope that the motion of the good Senator from Cumberland, this very un-ombudsmanlike position that he has taken this morning will be

defeated and he will not get a two-thirds vote.

Mr. Hildreth of Cumberland was granted unanimous consent to address the Senate the third time.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: If the ghastly news which has just been relayed to me from the other body is correct, no one need worry about an ombudsman.

I would say in answer to the remarks of the Senator from Franklin, Senator Mills, that under the present law as it exists, and as it existed before this bill which actually tightened the law that we are talking about was introduced, even under the existing law, we required a willful violation rather than making a simple error the same thing as a violation.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Hildreth, that the rules be suspended.

As many as are in favor of the suspension of the rules will rise and remain standing until counted. Those opposed to the suspension of the rules will rise and remain standing until counted.

A division was had. 12 Senators having voted in the affirmative, and 19 Senators having voted in the negative, 12 being less than two-thirds of those voting, the motion to suspend the rules 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.

Mr. BERRY of Cumberland was granted unanimous consent to address the Senate.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In the face of the dire news relayed to us by the good Senator from Cumberland, I am reminded of a slight, child jingle, which goes something like this: "Where, oh where did the Ombudsman go; Oh where, oh where can he be? With his tail cut short and his ears cut long, Oh where, oh where can he be?"

The President laid before the Senate the ninth tabled and unassigned matter (H. P. 192) (L. D. 281) House Report Ought Not to Pass from the Committee on Judiciary on Bill "An Act Prohibiting the Destruction of Political Posters and Signs." Tabled May 31, by Senator Johnson of Somerset, pending Acceptance of Report.

On motion by Mr. Wyman of Washington, the Senate voted to accept the Ought Not to Pass Report of the Committee.

The President laid before the Senate the eleventh tabled and unassigned matter (H. P. 650) (L. D. 903) Bill "An Act Clarifying Compensation for Occupational Disease Under Workmen's Compensation Act." Tabled June 1 by Senator Johnson of Somerset, pending Enactment.

On motion by Mr. Johnson of Somerset, 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.

On motion by Mr. Ross of Piscataquis,

Adjourned until 10 o'clock tomorrow morning.