

# 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

Wednesday, June 7, 1967

Senate called to order by the President.

Prayer by the Rev. Elmer N. Bentley of Augusta.

Reading of the Journal of yesterday.

### Papers From The House Non-concurrent Matters

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969." (S. P. 597) (L. D. 1575)

In Senate, May 26, Engrossment Reconsidered. May 31, Passed to be Engrossed As Amended by Senate Amendment "A" (L. D. 1682) in non-concurrence.

Comes from the House, Passed to be Engrossed As Amended by Senate Amendment "A", as amended by House Amendment "A" (H-381) and House Amendment "B" (H-382) thereto; and by House Amendment "B" (L. D. 1689) in non-concurrence.

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

Mr. JOHNSON of Somerset: Mr. President, I now move that we recede and concur.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that the Senate now recede and concur with the House.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I wish to move for indefinite postponement of House Amendment "B", which is L. D. 1689, and I would like to speak to my motion.

The PRESIDENT: The Chair will advise the Senator that the proper motion would be to recede in the first instance so that the bill would then be in a position to consider independently or individually the amendments. Does the Senator move that the Senate recede?

Mr. HARDING of Aroostook: Yes, I do, Mr. President.

The PRESIDENT: The Senator from Aroostook, Senator Harding,

moves that the Senate recede from its former action.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I request a division on that motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the vote be taken by a division.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I would like to speak to this motion, if I may.

Mr. President and Members of the Senate: I do not intend to go through this morning the entire debate on this matter as we have previously debated it. I would like, however, to discuss one particular addition which has been made to this bill which is the amendment added in the House, which is L. D. 1689, and is the increase of the penny in the sales tax. I can understand why there is a lot of confusion among members of the Senate and members of this Legislature because I would be the first to agree that there have been many misstatements.

One disappointment that I have found, however, at this session of the Legislature is that the programs which would be revenue-producing have not fared very well. I can think of the public power bill for instance, which would have saved the rate payers of Maine the equivalent of this penny increase in the sales tax that we are talking about. I am thinking of the Department of Economic Development Regional Coordinators which has a very modest expenditure of \$50,000, but this would increase the tax base which we have here in Maine and the value of industrial developments is immense; I know that from the expansion in Presque Isle. We spend in the City of Presque Isle over \$60,000 a year for the promotion of that City, both industrially and commercially. These are monies very well spent. But we have also at this session of the Legislature turned down many of the programs to save Maine money. One of them, I think, is the personnel study which was

made to give us a more efficient use of the personnel of this state. I also think of annual sessions. This is very necessary to have us have a watchdog on these expenditures to make sure that they are spent the way that we would like to have them spent. Right now we are down here for a very few days. We leave, and we leave it up to somebody else to see whether the job has been done.

But really when we come right down to it, you want to know who is telling the truth about whether we will need a major new tax in 1969 for the next biennium? You have seen certain charts which are out there in the hallway. I don't know if you can make them out; I cannot. The only group that I know of in state government who gives the figures on what the expenses will be for this biennium and the next biennium is the Bureau of the Budget. I have had passed out to you and I would call your attention — it is an inter-departmental memorandum and is dated June 6, 1969 — it's from Roland M. Berry, signed by him. It is addressed to the Governor of Maine. It says, "A review of May 15, 1967 projections of general fund undedicated revenue and appropriation trends for 1970-1971 biennium has been made by the staff responsible therefor. It is believed these projections fairly represent the Republican program projected, one biennium ahead within basic assumptions known and available to us. The projections are governed by known programs and revenue experience of the state." Now you will notice in the second part on the second sheet it says Exhibit RA. It says General Fund Appropriation Trends. Now in the biennium alternate projected for the 1970 and '71 — this is in the Republican program — and you will notice in the left-hand column, this is prepared by the Bureau of the Budget, 5-15-67. The appropriations means expenditures. You add 143.2 and 155.1 and this gives you your total expenditures for this '70-'71 biennium of \$298 million .3 — \$298,000,000. These are your expenditures.

Now on the next page, you will notice this is also prepared for the

Bureau of the Budget, this is the one that is referred to by Mr. Berry, the Budget Officer, not the Senator, and this is the General Fund Undedicated Revenue. Now this means the money you have got coming in, and you will notice for 1970 and '71, you have 124.9 million and 127.6 million. You add those together you get the anticipated revenue of 252.3 million dollars. You have, therefore, a deficit of \$46,000,000. Now this is just adding up the totals. There is no one in this Senate; there is no one in the House, either body, who will challenge the accuracy over the years of the Bureau of the Budget. They have been amazingly accurate on their expenditures.

Now on the revenues you may have a variation of perhaps one to three per cent, but when you are talking about a variation of one per cent on a budget of \$242,000,000 for instance, you are talking about \$2,000,000. If you are talking about a variation of two per cent, it is four to five million dollars, but no matter how you stretch it, you can't make up a deficit of \$46,000,000.

I have had some people tell me that they have relied on the Department of Education's figures. I have seen about six memos thus far from the Department of Education on their figures as to what the cost of this L. D. 636 would be. I recall last year, last session, who we had to depend upon for the reliability of these projections, and I can never forget that the Education Department came before the Appropriations Committee and they said "\$10,000,000 is what we need for lump sum payments for your bond issues." The Appropriations Committee was not satisfied with the accuracy of that, and so we did not put the bond issue out. Now the Senator from Cumberland, Senator Berry, says that the actual figures were \$15,000,000 for school subsidies lump sum payment. The figures which were given to me by Mr. Gordon were nineteen and a half million dollars for the bond issue. But no matter how you play it, inside of one year, they were either off fifty per cent or a hundred per cent. Now, these

are not the kind of figures that you can rely on to project the needs of the State of Maine.

So, there should be no one here — you have the facts before you, you have the Budget Bureau figures — there should be no one here that has any illusions. When you vote for this program, you are voting for an increase in the sales tax this time, you are voting for an increase in the sales tax next time, or an income tax. Now many Republicans tell me, they say, "You know this penny increase is dead. We are just going along with the leadership which will make them feel good." Now, I believe that is probably so in many cases, but I would say this: the Democratic leadership and the Governor have been ready for weeks. We are desirous of a compromise. We would like to work something out, but the response has been from the other side: "We have the answers. The Budget Bureau is wrong. You are wrong. Don't ask any questions; just go along and this is the program."

I don't want to bring up what happened last session, but I would say that we were adjourned at this time at the last session, and that a month previous to this our leadership was meeting with the Governor of the other party to work out a compromise which both parties could live with.

This, I think, is one of the most complicated documents ever to be presented to a legislative body to consider. You have a Current Services Budget, you have the Supplemental Budget, you have a Supplemental, Supplemental Budget, and in the Supplemental, Supplemental Budget, you have one of the most complex programs, which is L. D. 636 as further amended, you have the sales tax, you have a crash program for oceanography which has been fully planned and conceived, you have all of these tied in together and you are asked to understand them.

So my pitch today is this: I would ask you to rely on those who have always been dependable and reliable in the past, and this is the Bureau of the Budget. The Education Department, their figures have not been reliable even this year.

They were not reliable last year. As late as June 6, I would remind you, 1967 the Budget Bureau has confirmed that there will be a \$46,000,000 deficit that this next Legislature will be faced with. So I want the people of Maine to have no illusions about this. The facts, the figures are here. They have been presented to you, and so when you vote on this, you are voting for these two major tax increases back to back, which I think is tragic for the economic development of Maine.

When the vote is taken, I ask that it be taken by the "Yeas" and "Nays" and I ask that you vote "No" on this so that we may develop a responsible program for the people of Maine.

The PRESIDENT: The pending question is the motion of the Senator from Arrostook, Senator Harding, that the Senate now recede. That Senator has requested that the vote be taken by the "Yeas" and "Nays".

In order for the "Yeas" and "Nays" to be entertained, there must be the expressed desire of at least one-fifth of the members present.

Those in favor of the vote being taken by the "Yeas" and "Nays" will stand and remain standing until counted. Those opposed will stand and remain standing until counted.

Seven having arisen, six being the necessary one-third, a Roll Call is ordered.

On motion by Mr. Johnson of Somerset, recessed for five minutes.

#### After Recess

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

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I move that Item 1-A be indefinitely postponed.

The PRESIDENT: The Chair will rule that the motion to indefinitely postpone does not take precedence over the pending motion which is that the Senate recede. The motion to recede, which is the one pending, takes precedence over all other motions.

The Chair will further advise that the Senator from Somerset, Senator Johnson, moved that the Senate recede and concur. The intent of the motion, a double motion, being that the Senate in the first instance would recede from its former action, and then would concur with the House in the adoption of the several amendments that have been adopted in the House.

The pending motion made by the Senator from Aroostook, Senator Harding, is simply that the Senate recede from its former action, and this motion, as the Chair explained it before, was necessary so that the Senator could thereafter follow this with a motion seeking to indefinitely postpone one or more of the amendments.

The pending question then is on the motion of the Senator from Aroostook, Senator Harding, that the Senate recede. If you want the Senate to recede from its former action, you will vote "Yes". If you are opposed to the Senate receding from its former action, you will vote "No".

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, Members of the Senate: I know this is a very complicated parliamentary move, but I am sure the President of the Senate has explained it very well. In order that we might have a chance to vote on the sales tax issue as such, I would hope that the Senate might recede, so I would ask for a vote of "Yes" on this Roll Call vote in order that we might recede and then we could decide whether or not we want the sales tax.

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

Mr. JOHNSON of Somerset: Mr. President, I would heartily agree with the Senator from Aroostook, Senator Harding.

A Roll Call was had. 33 Senators having voted in the affirmative, and no Senators having voted in the negative, the motion to recede prevailed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would now move for the indefinite postponement of House Amendment "B" which is L. D. 1689, which, is the increase in the sales tax of one cent, which we mentioned, and also the increase in the cigarette tax which is tied to it, and I would hope that the Senate would vote "Yes" on this for the indefinite postponement of House Amendment "B", which is the increase in the sales tax.

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

Mr. JOHNSON of Somerset: Mr. President, I would request a division on the motion.

The PRESIDENT: The pending question is the motion of the Senator from Aroostook, Senator Harding, that the Senate indefinitely postpone House Amendment "B", and the Senator from Somerset, Senator Johnson, has requested that the vote be taken by a division.

House Amendment "B" was read by the Secretary.

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

Mr. HARDING of Aroostook: Mr. President, when the vote is taken, I would request that it be taken by the "Yeas" and the "Nays".

The PRESIDENT: The Senator from Aroostook, Senator Harding, has moved that the vote be taken by the "Yeas" and "Nays".

In order for the "Yeas" and "Nays" to be entertained, there must be the expressed desire of at least one-fifth of the members present.

Those in favor of the vote being taken by the "Yeas" and "Nays" will now stand and remain standing until counted.

Obviously a sufficient number having arisen, the vote will be taken by the "Yeas" and "Nays".

The pending question again is the motion of the Senator from Aroostook, Senator Harding, that the Senate now indefinitely postpone House Amendment "B". If you wish to indefinitely postpone House Amendment "B" you will vote "Yes". If you are opposed to the indefinite postponement of House

Amendment "B" you will vote "No". The Secretary will call the Roll.

### ROLL CALL

"YEAS": Senators Boisvert, Couturier, Duquette, Farley, Girard, Harding, Norris, Reny, Snow, Sproul, Stern, Viles.

"NAYS": Senators Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Wyman, Young, and President Campbell.

A Roll Call was had. 12 Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion to indefinitely postpone House Amendment "B" did not prevail.

Thereupon, on motion by Mr. Johnson of Somerset, the Senate voted to Recede and Concur with the House.

Bill, "An Act Relating to Tandem Trailers." (S. P. 157) (L. D. 328)

In Senate, May 31, Majority — Ought Not to Pass report Read and Accepted.

Comes from the House, Minority — Ought to Pass report in New Draft Read and Accepted, and the Bill Passed to be Engrossed in non-concurrence.

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

Mr. FERGUSON of Oxford: Mr. President, I move that we adhere.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves that the Senate now adhere.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I would request a division on the motion.

The PRESIDENT: The Senator from Somerset, Senator Johnson, has requested that the vote be taken by a division.

The pending question is the motion of the Senator from Oxford, Senator Ferguson, that the Senate now adhere to its former action.

Those in favor of adhering will now stand and remain standing until counted. Those opposed will stand and remain standing until counted.

A division was had. 21 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion to adhere prevailed.

Bill, "An Act Relating to Fair Minimum Wages for Construction of Public Improvements by State of Maine." (S. P. 652) (L. D. 1660)

In Senate, May 18, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed As Amended by House Amendment "B" (H-399) 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 Create the Office of Ombudsman." (S. P. 439) (L. D. 1091)

In Senate, June 2, Passed to be Engrossed.

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

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: The House has spoken. I have very much enjoyed putting this bill in. I think it is a bill that possibly warrants more serious consideration than some members of the Legislature perhaps gave it. However, it is painfully clear to me how a bicameral system works in these matters and, rather than prolong the agony in the hope that the Ombudsman will ride again, I move that we recede and concur.

Thereupon on motion by Mr. Hildreth of Cumberland, the Senate voted to Recede and Concur with the House.

### Communication

State of Maine  
Supreme Judicial Court  
Augusta

June 6, 1967

Hon. Jerrold B. Speers  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mr. Speers:

There are enclosed the Answers of the Justices to the Questions

of May 15, 1967, relative to "An Act Relating to Issuing of Parking System Revenue Bonds and Water and Sewer System Revenue Bonds by Municipalities." (L. D. 1398.)

Respectfully yours,

ROBERT B. WILLIAMSON

#### Enclosure

Which was Read and Ordered Placed on File with the Accompanying Enclosure containing the answers to the questions propounded on May 15th, 1967.

### Committee Reports

#### House

#### Report of Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Relieve Elderly Persons from Increases in the Property Tax." (H. P. 953) (L. D. 1384) asked leave to report: that the House recede from passage to be engrossed as amended by House Amendment "A", recede from adoption of House Amendment "A"; indefinitely postpone House Amendment "A"; adopt Conference Committee Amendment "A" submitted herewith, and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A"; (H-398) that the Senate recede from passage to be engrossed as amended by House Amendment "A" and Senate Amendment "A"; recede from adoption of House Amendment "A" and Senate Amendment "A" and indefinitely postpone the Amendments; adopt Conference Committee Amendment "A" and Pass the Bill to be Engrossed As Amended by Conference Committee Amendment "A" in concurrence.

(Signed)

Senators:

FERGUSON of Oxford  
CURTIS of Penobscot  
HARDING of Aroostook

Representatives:

PHILBROOK  
of South Portland  
McMANN of Bath  
COTTRELL, JR.  
of Portland

Comes from the House, Conference Committee Report Read and Adopted, and the Bill Passed to be Engrossed As Amended by Conference Committee Amendment "A" in non-concurrence.

The PRESIDENT: Is it the pleasure of the Senate to Accept the Report of the Committee?

Thereupon, the report of the Committee was Accepted.

The PRESIDENT: Is it now the pleasure of the Senate to Recede and Concur with the House?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I'm very embarrassed, but I don't begin to understand what we are voting on. I wonder if a member of the Conference Committee would explain it.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has addressed a question to any member of the Senate on the Conference Committee who may answer if he so desires.

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: This bill — you all know what the bill is — but it came out of State Government with no provisions to take care of the cost of this bill, and the Maine Municipal Association objected to the bill on the strength that the municipalities would be picking up the exemptions made to people 65 and over in any increase in their real estate taxes who had an income of less than \$4,000 a year. Your Conference Committee felt that perhaps this was an area where we should do something for the elderly people in the low income bracket, so we used practically the same method as used in the veterans' exemptions. That is, these exemptions would begin in 1968 and the various municipal officers would make application to the next Legislature convening, in a sort of consolidated bill, and then if there was any money to be appropriated, the next Legislature would take care of this in a resolve and provide the necessary money for it.

As of now, it looks as if the cost is going to be very low, and



I think we reached a compromise. I was against the bill in its original form, but I hope the Senate will go along with the Committee of Conference in the report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would only add to what the good Senator from Oxford, Senator Ferguson, has said. It has been very difficult to determine what the actual cost of this would be, so to give the Legislature some protection on this, this act will be effective only for the calendar year 1968, and this will give the next Legislature a chance to see whether they want to continue this because then they will have one year's experience to see how much it does cost. This will be handled in the same manner as exemptions are handled insofar as veterans are concerned. That is, the municipalities grant these exemptions to the veterans who are entitled to them, and then they file their claims with the Treasurer of State to be reimbursed. These claims then come to the Legislature to be paid and the checks, of course, go out to the municipalities, and this is the way that it would be handled in this instance. But because of the fact that this bill only protects this group over 65 and in a certain range of any increase in the tax — it just exempts them from any increase in the tax — it is not felt that a substantial amount of money is going to be involved, and it is just for this one test-year to see how it is going to work. It seems to me to be a reasonable compromise, and I would be hopeful that the Senate would go along with it.

The PRESIDENT: Is it the pleasure of the Senate to recede and concur?

As many as are in favor of the Senate receding and concurring with the House in the adoption of Conference Committee "A" will say "Yes". Those opposed "No."

A viva voce vote being had, the motion to adopt Conference Committee "A" prevailed.

### Leave to Withdraw

The Committee on Judiciary on Resolve, Providing for a Study of the Juvenile Offender Law. (H. P. 591) (L. D. 821)

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

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill, "An Act Directing Review of Maine Statutes in Relation to Criminal Responsibility and Model Sentencing Act." (H. P. 630) (L. D. 886)

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

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

### Ought to Pass - As Amended

The Committee on Judiciary on Bill, "An Act relating to Compensation for Certain Municipal Officers Who Appear in District Court." (H. P. 896) (L. D. 1309)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-395)

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

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted, and the Bill, As Amended, tomorrow assigned for Second Reading.

The Committee on State Government on Bill, "An Act to Create a Maine State Board of Human Research and Development." (H. P. 75) (L. D. 100)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-368)

Comes from the House, report Read and Accepted and then Indefinitely postponed.

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

### Ought to Pass in New Draft

The Committee on Legal Affairs on Bill, "An Act to Increase the

Term of Office of Mayor, City Council, Board of Police and Board of Education, Wardens and Ward Clerks of the City of Biddeford and Change Date of Election." (H. P. 666) (L. D. 921)

Reported that the same Ought to Pass in New Draft, under New Title: "An Act Increasing Salary of Mayor and Councilmen, Reducing the Number of Members on the City Council, Increasing the Term of Office of Mayor, City Council, Board of Police and Board of Education, Wardens and Ward Clerks of the City of Biddeford, Changing Date of Election, and Providing for Electing Civil Service Commission for the Fire Department of the City of Biddeford." (H. P. 1186) (L. D. 1687) Comes from the House, report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed As Amended by House Amendment "A" (H-392)

(On motion by Mr. Duquette of York, tabled and specially assigned for Thursday, June 8, pending Acceptance of Report.)

The Committee on Inland Fisheries and Game on Bill, "An Act Prohibiting Aliens Employed in Lumber Operations to Possess Firearms." (H. P. 369) (L. D. 516)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory." (H. P. 1167) (L. D. 1668)

Comes from the House, report Read and Accepted and later Indefinitely Postponed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: You may or may not remember, this was an L. D. which was resurrected which pertained to the possession of firearms and the wanton killing of our wild life in the north woods, and one of the good Senators from Aroostook County was very much concerned over this matter and he was responsible for referring this legislative document back to the Committee on Inland Fisheries and Game. We did discuss this matter in the Committee and we discussed

the matter with the Attorney General's office, and we endeavored to come up with a bill which would perhaps control this situation in the unorganized territories of the state.

Now, I notice that the bill was read and accepted in the House, and apparently some amendments, which I do not recall exactly now, made the situation rather unacceptable, and they have indefinitely postponed it.

I have been approached in the corridors in regards to this matter, and my response was this: that the bill which we came out with under a new draft and new title would help the situation from the bonded aliens in the lumbering operations in the state from possessing firearms and we have every reason to believe are killing the deer herd up there because of insufficient ability for the Fish and Game Department to enforce the Fish and Game Laws in these remote areas. I responded this way: that if the people who are primarily concerned in the lumbering operations up there do not want such a piece of legislation that it is all right with me; that I live a long way from there, I probably will never do any deer hunting in that area. If they want to permit the deer herd and I might also add the moose herd to be slaughtered to the point where we do not have any deer herd, that is entirely up to them, and I would resolve any responsibility on my part as the Chairman of the Committee on Inland Fisheries and Game to being a party to this.

I think perhaps one of the good gentlemen from Aroostook County may add something which perhaps would be even more enlightening than what I have said, and I would now, Mr. President, like to yield to the good Senator from Aroostook, Senator Barnes.

The PRESIDENT: Would the Senator make a motion?

Mr. HOFFSES of Knox: Mr. President, I would prefer not.

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

Mr. BARNES of Aroostook: Mr. President, Members of the Senate: As the good Senator from Knox, Senator Hoffses, has advised you,

this bill was designed to correct the abuses now in effect that exist in the northwest part of the State of Maine, in lumber operations up there, where aliens from Quebec, Canada are coming over there working in woods operations. They are carrying their guns with them out in the woods; they keep them around the camps. They carry them in their trucks and are slaughtering our deer herd and our moose and are hauling those back in their loads of lumber and logs. I think this is one way we can curb that, and we are much concerned about the depletion of our deer herd and our moose up there in that area, and I think that this is one way we can be effective. And I would hope that we can get enough support in the Senate, so I would move that we adhere and ask for a Committee of Conference.

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

Mr. VILES of Somerset: Mr. President, I would like to pose a question. Under this new draft, does this apply to the so-called natives as well as the aliens cutting on their own land?

The PRESIDENT: The Senator from Somerset, Senator Viles, has posed a question to anyone in the Senate who may care to answer.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, in answer to the good Senator's question from Somerset, this applies only to the unorganized territories of the State.

The PRESIDENT: Before we get too far, the Chair would like to call attention to the fact that the motion to adhere is not the proper motion. If you want to continue the bill in existence, you should move to accept the Ought to Pass in New Draft report.

Mr. BARNES of Aroostook: My apologies Mr. President. I would so move.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that the Senate now accept the Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr.

President, when the vote is taken, I would ask that it be taken by a division.

The PRESIDENT: The Senator from Somerset, Senator Viles, has requested that the vote be taken by a division. Is the Senate ready for the question?

As many as are in favor of accepting the Ought to Pass in New Draft Report of the Committee will stand and remain standing until counted. Those opposed to accepting the Ought to Pass in New Draft Report will stand and remain standing until counted.

A division was had. 23 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion to Accept the Ought to Pass in New Draft Report prevailed.

Thereupon, the Bill in New Draft was Read Once and tomorrow assigned for Second Reading.

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Construction of a Span on the Westport-Wiscasset Bridge." (H. P. 658) (L. D. 913)

Reported that the same Ought to Pass in New Draft, under New Title: "An Act Appropriating Funds to County of Lincoln, Town of Wiscasset and Town of Westport for Reimbursement of Funds Expended on Westport-Wiscasset Bridge Span." (H. P. 1181) (L. D. 1683)

(Signed)

Senators:

BERRY of Cumberland  
DUQUETTE of York

Representatives:

BRAGDON of Perham  
BIRT of E. Millinocket  
HUMPHREY of Augusta  
JALBERT of Lewiston  
SCRIBNER of Portland

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

(Signed)

Senator:

ALBAIR of Aroostook

Representatives:

HINDS of So. Portland  
DUNN of Denmark

Comes from the House, Majority — Ought to Pass report Read and

Accepted, and the Bill Passed to be Engrossed As Amended by House Amendment "C" (H-400).

On motion by Mr. Albair of Aroostook, tabled and specially assigned for Thursday, June 8, pending the motion by that same Senator that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

The Majority of the Committee on Transportation on Bill "An Act Revising the Motor Vehicle Dealer Registration Law." (H. P. 1066) (L. D. 1533)•

Reported that the same Ought to Pass in New Draft under the same title: (H. P. 1164) (L. D. 1665)

(Signed)

Senators:

BARNES of Aroostook

RENY of York

JOHNSON of Somerset

Representatives:

PENDERGAST

of Kennebunkport

KEYTE of Dexter

KILROY of Portland

CROSBY of Kennebunk

LYCETTE of Houlton

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

(Signed)

Representatives:

JEWELL of Monticello

LEBEL of Van Buren

Comes from the House, Majority - Ought to Pass Report Read and Accepted, and the Bill Passed to be Engrossed As Amended by

House Amendments "A" (H-342) "B" (H-347) and "C" (H-365)

In Senate: Ought to Pass in New Draft Report of the Committee Accepted.

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for Thursday, June 8, pending First Reading.)

### Divided Report

The Majority of the Committee on Taxation on Bill "An Act Relating to Refunding of Unexpended Portion of the Sardine

Tax Funds." (S. P. 464) (L. D. 1156)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington

Representatives:

HANSON of Gardiner

ROBINSON of Carmel

ROSS, JR. of Bath

COTTRELL, Jr.

of Portland

DRIGOTAS of Auburn

HARRIMAN of Hollis

SUSI of Pittsfield

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

(Signed)

Senators:

YOUNG of Hancock

FARLEY of York

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

Mr. WYMAN of Washington: Mr. President, I now move that we accept the Majority Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington, Senator Wyman, now moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Hancock, Senator Young.

Mr. YOUNG of Hancock: Mr. President, I am not going to debate these bills, this one and the next one. They were my bills. I am going along with the motion of Senator Wyman, but I just would like to remark that they are good bills, but I was unable to make any member — I could only convince one member of the Taxation Committee that they were good bills, so as it is late in the session, June 7, I will not try to convince the members of the Senate.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: This bill has been tossed around and given a Leave to Withdraw by the Taxation Committee. Somewhere here in the building

it was brought out again. I thought the bill had some merits. Yesterday in our executive session, we ran up against a tough proposition. Everybody greeted the Chairman of our Taxation Committee with birthday greetings, and the same thing happened on the Committee on Taxation. I can't stand here and be the only one to oppose the Chairman of Taxation, whom I have been associated with quite a few years and who, in my opinion, has done an upright job as Chairman of the Committee. So, this is the first time that I have got to — well, I'm going to go along with the Chairman of the Committee to kill the bill.

The PRESIDENT: The pending question is the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Ought Not to Pass Report of the Committee.

As many as are in favor will say "Yes"; those opposed "No".

A viva voce vote being had, the Ought Not to Pass Report of the Committee was accepted.

#### Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Relating to the Rate of Sardine Tax and Use of Moneys Received." (S. P. 445) (L. D. 1125)

Reported that the same Ought Not to Pass.

Signed:

Sensors:

WYMAN of Washington

Representatives:

HANSON of Gardiner

ROBINSON of Carmel

ROSS, Jr. of Bath

COTTRELL, Jr.

of Portland

DRIGOTAS of Auburn

HARRIMAN of Hollis

SUSI of Pittsfield

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

Signed:

Sensors:

YOUNG of Hancock

FARLEY of York

In Senate: Voted to accept the Majority Ought Not to Pass Report of the Committee.

Sent down for concurrence.

#### Second Readers

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

#### House

Bill, "An Act to Provide a Minimum Wage Plan for State Employees." (H. P. 1190) (L. D. 1690)

Bill, "An Act Clarifying the Offense of Procuring Liquor for Certain Persons." (H. P. 1191) (L. D. 1691)

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

#### House — as Amended

Bill, "An Act Repealing the Law Requiring Assessment of Municipalities in Aid to Dependent Children Grants." (H. P. 12) (L. D. 24)

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

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

On motion by Mr. Harding of Aroostook, the Senate voted to reconsider its action whereby it adopted Senate Amendment "A", Filing S-232.

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

Mr. HARDING of Aroostook: Mr. President, I now move that we indefinitely postpone Senate Amendment "A", and I would like to give a brief explanation.

The PRESIDENT: The Senator from Aroostook, Senator Harding, now moves that we indefinitely postpone Senate Amendment "A".

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: In the original L. D. the wording was correct. In Section 1872, it said "any organization organized under the laws of this state". However, in the printed bill "association" appeared as "organization", so I put on that amendment striking out "organization" and substituting "association", but that is

the way the original bill read anyway, so we don't need the amendment.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be indefinitely postponed?

Thereupon, Senate Amendment "A" was Indefinitely Postponed and the Bill Passed to be Engrossed in concurrence.

#### **Senate**

Bill, "An Act Appropriating Funds for Fort Fairfield Municipal Park." (S. P. 422) (L. D. 1076)

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

Sent down for Concurrence.

#### **Senate — As Amended**

Bill, "An Act Creating the University of the State of Maine." (S. P. 496) (L. D. 1258)

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

Sent down for concurrence.

#### **Enactors**

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

An Act Relating to Assistant County Attorneys. (H. P. 33) (L. D. 53)

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

An Act Relating to Joint State and Municipal Purchasing. (H. P. 335) (L. D. 469)

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

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

An Act Providing Funds for Residential Facility for Mentally Retarded Children in Aroostook County. (H. P. 659) (L. D. 914)

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

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

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

Mr. LUND of Kennebec: Mr. President, if the good Senator from Cumberland would care to reconsider the motion whereby Item 8-1 was placed on the Appropriations Table, I would have a motion to follow that.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Item 8-1, An Act Relating to Assistant County Attorneys.

Subsequently, on motion by Mr. Lund of Kennebec, tabled and specially assigned for Friday, June 9, pending Enactment.

#### **Emergency**

An Act to Create Down East Community Hospital District No. 1. (H. P. 1161) (L. D. 1662)

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

#### **Orders of the Day**

The President laid before the Senate the first tabled and today assigned matter, (S. P. 34) (L. D. 33) Bill "An Act Defining Industrial Project Under Industrial Building Authority Law."

Tabled—May 31, 1967 by Senator Hildreth of Cumberland.

Pending—Passage to be Engrossed.

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

Mr. HILDRETH of Cumberland: Mr. President, there is some question as to the constitutionality of this bill in its present form. The question has been submitted to the Law Court and no answer has yet been received, and I would think it might be in order if someone such as the Majority Floor Leader were willing to table this unassigned.

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

The President laid before the Senate the second tabled and today assigned matter, (H. P. 457) (L. D. 631) Bill "An Act Creating County Commissioner Districts."

Tabled—May 31, 1967 by Senator Hildreth of Cumberland.

Pending—Assignment for Second Reading.

On motion by Mr. Hildreth of Cumberland, retabled and specially assigned for Thursday, June 8, pending Second Reading.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 468) (L. D. 1160) Senate Report—Leave to Withdraw as Covered by Other Legislation from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Construction of a Research and Advanced Study Building for the University of Maine at Portland and the Issuance of Not Exceeding One Million Eight Hundred Thousand Dollar Bonds of the State of Maine for Financing Thereof."

Tabled—June 2, 1967 by Senator Albair of Aroostook.

Pending—Acceptance of Report.

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

The President laid before the Senate the fourth tabled and today assigned matter, (S. P. 347) (L. D. 931) Bill, "An Act Relating to Notice of Legislative Hearings."

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

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled, unassigned, pending Enactment.

The President laid before the Senate the fifth tabled and today assigned matter, (H. P. 1147) (L. D. 1638) Bill, "An Act Relating to the Financing of the State Liquor Commission."

Tabled — June 2, 1967 by Senator Harding of Aroostook.

Pending — Adoption of Senate Amendment "A". Filing S-218.

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

Mr. GOOD of Cumberland: Mr. President, I offer Senate Amendment "A" to Senate Amendment "A" and move its adoption.

Senate Amendment "A" to Senate Amendment "A," Filing S-235, was read by the Secretary as follows:

SENATE AMENDMENT "A" to SENATE AMENDMENT "A" to H. P. 1147, L. D. 1638, Bill, "An Act Relating to the Financing of the State Liquor Commission."

Amend said Amendment by striking out at the beginning of the 3rd line the single quotation mark and inserting in place thereof the following: "Sec. 1."

Further amend said Amendment by inserting at the end before the last paragraph the following:

'Sec. 2. R. S., T. 28, §56, amended. Section 56 of Title 28 of the Revised Statutes is amended by adding at the end a new paragraph to read as follows:

The commission may, with the approval of the Governor and Council, lease space in the state liquor warehouse to liquor vendors or distillers under such terms and conditions as the commission may prescribe for the purpose of storing and distributing through state liquor stores, wines and spirits at their own risk and expense and upon such a trial basis as the commission may approve. Any such item shall be temporarily listed until such time as the commission determines that the volume of sales of such item warrants regular listing.'

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

Mr. GOOD of Cumberland: Mr. President, I talked this morning with one of the members of the State Liquor Commission, Mr. C. L. Stimpson, and he confirmed the second paragraph of a letter that he wrote to the Senator from Washington, Senator Wyman, dated May 23, 1967, in which he states and I quote: "In our opinion, a debatable section of this bill would do no more than give the commission some relief in considering new

numbers. It would, we hope, be used as a proving ground for new listings without tying up working capital. This is in the area where we have been subject to a great deal of criticism over the years." He further stated that there are several other states that have this provision. Thank you.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I have to oppose this amendment because in essence it cancels Senate Amendment "A." The Liquor Commission wanted the advantage of having more money to put in their liquor supplies and so the first part of this bill gives them that because it figures the liquor cost on a carload price instead of a less carload price which is, of course, more.

Now, as for this amendment it provides that the state may lease space to a liquor distillery, but in turn the liquor distillery advances the price of liquor to pay for the space, then the state must advance the price of liquor to offset this cost. Finally, I have been told several times that it contemplates returning liquor which does not sell, and this is contrary to federal statute because once liquor is taken out of a bonded warehouse, it is my understanding it cannot be returned, and to me this just doesn't seem to be a good part of the bill at all, and I would move that we vote against Senator Good on his motion to adopt Senate Amendment "A" to Senate Amendment "A."

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Good, that we adopt Senate Amendment "A" to Senate Amendment "A."

As many as are in favor of the adoption of the amendment of Senate Amendment "A" to Senate Amendment "A" will say "yes." Those opposed "No."

A viva voce vote being had, the motion to adopt Senate Amendment "A" to Senate Amendment "A" did not prevail.

Thereupon, Senate Amendment "A", Filing S-218, was Adopted,

and under suspension of the rules, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the sixth tabled and today assigned matter, (H. P. 428) (L. D. 592) House Reports — from the Committee on Taxation on Bill, "An Act Increasing the Gasoline Tax." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

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

Pending — Acceptance of Either Report.

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

The President laid before the Senate the seventh tabled and today assigned matter, (S. P. 660) (L. D. 1678) Bill, "An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws."

Tabled — June 6, 1967 by Senator Harding of Aroostook.

Pending — Consideration.

(In Senate — May 26, 1967 Passed to be Engrossed.)

(In House — June 2, 1967 Passed to be Engrossed as Amended by House Amendments "A" Filing H-374, "B" Filing H-384, "C" Filing H-390 in Non-concurrence.)

On motion by Mr. Hoffses of Knox, and under suspension of the rules, the Senate voted to reconsider its action whereby it Passed the Bill to be Engrossed.

On motion by Mr. Hoffses of Knox, House Amendment "A" was Indefinitely Postponed.

House Amendment "B" and House Amendment "C" were Read and Adopted.

Subsequently, on motion by Mr. Hoffses of Knox, the Bill, As Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and today assigned matter, (H. P. 99) (L. D. 126) House Reports — from 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." Majority Report, Ought to Pass in New Draft Under Same Title (H. P. 1173) (L. D. 1672); Minority Report, Ought Not to Pass.

Tabled — June 6, 1967 by Senator Ferguson of Oxford.

Pending — Acceptance of Either Report.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: We are going to be talking highway program now on this bill. It is a lot of money. I have prepared for you some material which is on your desk. Of course you have L. D. 1672, that is the allocation bill which calls for \$39,830,000 in the years 1967 and '68 and \$40,473,000 in 1968 - '69. I have prepared some material here. The material is on your desk — the highway program — if you will bear with me for a few minutes, I will read this.

Number one is financing of highway activities for the three-year period, namely: July 1, 1967 to June 30, 1968 and June 30, 1969, and also provides for revenue for 1970.

Financing would be accomplished by the use of current revenue, transfer of \$1,500,000 from Surplus, bonds already authorized, plus authorization of new bonds in the amount of \$16,800,000. Bonds to be retired during the three-year period will amount to \$12,707,000. I will get into the bond a little later on in another bill.

The regular construction program for the three-year period will be financed, including State funds to match all federal moneys made available during the period. The supplemental construction program as announced by the State Highway Commission in December 1966 will be financed to the extent of \$4,416,752 over the three-year period. The financing of the remaining \$1,583,248 of the \$6,000,000 supplemental construction program will be requested of the Legislature that will convene in 1969.

As you remember, the original material we had here from the Highway Commission and from the Governor's office, we had \$6,000,000 in the capital construction program.

Some of this is apt to be deleted on account of revenue. The State Aid, Special State Aid and Town Road Improvement programs will continue on the same basis, with \$9,650,000 of State funds being made available for these three programs during the next biennium.

This, of course, includes the State Aid that we have already passed here, signed by the Governor, and some of the towns are making their plans now to use that during this year.

Financing is provided for 15 additional State Troopers. Eight of these additional Troopers are needed for the new section of Interstate 95 to be opened in the Fall of 1967, and for a 20-year retirement plan for State Police. As you know, now the State Police are on a 25-year plan and there has been quite a move by the State Police, the Governor's office, and the Highway Commission, and everybody concerned, they feel very strongly about this, that we should get into the 20-year retirement plan for State Police.

Financing for the purpose of placing maintenance employees of the State Highway Department on a five-step salary range, plus the two longevity steps, the same as other state employees, is included. The cost of changing to the five-step plan will be approximately \$430,000 per year starting with the second year of the biennium. This five-step plan of the salary range plan would not become effective until next year, the second year of the biennium.

Financing for a 5 percent increase in employees' salaries, effective July 1, 1968, is included at a cost of \$850,000 per year for Highway employees. This is in addition to the \$430,000 in Item 6 on your material there.

Now we get into something perhaps a little controversial on your office space problems. The office space problem will be relieved for at least four years by making available additional space for

several departments including the Governor's staff, the Legislature, the Public Utilities Commission, that will be moved from the State House to the State Office Building. Education, Mental Health & Corrections, Agriculture, Forestry, Retirement, Personnel, Parks and Recreation and Taxation will be moved to the fifth floor of the office building. Of course, this would be accomplished by moving the State Highway Department into a new building to be financed by transferring \$1,500,000 from the Highway Surplus Account, and allocating \$1,000,000 from the current revenue of the General Highway Fund. This \$1,000,000 is included in your L. D. 1672. This will be the cost of construction of the highway building. The Health and Welfare Department would be moved to the old Internal Revenue Building which is to be emptied and ready sometime in 1969.

This allocation act also includes a provision for eliminating payment by towns and cities to the state of \$40 per mile. As you know, now that in State Highways outside the complex section, the towns pay \$40 per mile to the State Highway Commission for winter maintenance.

This also provides for \$33,000 per year to change the law raising the State valuation from \$400,000 to \$500,000 in connection with reimbursement by the state to municipalities for winter maintenance. Reimbursement to towns now by the State Highway Commission is in the vicinity of \$1,300,000. This would be an additional cost to the state of \$33,000, and we already have that bill on the Special Highway Appropriations Table.

Winter maintenance both at the State and the local levels is increasing. The State Highway Commission proposes to make a review of the financing of snow removal and will make a report on this subject to the Legislature in 1969. The Commission will request the cooperation of the Maine Municipal Association in making this review and report.

Other activities in the highway program will continue for the next three years at approximately the

same level as have been carried on in this biennium.

This L. D. 1672 came out of the Committee on Highways with a report eight to two Ought to Pass, and it has the support of the Republican Leadership, the Democratic Leadership, and the Governor's blessing.

I hope you will go along with my motion to accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves that the Senate now accept the Majority Ought to Pass in New Draft Report of the Committee.

Thereupon, on motion by Mr. Viles of Somerset, tabled and specially assigned for Thursday, June 8, pending the motion of the Senator from Oxford, Senator Ferguson, that the Senate accept the Majority Ought to Pass in New Draft Report of the Committee.

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The President laid before the Senate the ninth tabled and today assigned matter, (H. P. 691) (L. D. 972) House Reports — from 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." Majority Report, Ought to Pass in New Draft and New Title, (H. P. 1174) (L. D. 1673); Minority Report, Ought Not to Pass.

Tabled — June 6, 1967 by Senator Ferguson of Oxford.

Pending — Acceptance of Either Report.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I have placed on your desks some other material showing the difference in the highway program from the \$39,830,000 in your allocation bill, 1672, adding all the costs for 1967-'68, it amounts to \$51,699,952, and where the various items are going — of course, your building out of surplus is in this, and also your income. Current revenue for this purpose will be \$42,230,425. This will be all the income that we anticipate for the first year,

'67-'68. For '68-'69 it will be \$42,850,000. As you notice, there is a little increase in this amount and this is due to the anticipation of an increase in the gasoline tax.

In 1967-'68 we do take \$1,500,000 out of surplus. Bonds already authorized are \$6,294,952. These were the bonds that were authorized by the last session of the Legislature and voted for on referendum and made available for the Highway Commission by the Legislature.

Bonds to be authorized: that is \$1,750,000 in the first year of the biennium. This is coming out of the new bond issue that we are voting on now under L. D. 1673. In balancing the two out, as you see, this will give us an excess of \$75,425 for the first year, and \$52,795 for the second year. This is pretty close figuring, and I don't know just how we will come out on this, and likely we won't have any balance because, as you know, we passed a bill here, which is already enacted, that is going to take \$50,000 out of that, so we might wind up in the red on this one.

On the second page here it will show you the bonds to be issued for three years. We are providing revenue financing here for the third year, 1969-1970, and we will have left out of this biennium, out of the bonds we are going to issue, we will have \$7,980,000. We did get away from our old precedent that we had for a good many years, I guess since 1958, of financing for four years and planning for two years. This is what the Governor wanted and we have gone along with him. So the total available for the next three years through bonding will be \$23,123,658. This is providing that the Legislature and the voters will go along with the \$16,800,000.

We think it is a good program and I hope that the Senate will go along with the bond issue. Thank you.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, moves that the Senate now accept the Majority Report, Ought to Pass in New Draft.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Thereupon, on motion by Mr. Johnson of Somerset, tabled and specially assigned for Thursday, June 8, pending the motion by Senator Ferguson of Oxford to accept the Majority Ought to Pass in New Draft Report of the Committee.

The President laid before the Senate the tenth tabled and today assigned matter, (H. P. 632) (L. D. 888) House Reports — from the Committee on Judiciary on Bill, "An Act Relating to Municipal Regulation of Community Antennae Television Systems." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A", Filing S-388.

Tabled — June 6, 1967 by Senator Harding of Aroostook.

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

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

Mr. HARDING of Aroostook: Mr. President, I am speaking as a member of the Judiciary Committee and as a signer of the Minority Ought to Pass Report. I rise in opposition to the motion of the Senator from Cumberland, Senator Hildreth, and would ask when the vote is taken it be taken by division.

I would also make an inquiry, Mr. President. It seems to me that the filing number of the Committee Amendment of S-388 is incorrect.

The PRESIDENT: House 388 is the number that appears on the original document.

Mr. HARDING: Some of the members of the Senate have inquired because it is not in their books.

The PRESIDENT: The Chair will state that it is a House Amendment, actually it is Committee Amendment "A".

Mr. HARDING: Thank you, Mr. President. Mr. President and Members of the Senate: I would mention that it is now the existing law that the municipalities regulate the community antenna systems.

That is the existing law. Now this bill makes very minor changes in that law. No. 1, some of the municipalities were granting by contract franchises, and for indefinite periods of time. The Committee felt that this should be clarified and, so under the bill as amended, the municipality would be limited to granting a franchise, an exclusive, in other words, for a period of ten years. They couldn't grant one for a greater length of time than that.

Also, as the Senator from Cumberland, Senator Hildreth, mentioned, there is a matter now pending in court trying to determine what the Legislature meant when they passed this law. It seems that the telephone companies feel that they ought not to be regulated by the various communities if the wires are on their poles for these CATV's. Their reasoning on this is that years and years ago they were granted franchises to string telephone wires, and they ought to have this same franchise exclusive and without paying taxes to municipalities to string these CATV's. This bill is intended to clarify that. I can't imagine that this Legislature meant that if the CATV's tacked the wires onto a power company's poles they could be taxed by the municipality and regulated by the municipality, but if the CATV would tack them onto the telephone poles then they were not taxable and could not be regulated by the municipality. This bill is intended to clarify that particular thing so that, no matter whether they are tacked on the telephone poles or the electric light poles, they still are regulated by the municipality and still can be taxed by the municipality.

We had the Public Utilities Commission representative appear, and they asked that they be taken out of the regulation, as the law now existed, because there really wasn't much for them to do. They couldn't set the rates. The only thing they could decide was whether or not there was a need for another CATV in the town. And it seems to go almost without saying that these are exclusive, that once you have one in the town you more or less have to ride with that one

for a period of ten years, as we here suggest, and so there is no need for the Public Utilities Commission to be concerned with it. Under this situation we have adopted the amendment they have suggested, so we have taken them out from consideration.

I would also mention that this certainly is not my bill. I have no interest in it, except as a member of the Judiciary Committee. It is Representative Snow's bill, a Republican from Caribou. We do have in the County of Aroostook several communities who are using this CATV system, which is working out very well, and they would like to have these matters which I have mentioned clarified.

I realize this bill was opposed at the last session of the Legislature when the municipalities were given the regulatory powers over the CATV's, and it is opposed this session by the major TV stations. However, that is something for this Legislature to decide, whether or not they wish to clarify this. I hope that you would support the Minority Report on this, and that you would oppose Senator Hildreth's motion, because if this bill passes it means a larger tax base for the municipalities, and it will clarify the matter of whether or not the municipality may regulate all CATV's within that municipality, whether they may be strung on telephone poles or electric light poles. So, I hope you will oppose the motion of the Senator from Cumberland, Senator Hildreth.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: This is one instance when I am going to support the position of my colleague from Aroostook County, Senator Harding. I believe this is good legislation and it will clarify the situation. I think he has outlined it very clearly, and I would go on record as supporting his position. I hope the majority of the members of the Senate would vote for the Minority Ought to Pass Report.

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

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: So many times this session I have opposed the majority position of the Judiciary Committee that I thought I really owed it to them to try and defend the majority position once. I have no personal interest in this at all. My interest is purely academic. The good Senator from Aroostook, Senator Harding, inferred that this was being opposed by the major TV stations, perhaps in an attempt to make you think that I have some sort of a financial interest in that. I am sure he realizes, as you will, that the major TV stations, none of them in the State of Maine, are in the CATV business.

Senator Harding mentioned two or three times that the towns regulate CATV now. This really is not true. If you will look at L. D. 888, you will see what is basically the existing law, and it merely says that the municipal officers may contract on such terms and conditions as are in the best interest of the municipality for the placing and maintenance of a system. Now they don't have the power to in any way regulate the system once it gets in. What this bill would do would be to give these towns the power to give an exclusive franchise which would last for a maximum of ten years. My concern is with the possible financial and political pressure that is going to be put on these towns when a CATV system comes in and wants to negotiate with the towns to come in and operate there. The towns now can make a decision on whether or not they want a certain person to come in, but that is really the end of it. They can't regulate the terms of a franchise.

I am sorry it was tabled yesterday after I had gone through my pitch on it, but I pointed out

yesterday that at the end of ten years, let's say, a CATV operator is apt to just have recovered his initial investment—these things are quite expensive — and would be just starting to make money on it. I think he is in a very vulnerable position unless the town fathers of the town in which he is located are a scrupulously honest and fair group of people, and with a real understanding of what they are doing. I think that there are situations where a competing individual would come in at the end of ten years and be in a position to offer this town a great deal more than the operator could who has been serving the town for this period.

Finally, I would say that a very competent group of people, namely: The Supreme Court of the State of Maine, is going to be listening to arguments on this very question tomorrow and, frankly, I think I would be perfectly willing to abide by their judgment in the matter. After all, it is going to be argued by competent lawyers on both sides, and these men are going to be presented with a far more thorough investigation of the facts and arguments on both sides than either Senator Harding or I could possibly present to you.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: On this matter I was on the Majority Report with Senator Hildreth. It is one of those matters concerning which I had very little technical information, I am sure, and it was with some difficulty that I made up my mind as to how I should go. Being in doubt, I felt the best thing to do, as they would in football, was to punt. But I do have reasons which I think are somewhat substantial, and have been clearly elucidated by the good Senator from Cumberland, Senator Hildreth.

It seems to me this opens a Pandora's box of problems if each town in which one of these facilities would be established has an option to set the terms completely. It seems to me like a Public Utilities matter, a matter where the policy

ought to be pretty general throughout the State. The difficulty in the Committee, however, I believe, is that some of our gentlemen on the Committee represent areas where there already are these establishments. This does not happen to be the case in my own area, and I pictured such applicants coming to our Selectmen and the great difficulties that I would think they would have if there were competing applications. All of you, I am sure, are familiar with the old days when parking meters were coming in, how blandishments were made to public officials in the cities and towns, and there are, as we know, in regard to the purchasing of heavy equipment and that sort of thing.

Here, however, under the bill, as I understand it, the opportunity is open and solicited by the Legislature. We are saying to the municipal officers "You may select between them in accordance with the best offer that you get." Well, does that mean a heavy grant to the town in lieu of taxes? And would that mean that they would put them up for bid one against the other? Well, I tried to picture myself on a board of selectmen confronting this. I am sure that I would not want to be serving. I would want the issue decided perhaps by a board that was set up for these matters, such as the Public Utilities Commission.

I think that if we do have these facilities generally over the State, and then we have a multiplicity of programs — I don't mean entertainment programs, but programs under which they are allowed to come in — certainly there will come a day when there will have to be uniform State regulation. I felt generally, not being competent in the area, and not having the technical information, that it was a matter we should go rather slowly with.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: After hearing the remarks of my good colleague and esteemed Chairman of the Judiciary Committee, he being a lawyer, and

seeing how confused, with all due respect, he is in relation to the terms of this bill, I can see how there may be other confusion.

First of all, it is now the existing law that municipalities may do these things which we mentioned, make contracts on such terms and conditions which are in the best interest of the municipality for these CATV's. That is the existing law. All that this does is clarify the question of whether or not they can grant an exclusive franchise, and it limits it to ten years in any instance. It doesn't say they have to give an exclusive contract. They can give any other contract which is in their best judgment.

Now, so far as regulating rates, you have the best regulation of rates possible. You don't need the Public Utilities Commission for a very simple reason. I regulate the rates on my CATV very easily; I just don't hook on. They are too high, so I don't hook on. And anyone else is free not to hook on. So that takes care of itself very nicely; the law of supply and demand.

The other part about worrying about our poor municipal officers, that someone is going to take advantage of them and bring pressure on them, as far as I am concerned, there is no group in the State of Maine that I have any more confidence in, in their integrity and their ability to decide the things which affect their municipalities, than our municipal officers.

So I think that this is a good bill. I hope it passes. I hope that you will vote with Senator Barnes and myself against the motion of the Senator from Cumberland, Senator Hildreth.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I am sure that many of you have been, as I have been, lobbied by various representatives on one side and on the other on this bill. I don't pretend to understand it all, but there are some problems that it seems to me would arise if we do not pass the bill.

At the present time, as I understand it, the municipality has the right to grant a franchise, and the question to be decided by the Court is: Does the municipality also have the right to regulate the telephone company? It seems to me that if we do not pass this bill that there is a distinct possibility of having two competing systems in a community where the community might not want that, or the possibility of having the telephone company proceed, without the consent of the community, to go ahead and string the wires that it wished to and then lease them out to an operator. I don't pretend to suggest whether this is desirable or not. I am sure I don't know. Perhaps the most desirable result would be to have the Public Utilities Commission regulate this area. But it does seem to me that whoever is going to regulate it ought to be able to regulate it completely. Regardless of the fact that a case is pending, it seems to me if we can decide that one body, namely: the community, ought to regulate it, then I would think we should do that. It seems to me that if we are considering CATV as a public utility, which it really is, the general principle applies that, under proper regulation, you get the most efficient service if you do not have competition. It seems to me that you ought not to have two competing systems within the same community bidding, putting up wires and tearing them down. I, therefore, am going to support the gentleman from Aroostook, Senator Harding.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Hildreth, that the Senate now 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: A few years ago in our own community there was one of these systems, a community antenna system, which was organized. It was then that the City of Lewiston granted through its city council — I shall call it a license, for

lack of a better word — to operate in the community. I agreed wholeheartedly with the action then, and I do now, and I feel that these systems certainly do have a valid place in many of Maine's communities. However, I also feel that it is time for us to clarify this law and to give the municipal officials the responsibility that they should have in these matters.

I wholeheartedly agree with the arguments given by Senator Harding and by Senator Lund, and I will certainly vote with Senator Harding and Senator Lund in this matter.

The PRESIDENT: Is the Senate ready for the question? The question is the motion of the Senator from Cumberland, Senator Hildreth, that the Senate now accept the Majority Ought Not to Pass Report of the Committee.

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

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

Thereupon, the Minority Ought to Pass, as Amended, Report of the Committee was accepted and the Bill read once.

Committee Amendment "A" was Read and 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. 635) (L. D. 1635) Bill, "An Act Relating to the Water and Air Environmental Improvement Commission."

Tabled—June 6, 1967 by Senator Sewall of Penobscot.

Pending—Enactment.

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

Mr. HILDRETH of Cumberland: Mr. President, Senator Sewall had to leave for a few minutes and asked me to table this until Friday, pending the production of a rather complex amendment.

Thereupon, retabled and specially assigned for Friday, June 9, pending Enactment.

The President laid before the Senate the 12th 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 6, 1967 by Senator Wyman of Washington.

Pending—Acceptance of Report.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Thursday, June 8, pending Acceptance of Report.

The President laid before the Senate the 13th 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 Procedures 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 6, 1967 by Senator Anderson of Hancock.

Pending — Acceptance of Either Report.

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

Mr. ANDERSON of Hancock: Mr. President, I move acceptance of the Minority Ought Not to Pass Report, and I would speak to my motion.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that the Senate accept the Minority Report, Ought Not to Pass.

The Chair recognizes that Senator.

Mr. ANDERSON: Mr. President and Members of the Senate: This L. D. is a result of a study of the election laws spearheaded by the Senator from Cumberland, Senator Berry. On the Committee with Senator Berry was the Senator from Androscoggin, Senator Couturier, and the Senator from Kennebec, Senator Lund, and Rep-

resentative Boudreau of Portland. I felt, as Chairman of the Election Laws, I should have been appointed to this study committee but, for some reasons unknown to me, I was not chosen to serve.

The primary purpose of the study was to determine the feasibility of setting the primary election date ahead from the third Monday in June to the second Tuesday after Labor Day of each general election year. At the Committee hearing there were approximately 150 interested parties. If I am wrong in any of my statements, I am sure that Senator Couturier or Senator Berry will correct me. Of those present at the hearing there were only four proponents for the bill: Senator Berry, Senator Katz, Representative Healy, and a city clerk from Portland.

You know, I have always been under the impression that these hearings were conducted to get the consensus of opinion of the public. Out of approximately, as I said before, 150 there were only four proponents for the bill and, yet, we put this out as seven to three Ought to Pass. In other words, we told those intelligent people that they didn't know what they were talking about and we had to make up their minds for them.

Both Senator Katz and Representative Healy previously introduced bills similar to this one which we are now discussing. That was their reason for being at the hearing. We were holding their bills to see what disposition would be made of this one we are now discussing today. To my knowledge, the only other Legislator at the hearing was Representative Dudley. He spoke against the bill. His major point of opposition was the holding of recounts at the municipality level. I heartily agree with him. In my opinion, in the event of recounts they should be held at the State House under proper supervision of the Secretary of State.

I imagine you all recall the referendum on the Sunday Sales a couple of years ago, how small communities called in for days



afterward changing the count on their vote. This was just a simple "Yes" and "No" count.

To get back to the hearing: in rebuttal Representative Dudley said, and I quote, "The more testimony I hear for this bill the more I am opposed to it." The chief argument of proponents of the bill was that candidates for public office were worn out from campaigning for nearly a full year, and that the public was fed up with various and prolonged mediums of advertising by the candidates. If this is the case, it seems strange to me that there was only one Legislator at the hearing. This hearing was very well advertised. It could be that Legislators are perfectly satisfied with the present set-up. I know I campaigned two different times from January to November. I enjoyed every minute of it and everybody that I contacted was very, very cordial to me.

At the next general election there is bound to be — it is inevitable — many referendums, bond issues, and, if coupled with a series of recounts, the lack of time could very readily generate a chaos.

Until such time as we have voting machines, it is my humble opinion that we should keep our present primary date. The Secretary of State has a type of voting machine in his office which is within the reach of all municipalities. It sells, I believe, for around \$180. And I am sure the Secretary of State will be glad to demonstrate it to any member of the Legislature.

Speaking of the Secretary of State, I admire the way he is taking this proposed legislation. Ask him what he thinks of the change and invariably his comment will be "Time is the big factor, but it is physically possible." I know inside he is worried about the time element, and so am I. Speaking of time, will primary elected candidates for major office have time to organize and cover their respective districts in this shortened period? I don't think they will. This is a sprawling state.

Another argument of the proponents is that Massachusetts is

doing all right with this type of legislation. I am so interested in this legislative document that I called several relatives in Massachusetts to see if they could remember what happened after the inception of the shortened period in that state. I was finally rewarded by a brother-in-law who was much interested in politics. He said that not only the first general election, but the second one also, was a nightmare for public officials.

I have several more points against this bill that were brought to my attention this morning but, not to belabor the question, I am not going to use them unless it is necessary in rebuttal.

Mr. President and Members of the Senate: I think we will be making a terrible mistake if we buy this piece of legislation at this time. I humbly ask your support for my motion to accept the Ought Not to Pass Report and, Mr. President, when the vote is taken I move it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that we accept the Minority Report, Ought Not to Pass.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: L. D. 1657, which is before us for acceptance or rejection today, is the culmination of several meetings of your Special Recess Election Law Study Committee, which believed this issue was the paramount one among several problems in the election field. The present bill represents the study of this Committee which involved legal work hired by the Committee and the sending of the Deputy Secretary of State to Massachusetts to confer with their Election Laws Department.

The bill basically changes the primary date to the second Tuesday in September. As you may recall, the original bill introduced by Senator Katz revealed that there were many mechanical, technical and legal objections to making this change. In other words, objections

to the change quite properly could be based on the fact that it would be physically impossible to do the work. Your Committee has come up in L. D. 1657 with the necessary changes to make it possible, so the vote may be resolved merely on the question: Do you want to change the primary date? If you do, it can be done.

It was quite interesting in this study to find the many objections and the many obstacles to such a change. The rectification of these obstacles will result in a modernized, progressive, smoother-running and more logical election law setup. We have several archaic provisions in our existing laws which this bill would remove.

Now, may I interject at this stage that the so-called opponents who appeared at the hearing consisted entirely of town clerks whose principal objection was the responsibility they would assume in the recount procedure. This is understandable. Our Committee found in its study that the lack of assignment of responsibility in the ballot counting procedure is the principal problem in the recount procedure. Now, we have all been exposed to the recount procedure. I have had the happy experience of seeing my vote in Cumberland County rise up to a point where 600 votes were missed in my race for this present office. This present L. D. will make the same people recount the ballots that counted them in the first place. I think this is the secret to the recount procedure, and it is the thinking of the Committee. Therefore, the objection of the town clerks at the hearing was understandable, as I say, because now if they come up with a 600-vote error they are called to account, "Can't you count?"

If any of you have seen what goes on in the room below us during a recount you would certainly favor this progressive change.

I think the biggest benefactor of all, or the party that is going to be benefited the most, is the public. They are subjected to interminable reclamations from the candidates, as has been stated, starting January first. Not only are the candidates tired by the time

the election comes around in November, but the public is, I assure you. Does this public apathy at the general election in November, resulting from the long bombardment on the electorate, does this result in less voter participation in the election? I believe it does. I think a shorter campaign starting, as far as the voter probably is concerned, in the early summer, and reaching a climax between the primary and the election date, is going to give the Maine voter just what he wants, a good meaty campaign. I think most of the campaigning, certainly at the lower level for the smaller districts—and keep in mind that our Senate is going to have Senatorial Districts the next time around, so some of us who campaigned countywide are going to have a much smaller area to cover—these small areas can be effectively covered.

I think that another benefit to the public will be a reaffirmation of faith in our electoral system. Right now I can assure you around the State people don't understand why people cannot count ballots. If we do not make the necessary changes, recounts are going to become the order of the day. Anybody whose margin is a minute percentage of the total vote probably would and should ask for a recount.

Now, for the candidate himself, I believe that the first benefit would be the attraction of more candidates to run for public office. We will not be demanding so much of people to run for public office. This is a physically tiring thing for us to do. Sure, we ask for it. It takes a lot of time, and maybe some good people are discouraged from running, thinking "I don't want to start in January and run for ten months." The shortening of the time then will help the candidates themselves a great deal. It is not so physically tiring on them, they don't have to generate—and we must admit it—these press releases that toward November lack a certain degree of spontaneity. There will be less financial expense for most of us.

Some people have stated that this will help the incumbent. It is my belief that in the major offices,

and that includes the Congressional Districts and the candidates for the Governorship, that if these people are honest candidates they are running all the time. They are not going to wait until July preceding the primary; they are going to run 365 days a year for both years. For those of us in the small districts, what a tremendously enjoyable thing it will be.

The objections have been raised that the shortened primary period does not give a chance to heal the wounds which are inflicted and suffered during a primary campaign. In other words, from September to November we can't get together and form a united front. Well, speaking from the Republican standpoint, it didn't take the defeated candidate, Jim Erwin, who put on a tremendous fight, a sincere fight for the Governorship, long to extend his hand and his cooperation to Governor Reed after the primary. I think it was a matter of two days. It did not take long for the seven candidates in the first Congressional District to get together and back the successful candidate; again, a matter of a few days.

The objection has been raised that it would be difficult to program and budget for space and time in the news media. I submit to you that the provision of equal time, free or paid, is an obligation that our news media will not fall down with.

It has been said there is not enough time to campaign. Well, two months is plenty of time to campaign. I would hope that this progressive measure which in principle is in practice in 15 other states in September, and in addition to these 15 there are 10 other states that have a primary date after that in Maine, making a total of 25 states subsequent to our June date, I would hope that this practice which has worked out, that the opportunity to improve our voter interest, to re-establish our faith in our voting procedure, will convince the members of the Senate that they should vote against the acceptance of the Ought Not to Pass Report.

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

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate. First of all, at Senator Anderson's invitation, I will correct one statement of his, and that is that I did not serve on the Commission which prepared this bill. However, I was serving with Senator Anderson on the Committee on Election Laws and I did attend the public hearing when this bill was discussed.

I signed the Ought to Pass Report and wholeheartedly concur with Senator Berry on this matter. I feel that it is certainly mandatory that we shorten the election time. The first reason for my being convinced that this is mandatory is that we have to encourage the public to take a more active part in politics and to maintain at all times an interest, a larger interest, in what is going on. I believe we all realize at the present time that the election drags on and on and on. The campaign seems to never come to an end. And by the time the election itself rolls around many citizens are so fed up with the whole process that they don't even bother to vote.

I am not convinced that the public is against this bill because—Senator Anderson is right, there were about 150 people in the audience when we did hold a public hearing and most of them were opposed to the bill—however, I would like to specify that these individuals were not the public-at-large, but members of, I believe, the Maine Association of Town and City Clerks who will have greater responsibilities under this bill than they have had in the past. Now, there are times when I am sick, and I don't like to swallow a bitter pill any more than anybody else, but there are times I find this is necessary if I am to get well. And I can understand why the clerks would not like this bill because it would give them a lot more work. However, I think our responsibility is to the population at large and for the correction of the electoral deficiencies, or what I, at least, consider the de-

ficiencies. And, if we have to give more work to the town clerks to attain this end, well, I am perfectly willing to go along with it.

As far as recounts on the municipal level are concerned, I agree with Senator Berry. I feel this will make for more accuracy. At least the process will be speedier and the problems will be resolved more quickly. I do not share the belief that Senator Anderson has expressed that recounts should be on the State level. Believe me, I can assure you, in my own opinion, people are sincere on the local level, they try to do a good job, and the ballots are as safe on the local level as they are in the State Capitol, Mr. President.

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

Mr. STERN of Penobscot: Mr. President, I just want to correct what apparently is a mistake by my good friend, Senator Anderson. I think he mentioned that there were just a few proponents. I don't recall that he included my name as a proponent. I was there and I was a proponent. I can readily understand where he might have slighted me by omitting me because I was not perhaps as vociferous and outspoken as I usually am, but I do want to say that we certainly made up in quality what we lacked in quantity for the proponents, and I am supporting Senator Berry.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: First, I want to apologize to the Senator from Penobscot, Senator Stern, for not recognizing him. And I would like to refute some of the arguments of Senator Berry, and also inject a few more thoughts.

Those running for major offices must purchase billboards at least nine months in advance. It takes from three to five weeks to assure delivery in printed matter, namely: bumper stickers, leaflets, posters, pins, billboard paper.

Senator Berry has said that the financial loss to the candidates

would be less. I don't agree with him. I feel it would be more. A short campaign might drive up TV and radio rates in Maine. Presently these are far below F.C.C. maximums. TV expenditures are likely to rise due to difficulty in reaching audiences in the summer. And the candidates would also have to double or triple TV and radio time in a short general election to attract those voters where time and distance would not permit them to see their constituents personally. From a media standpoint the campaign would have to be greatly intensified due to its short duration. Incumbents would enjoy a great advantage since they seldom are faced with a strong primary challenger.

The summer primary could well be a hot, exhaustive, frustrating time, with a few voters reached, and many summer visitors annoyed by intra-mural warfare. Mr. President and Members of the Senate: I reiterate, I hope you will go along with the Ought Not to Pass Report. Thank you.

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

Mr. FARLEY of YORK: Mr. President and Members of the Senate: I rise to support Senator Berry from Cumberland County. A great many of us don't have a lot of time in the summer to play the game of politics. We have to get our hay in and this and that, and there is quite a lot of work. But I think Senator Berry has explained his bill and explained it well.

As I look over here this morning, and I have talked with a great many who are in this Senate, humbly I say to them the expenditure of myself in the primaries is something very, very small, but I know a great many here who have spent a great lot of their own money, plus the extra weeks we are going to be here, and it is going to be a loss to a great many of us. I think if you shortened the term up — as far as billboards are concerned, I don't think there are any members in here who go out and hire any billboards for the job that they are seeking — from the date

of the primary to the election it is too long. It is sickening to a great many people. That is why I am going to support Senator Berry from Cumberland County this morning in behalf of his bill.

The PRESIDENT: The Senator from Hancock, Senator Anderson, has moved that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained it must be the expressed desire of at least one-fifth of the members present. As many as are in favor of taking the vote by the "Yeas" and "Nays" will stand and remain standing until counted.

A sufficient number having arisen, the vote will be taken by the "Yeas" and "Nays."

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President, for a second I was a little worried by a statement that the television and radio rates might skyrocket if we shortened the campaign period. However, I have consulted with a man in the industry, and I am pleased to report that there is an F.C.C. regulation which states that people who are involved in a political campaign shall pay the same rates as paid by people who are in business, for instance. I will certainly state again that I feel the greatest service we will be doing by passing this bill, and voting against the motion, is a service to the people of Maine; we will be shortening the campaign. We will be helping them to maintain an interest and to give themselves better government.

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

Anderson, that we accept the Minority Ought Not to Pass Report of the Committee. Those in favor of accepting the Minority Report will answer "Yes." Those opposed to accepting the Minority Report will answer "No." The secretary will call the roll.

### ROLL CALL

YEAS: Senators Anderson, Barnes, Beckett, Curtis, Good, Hildreth, Hoffses, Johnson, Lund, MacLeod, Ross, Sewall, Sproul, Wyman, Young, and President Campbell.

NAYS: Senators Albair, Berry, Boisvert, Couturier, Duquette, Farley, Girard, Greeley, Harding, Katz, Mills, Norris, Reny, Snow, Stern and Viles.

A roll call was had. 16 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to accept the Minority Ought Not to Pass Report did not prevail.

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A", Filing No. S-226, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 649, L. D. 1657, Bill, "An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Date."

Amend said Bill in section 1 by striking out all of the last sentence (same in L. D. 1657).

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

On motion by Mr. Ross of Piscataquis, Adjourned until ten o'clock tomorrow morning.