

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

SENATE

Monday, June 12, 1967

Senate called to order by the President.

Prayer by Rev. George C. Mills of Farmingdale.

Reading of the Journal of yesterday.

**Papers from the House
House Paper
Joint Order**

WHEREAS, Miss Lynette Miller, daughter of Mr. and Mrs. Robert E. Miller of Vienna, and a seventh grade student of Ingalls School at Farmington, is our State of Maine spelling champion; and

WHEREAS, Miss Miller, at age twelve, has brought credit to herself and her State by her participation in the National Spelling Contest at Washington, D. C.; now therefore, be it

ORDERED, the Senate concurring, that the 103rd Legislature extend its congratulations to Miss Miller and best wishes for the future; and be it further

ORDERED, that the Secretary of the Senate be directed to send a duly attested copy of this Order to Miss Miller, her parents and to her school. (H. P. 1202)

Name Herman D. Sahagian
Town Belgrade

Comes from the House Read and Passed.

Which was Read and Passed in concurrence

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

ORDERED, the House concurring, that the Committees be directed to complete their work and file their final report no later than Friday, June 16th. (S. P. 683)

Which was Read and Passed.
Sent down for concurrence.

Order

On motion by Mr. Ferguson of Oxford

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An

Act Relating to Eating, Lodging and Related Places.", Legislative Document No. 867, introduced at the regular session of the 103rd Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee report its finding and recommendations to the 104th Legislature. (S. P. 681)

(On motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table.)

**Committee Reports
House**

Ought Not to Pass

The Committee on Health and Institutional Services on Bill "An Act Relating to Transfer of Control of the Military and Naval Children's Home and Changing Name." (H. P. 489) (L. D. 702)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Judiciary on Bill "An Act Relating to Qualification of Witnesses and Repealing the Dead Man's Statute." (H. P. 510) (L. D. 723)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-405)

Comes from the House, Report Read and Accepted and the Bill Passed to be Engrossed As Amended.

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

Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed, in concurrence.

Ought to Pass in New Draft

The Committee on State Government on Bill "An Act Relating to Salaries of Members of Atlantic Sea Run Salmon Commission." (H. P. 383) (L. D. 770)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Salary and Expenses of Third Member of Atlantic Sea Run Salmon Commission." (H. P. 1195) (L. D. 1698)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed in New Draft; under a new title: "An Act Relating to Salary and Expenses of Third Member of Atlantic Sea Run Salmon Commission."

Ought to Pass in New Draft Report Read and Accepted and the Bill Read Once. Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on State Government on Bill "An Act Revising the Maine State Personnel Laws." (H. P. 699) (L. D. 980)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

LUND of Kennebec
WYMAN of Washington

Representatives:

WATTS of Machias
RIDEOUT of Manchester
CORNELL of Orono
PHILBROOK

of South Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under the same Title: (H. P. 1200) (L. D. 1707)

(Signed)

Senator:

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake
STARBIRD of
Kingman Township

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

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

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

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I will speak very briefly in opposition to the motion of the Senator from Washington, Senator Wyman. This bill was drafted pursuant to a study which was made by a professional firm, Cresap, McCormick and Paget to the end that we would have more efficiency among our state personnel. I think that while a great number of our state employees are efficient and hard-working, yet, I think it is the dream of almost everyone in this Legislature that I have talked to, that there is room for great improvement.

One of the things that I feel has been a problem is our State Personnel Board, which, in effect, means that our state employees are governing themselves. Now this would change that and align our set-up, insofar as the governing of our personnel, more in the line with how industry handles it. Now this firm which made this study and under which this bill was drafted has done studies for other states and for industry. It seems to me that this is an attempt to do something to make for more efficiency in our state government. This will be one of our last opportunities to do something in this regard and I would hope that you would vote against the motion of the Senator from Washington, Senator Wyman, in order that we might make this small progressive step forward.

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

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This bill brings up an issue that has not faced the Legislature in many years: Civil Service versus patronage in our state government. I am certain that the intent behind this legislation was well-meaning at the outset. I don't believe anyone involved in its final draft had in mind some of the undesirable features that it contains.

I won't attempt to go into lengthy detail on all the points contained in this bill, but here are several important examples. The Governor would be in almost complete command of the rules and regulations governing something like 10,000 workers. The Governor would be the only person who could fire the new suggested personnel director and without showing cause. Moreover, the Governor would be the sole authority on setting state employees wages. As it is now, there are three public members on the personnel board appointed by the Governor. Then the state employees elect their representative who, along with the public members, select a spokesman for department heads. This means that all aspects of state government, the public, the employees, and the department heads have a voice in our present Civil Service System.

Under the provisions of this Bill, only the Governor's choice on a new advisory council and the Governor' hand-picked personnel director would be setting all rules and regulations. This bill appears to establish some form of grievance procedure, but I point out to you that we already have approved an entirely new approach in Senator Stern's bill which has provisions that meet everyone's approval. Therefore, that section of this bill already is outdated.

To sum up this brief but most important point, this Bill gives the Governor altogether too much power over career employment in our state government. It almost goes to the point of substituting patronage for Civil Service. It is a dangerous move, in my opinion. It does not provide any representation for state-workers, an objection registered very strongly by the state employees themselves, and it takes away the present provision for participation by department heads. Therefore, I hope that the Committee report will prevail.

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 of the motion will stand and remain standing until counted. Those opposed will stand and remain standing until counted.

A division was had. 18 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion to accept the Ought Not to Pass Report of the Committee prevailed.

Divided Report

The Majority of the Committee on Taxation on Recommitted Bill "An Act Relating to Excise Tax on Motor Vehicles." (H. P. 1037) (L. D. 1506)

Report that the same Ought to Pass in New Draft under the same title: (H. P. 1194) (L. D. 1697)

(Signed)
Senator:

WYMAN of Washington
Representatives:

COTTRELL of Portland
SUSI of Portland
HANSON of Gardiner
ROBINSON of Carmel
DRIGOTAS of Auburn
ROSS of Bath
HARRIMAN of Hollis

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

(Signed)
Senators:

YOUNG of Hancock
FARLEY of York

Comes from the House, Majority — Ought to Pass Report Accepted, and the Bill Indefinitely Postponed.

On motion by Mr. Wyman of Washington, the Senate voted to Indefinitely Postpone the Bill in concurrence.

Ought to Pass — As Amended

Mr. Hildreth for the Committee on Industrial and Recreational Development on Resolve Proposing an Amendment to the Constitution to Increase Credit of State for Guaranteed Loans for Recreational Purposes. (S. P. 158) (L. D. 329)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-258)

Which Report was Read and Accepted and the Resolve Read Once. Under suspension of the rules, the Resolve was given its Second Reading and Passed to be Engrossed. Sent down for concurrence.

Mr. Hoffses for the Committee on Industrial and Recreational Development on Bill "An Act to Authorize the Creation of the Maine State Park and Recreation Area Fund and the Issuance of Not Exceeding Eight Million Dollar Bonds of the State of Maine for the Financing Thereof." (S. P. 14) (L. D. 30)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-257) which changes the title to: "An Act to Authorize the Creation of the Maine State Park and Recreation Area Fund and the Issuance of Not Exceeding Four Million Dollar Bonds of the State of Maine for the Financing Thereof."

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted. Under suspension of the rules, the Bill was given its second reading and the Bill, as amended, was Passed to be Engrossed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin." (S. P. 544) (L. D.1392)

Reported that the same Ought to Pass.

(Signed)

Senators:

MILLS of Franklin
HARDING of Aroostook

Representatives:

FOSTER
of Mechanic Falls
HEWES
of Cape Elizabeth
QUINN of Bangor
DANTON
of Old Orchard Beach
BERMAN of Houlton
DAREY
of Livermore Falls
BRENNAN of Portland

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

(Signed)

Senator:

HILDRETH of Cumberland

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

Mr. MILLS of Franklin: Mr. President, I move for acceptance of the Majority Ought to Pass Report. In doing so, Mr. President, I would state there appears to be a necessity for larger personnel in the District Court System. There are two ways of approaching this. One is to create more judges at large, that is, judges who have no base and would have no home court. The other way is to create additional districts so that the judges who are relieved by the creation of the districts will be available as they are now when they do have such time to fill in in neighboring districts. This proposition, this bill, would add Northern Androscoggin Towns of Leeds, Wayne, Livermore and Livermore Falls to the entire Franklin County area and create a district in that section, giving a district judgeship. That would relieve to some extent, of course, the district to the west which is based at Rumford, South Paris and comprises Oxford County. It would also relieve the district to the east which is Skowhegan and parts of western Penobscot. It would also relieve Penobscot by freeing Newport, which would allow Newport to be included in the Skowhegan area. These judges would then have the time — everyone of those courts would be relieved to an extent so that they could assist in the neighboring courts, but they could still have a home base from which to operate and not be subject to the beck and call at all times of their superiors. One of the biggest complaints among lawyers in regard to the work of the Superior Court is that they are suitcase judges, and they suffer physically from their arduous duties from one end of the state to the other where they are taken from their homes

and have to live a lot of the time away from their home places.

We believe, at least the majority believes in the Committee, that the best way to attack this problem to give greater service to the areas is so that there will be freedom on the part of those judges to move into adjoining areas. Now it has been brought out that there is assistance needed in the Androscoggin area. Androscoggin, of course, is contiguous to Oxford and to Franklin and to other counties as well, but in those particular districts there would be help available if this bill is accepted.

I might point out also that there is expiring in the northern end of Franklin County the only court that serves that area, a trail justiceship in the Town of Stratton which is used quite extensively at this time. Under the present district there would be nothing to fill in. In Northern Franklin, they seem kind of remote, but it is the scene of the proposed next Olympics and is the scene of a great deal of promotional activity over the state. We feel that those towns of Eustis, Stratton Village and Rangeley should have the service of some Court, which it is intended to have under such a district.

We also feel, although perhaps our feelings aren't shared entirely by the signers of the Majority Report in the reapportionment, we feel that Franklin County shouldn't be clipped completely from the political and governmental picture. Under the reapportionment measure, you know Franklin County would be the only county in the state that would not provide the nucleus for the election of a State Senator. I am sure that my regard for this isn't held by the political powers who drafted this, which has nothing to do with this move which would eliminate me from the State Senate,—and you can't blame me at all for trying to keep it in. We don't have any court. We don't have any district court judgeship. You can probably take away our State Senator, but I want to remind you that Franklin County was the birthplace of the Republican Party in 1854. We always say up there that we were the birthplace of it nationally, and

that has been disputed, of course, by Ripon, Wisconsin, but there is no question but what it was the birthplace of the Republican Party in the State and probably New England, if not nationally. I hope the Majority Report will be accepted.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate accept the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Hildreth of Cumberland, tabled and specially assigned for Wednesday, June 14, pending the motion of the Senator from Franklin, Senator Mills, that the Senate accept the Majority Ought to Pass Report of the Committee.

Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Providing for an Additional District Court Judge at Large." (S. P. 380) (L. D. 993)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

MILLS of Franklin

HARDING of Aroostook

Representatives:

FOSTER

of Mechanic Falls

BERMAN of Houlton

DAREY of Cape Elizabeth

DANTON

of Old Orchard Beach

BRENNAN of Portland

QUINN of Bangor

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

(Signed)

Senator:

HILDRETH of Cumberland

Representative:

HEWES of Cape Elizabeth

On motion by Mr. Mills of Franklin, tabled and specially assigned until Wednesday, June 14 pending the motion by the same Senator that the Senate accept the Majority Ought to Pass Report of the Committee.

Divided Report

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

Abolish Imprisonment for Debt.”
(S. P. 376) (L. D. 989)

Reported that the same Ought to Pass in New Draft under New Title: “An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors.” (S. P. 680) (L. D. 1710)

(Signed)

Senators:

MILLS of Franklin

HILDRETH of Cumberland

Representatives:

FOSTER

Of Mechanic Falls

HEWES

Of Cape Elizabeth

BRENNAN of Portland

DAREY

of Livermore Falls

BERMAN of Houlton

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

(Signed)

Senator:

HARDING of Aroostook

Representatives:

DANTON

of Old Orchard Beach

QUINN of Bangor

The Majority Ought to Pass Report Read and Accepted and the Bill in New Draft Read Once. Tomorrow assigned for Second Reading.

Final Report

The following committees submitted Final Reports:

Committee on Retirements and Pensions

Committee on Industrial and Recreational Development

Which reports were Read and Accepted.

Sent down for concurrence.

Second Reader

Senate

Bill “An Act Relating to Membership of the Advisory Council of the Department of Economic Development.” (S. P. 671) (L. D. 1702)

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

Sent down for concurrence.

Enactors

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

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

(On motion by Mr. Johnson of Somerset, tabled, unassigned, pending Enactment.)

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

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

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for Tuesday, June 13, pending Enactment.)

An Act Relating to Dividends and Stock Held by Unknown Stockholders. (S. P. 503) (L. D. 1218)

An Act Authorizing Joint Rates Between Certain Transportation Carriers. (S. P. 609) (L. D. 1603)

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

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

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

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

Emergency

An Act Revising the Laws Relating to the Reformatories for Men and Women. (H. P. 742) (L. D. 1121)

This being an emergency measure and, having received the affirmative vote of 27 members of the Eenate, 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, (H. P. 1167) (L. D. 1668) Bill "An Act Regulating Firearms in Active Lumbering Operations in Unorganized Territory."

Tabled — June 8, 1967 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

On motion by Mr. Viles of Somerset, retabled and specially assigned for Tuesday, June 13, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and today assigned matter, (S. P. 236) (L. D. 561) Senate Report — Ought to Pass from the Committee on State Government on Bill, "An Act Providing for Paid-up Life Insurance Coverage for State Employees and Teachers."

Tabled—June 8, 1967 by Senator Johnson of Somerset.

Pending — Acceptance of Report.

On motion by Mr. Johnson of Somerset, the Senate voted to accept the Ought to Pass Report of the Committee, and the Bill was Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

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

Tabled — June 8, 1967 by Senator MacLeod of Penobscot.

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

On motion by Mr. MacLeod of Penobscot, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

The same Senator presented Senate Amendment "A" to Committee

Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-229, to Committee Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 345, L. D. 493, Bill, "An Act Establishing Maximum Legal Interest Rate on Personal Loans in Excess of One Thousand Dollars."

Amend said Amendment in the 8th line by striking out the underlined figure "16 per cent" and inserting in place thereof the underlined figure '18 per cent'

Further amend said Amendment by adding at the end thereof the following:

Further amend said Bill by adding at the end the following underlined paragraph:

'This section shall not apply to the Motor Vehicle Sales Finance Act.'

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This will not be extended, I assure you, but I feel that I would be remiss if I didn't point out what is transpiring here.

I want to say, after the dust has settled and all, to Senator MacLeod, Senator Katz and Senator Harding, that I am most grateful for the very considerate approach that this Committee has made and the very hard work that has gone into its deliberations over the last several months in consideration of these bills which pertain to consumer finance and which, for my own part, pertain particularly to the small loan industry.

I will oppose this amendment, and I want to point out why. It is because it would place the usury laws for the State of Maine in an area where we don't have any now, as a matter of fact, at the top of the list of the states of the country. There are 44 states in America which have usury laws restricting the loaning of money to any extent. Maine, up to this time, has only usury laws running to \$2,500, and I believe that this Committee is making a real step

forward today, and in the last several weeks, in bringing out this legislation that does establish usury rates for the State. My only complaint is that they are pretty high. The 18 per cent places us 6 per cent higher than any other American state. I think that is excessive; I think it is more than we need. But still, Mr. Chairman and Members of the Committee, it is better than nothing, I am sure.

The legislation went in at 12 per cent, which is the top among the states, other than Maine. It came out of Committee at 16 per cent, and now it is going to 18 per cent. I just hope that it doesn't go any higher because I think that we shouldn't lead the nation in this area of high interest, although up to this point we haven't had any legislation in this area. Still we are only one of five states not to have such legislation. Today, we reduce that number, if this legislation is enacted, to four. And we will lead, as is our motto, among the 45 in having the highest interest rates of any in the nation where interest is regulated. Therefore, I do oppose this amendment, and would hope that it could be kept even at 16. I realize there isn't a great deal of difference between 16 and 18, but there is quite a difference between 16 and 12, and it is still better to have some regulation than not to have any at all.

So, Mr. President, I won't ask for a division, but I want you to hear my voice when we vote.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I want to express my appreciation for the kind remarks the Senator from Franklin had to say about our Committee, and I would like to explain why I am putting this amendment in.

It is true that Maine never had a usury law, except on the regulation of the small loan business on amounts of money under \$2,500, and many people feel that you don't need a usury law when you get up over what is going to be - we hope - \$2,000, because competition itself between the various lending institutions keeps interest rates

down. But there was also a lot of sentiment for setting some maximum interest rate. It came out of Committee at 16 per cent, and then several things were brought to my attention and some other members of the Committee on credit cards. We are becoming a cashless and a moneyless society. We are all using credit cards for motels, for bars, for tires, automobiles, and practically anything. Now the banks are coming out with what they call bank check credit, and several plans of this nature, whereby you can just write checks, which really amounts to borrowing money. These can very easily go over \$2,000. And the revolving accounts, where you go out and buy a snowmobile or a tractor at Sears Roebuck and put it on a revolving account with a monthly payment, it could run well over \$2,000. The going rate is, and has been for years, on all of these types of accounts one and a half per cent on the unpaid balance, which comes out to 18 per cent a year. Perhaps 16 per cent is plenty high enough, but we are going to be disturbing something that is customary nationwide if we pass a usury law with a 16 per cent maximum. This is why I put the 18 per cent amendment in, so it would be at the level where our economy in Maine right now is operating. If there is a fellow that runs a bill up over \$2,000, which happens all the time today, he could, if it was left at 18 per cent, void the loan and the lender or the seller would not be able to recover any principal or interest.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I wonder first of all, Mr. President, if I could ask what the committee report was on this particular bill?

The PRESIDENT: The report was unanimous Ought to Pass as Amended.

Mr. HARDING: Thank you, Mr. President. Members of the Senate: When this issue was discussed in Committee, I know certain problems were presented. You will notice that the minimum that we

talked about here was raised from \$1,000 to \$2,000, so we are only talking about those situations where the \$2,000 or over is involved, and I suggest to you that this is the rarity on your revolving credit card or credit card charges, or what have you. In the Committee, I would also mention, that this 16 per cent was a compromise. Actually it was higher than a lot of us felt we ought to go, but we did want to reach a consensus in the Committee, and this 16 per cent figure was a compromise.

I feel that there is a need for this type of legislation. In my own experience as an attorney I have seen a case where a person under a second mortgage set-up had a \$2,000 loan with one of these out-of-state outfits, and over a five year period the total amount that he was to repay on this \$2,000 loan was \$4,250. So, I think there is a very definite need here. I feel when we push this up here 2 percent we are going too high. This is 18 percent. Now 18 percent may be in order on lower amounts, but we are talking about those amounts that are \$2,000 and more. I think that is out of line, and I hate to see us in the area of one of the few states in the nation that allow such an excessive interest rate. I am, therefore, obliged to oppose the amendment as offered by the Senator from Penobscot, Senator MacLeod. When the vote is taken I would ask that it be taken by division.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Penobscot, Senator MacLeod, that the Senate adopt Senate Amendment "A" to Committee Amendment "A". As many as are in favor of the adoption of Senate Amendment "A" to Committee Amendment "A" will stand and remain standing until counted. Those opposed will stand and remain standing until counted.

A division was had. Two Senators having voted in the affirmative, and 25 Senators having voted in the negative, the motion to adopt Senate Amendment "A" to Committee Amendment "A" did not prevail.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for Tuesday, June 13, pending adoption of Committee Amendment "A".

The President laid before the Senate the fourth tabled and today assigned matter, (S. P. 506) (L. D. 1260) Senate Reports — from the Committee on Natural Resources on Bill, "An Act to Create the Wildlands Use Regulation Commission." Majority Report, Ought to Pass as Amended by Committee Amendment "A" — Filing S-251; Minority Report, Ought Not to Pass.

Tabled— June 9, 1967 by Senator Sewall of Penobscot.

Pending — Acceptance of Either Report.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for Tuesday, June 13, pending acceptance of either report.

The President laid before the Senate the fifth tabled and today assigned matter, (S. P. 226) (L. D. 551) Senate Reports — from the Committee on Senatorial Reapportionment on Resolve, to Establish Thirty-two Districts for the Election of Senators in the State of Maine. Majority Report, Ought to Pass in New Draft, Bill Title (S. P. 676) (L. D. 1709) Bill, "An Act to Establish Thirty-three Districts for the Election of Senators in the State of Maine and Report in Support Thereof." Minority Report, Ought to Pass.

Tabled — June 9, 1967 by Senator Lund of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Tuesday, June 13, pending Acceptance of Either Report.

The President laid before the Senate the sixth tabled and today assigned matter, (S. P. 460) (L. D. 1136) Senate Reports — from the Committee on Towns and Counties on Bill, "An Act Relating to County Audits and County Capital Reserve Accounts." Majority

Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — June 9, 1967 by Senator Ferguson of Oxford.

Pending — Acceptance of Either Report.

On motion by Mr. Ferguson of Oxford, retabled and specially assigned for Tuesday, June 13, pending Acceptance of Either Report.

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

Tabled—June 9, 1967 by Senator Anderson of Hancock.

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

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

Mr. ANDERSON of Hancock: Mr. President, I yield to the Senator from Penobscot, Senator Sewall.

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

Mr. SEWALL of Penobscot: Mr. President, I now move the pending question.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: As you will notice, the Majority Report was Ought Not to Pass. Nine voted that way and one voted in the minority. Now, I am not opposed to anything that might help the surveyors, and I am not arguing strenuously, or even arguing, against the acceptance of the Minority Report. I am merely stating that the majority of us, after listening to the evidence, felt that

this was unnecessary legislation; we didn't need it.

For instance, if I needed an expert, and I had a land title question, I certainly would choose the best; I certainly would go to the Sewall Company because their testimony in Court probably would far outweigh anybody else's testimony, so I don't have to worry about whether the other fellow knows his business or not. I think people who are interested in getting their land surveyed properly would get only recognized people in the field. But I am willing to have my mind changed if he can tell us, if he will tell us, why this is necessary legislation. I will be the first one to change my mind.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: In the first instance, I might remind the Senator from Penobscot that all are not as fortunate as he is in their geographical proximity to some surveying firms.

The second point I would like to make is that I believe this report was six to four, rather than nine to one. I might stand corrected on that, but I believe that is the case. Could I inquire of the Chair if that is correct?

The PRESIDENT: There were four signers on the Ought to Pass as Amended by Committee Amendment "A" Report, and six signers on the Ought Not to Pass Report.

Mr. SEWALL: Thank you very much, sir. Very briefly, it seems to a great many of those people who are interested in the field of endeavor that this is an important enough facet of our professional sector, if you might call it that, so that it does warrant the dignity of registration. At the present time, as probably most of you know, anyone can call himself a land surveyor. There are absolutely no requirements whatsoever. Through this bill, which does have the endorsement of a vast majority of those interested in this field, we would hope to give a professional status to land surveying.

This does have the backing of the four major professional

engineering societies in the State, and the backing of a vast majority of the professional engineers, of which there are approximately 1700 in the State. We have put in very adequate grandfather clause provisions, which gives two years for anyone involved in surveying, or two years for any registered professional engineer, to become, with very little trouble, a registered surveyor. It is my earnest hope that you will go along with me and vote for the acceptance of the Minority Ought to Pass Report of the Committee. Thank you.

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

Mr. KATZ of Kennebec: Mr. President, may I ask for a division, please.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I rise in support of the motion of the Senator from Penobscot, Senator Sewall. I have had a great deal of communication on this piece of legislation, all favorable. In fact, I had quite a long conference with one of the local men in my town the other night who does surveying. He is not a professional engineer, but works for a good many of the large timber companies, and also for the various municipalities around Oxford County. He feels very strongly about this. You don't have to be an engineer. Anybody who is doing this type of work, and who is qualified, certainly won't have any trouble in being registered. So, I hope you will go along with the Minority Ought to Pass Report of the Committee.

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

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: I agree with the Senator from Penobscot, Senator Sewall. In the 101st Legislature I sponsored a bill similar to this, and they said at that time there was need of it but they didn't feel that was the right time. I feel now that this must be the right time.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of accepting the Ought to Pass as Amended Report of the Committee will stand and remain standing until counted. Those opposed to the motion will stand and remain standing until counted.

A division was had. 24 Senators having voted in the affirmative, and four Senators having voted in the negative, the motion to accept the Ought to Pass as Amended Report of the Committee prevailed, and the Bill was Read Once.

Committee Amendment "A", Filing No. S-205, was read by the Secretary as follows:

C O M M I T T E E A M E N D M E N T
"A" to S. P. 550, L. D. 1447, Bill, "An Act Providing for the Registration of Land Surveyors."

Amend said Bill in that part designated "\$1661." of section 1 by striking out all of the first underlined paragraph (same in L. D. 1447).

Further amend said Bill in that part designated "\$1662." of section 1 by striking out all of the first paragraph of subsection 1 (same in L. D. 1447) and inserting in place thereof the following:

"The term "land surveying shall mean and include assuming" responsible charge of or executing, or both, surveying of areas for correct determination, description and conveyancing; establishing corners, monuments, lines and boundaries and examination of land records and writing descriptions thereof; planning and plotting of land parcels for purpose of subdivision; defining and locating of corners, monuments, lines and boundaries after they have been established and preparing maps, accurate records and descriptions thereof."

Further amend said Bill by striking out all of that part designated "\$1663." of section 1 (same in L. D. 1447) and inserting in place thereof the following:

"§1163. Other legally recognized professions not affected.

This Chapter shall not be construed to affect or prevent the practice of any other legally recognized profession nor prevent any person who was duly registered as

a professional engineer prior to the effective date of this Act from engaging in the practice of land surveying. Said registered professional engineer shall upon application and payment of fee be registered as a land surveyor under this chapter, provided application is made within 2 years after the effective date of this Act.'

Further amend said Bill by striking out all of that part designated "§1683." of section 1 and inserting in place thereof the following: (same in L. D. 1447)

'§1683. Registration of a land-surveyor

Any person who, within 2 years after the effective date of this Act files with his application for registration as a land surveyor his affidavit stating that he has engaged in land surveying prior to the effective date of this Act, and includes in the affidavit evidence of his land surveying experience satisfactory to the board, upon payment of the total fee, shall be eligible for registration as a land surveyor, without written examination, and shall be registered by the board. Any person applying for registration under this section shall submit, with his application, references as stated in section 1681.'

Committee Amendment "A" was adopted and, under suspension of the rules, the Bill as Amended, given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and today assigned matter, (H. P. 632) (L. D. 888) Bill, "An Act Relating to Municipal Regulation of Community Antennae Television Systems."

Tabled — June 9, 1967 by Senator Johnson of Somerset.

Pending — Passage to be Engrossed.

On motion by Mr. Harding of Aroostook, and under suspension of the rules, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A".

The same Senator presented Senate Amendment "A" to Committee

Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-259, to Committee Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to COMMITTEE AMENDMENT "A" to H. P. 632, L. D. 888, Bill "An Act Relating to Municipal Regulation of Community Antennae Television Systems."

Amend said Amendment by striking out all of the 2nd and 3rd paragraphs and inserting in place thereof the following:

'Further amend said Bill by striking out all of that part designated "H" and inserting in place thereof the following:

H. The municipal officers may contract on such terms and conditions as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed 10 years, for the placing and maintenance of community antennae television systems and appurtenances or parts thereof, along public ways and including contracts with operators of such systems which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. No public utility shall be required to contract with the municipal officers pursuant to this paragraph. Systems located in accordance with such ordinances and contracts are not defects in public ways.

The municipal officers may establish such fees as are necessary to defray the costs of public notice, advertising and the expenses of hearings relating to applications for a contract, but in no case to exceed \$25 per applicant.

Any person, firm or corporation holding a permit to maintain a community antennae television system, issued prior to July 1, 1965, shall not be required to comply with this paragraph; provided, however, that any such permit holder whose system shall not be in operation on or before July 1, 1966 shall be required to comply with this paragraph and the original permit shall be null and

void, provided further that cases in litigation on July 1, 1965 shall not be required to be in operation prior to July 1, 1967. A municipality shall be entitled to injunctive relief in addition to any other remedies available by law to protect any rights conferred upon the municipality by this section or any ordinances enacted under the authority of this section.

The municipal officers of towns shall have exclusive power to enact all ordinances authorized by this subsection. Seven days' notice of the meeting at which said ordinances are to be proposed shall be given in the manner provided for town meetings, and such ordinances shall be effective immediately.

Any person, firm or corporation which is furnishing community antennae television service in any municipality prior to June 1, 1967, shall not be required to comply with this paragraph. This paragraph shall not apply to or affect the rights of parties to litigation pending in court on June 1, 1967, and the rights of such parties shall be determined by such litigation.'

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As you will recall, there was a contest here between the telephone company and the people in these various communities who wished to regulate community antenna television systems, and there is now pending in court a case to determine whether or not telephone companies would have the right to put these community antenna television systems along their poles. Well, surprisingly enough, the adversaries have come to an agreement on this particular bill; they are both agreeable to it.

Now, this amendment was drafted by two of the top law firms in the State. I asked them to draft it in a manner which was simple enough so that I could understand it and that I could explain it, and they told me that that was not

possible, but that they would do the best that they could. So, briefly, what this would do, the municipalities could regulate the system, whether it were tacked upon a telephone pole or whether it were tacked upon an electric power pole, or whether the system was on its own. However, no public utility would be compelled to have this wire strung upon their poles if they did not desire to do so.

Also, within this amendment there is a grandfather clause which will protect the rights of the people that had made contracts prior to the date of this enactment, I think it is June 1, 1967. So, briefly, this is an agreement of the two adversaries, and it is acceptable to them, it certainly is to me, and I hope it will be to you.

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

Mr. MILLS of Franklin: Mr. President, through the Chair, may I ask the good Senator a question? Senator, I think you referred to the two top law firms in the State. I am well aware that our good President is the head of the top law firm in the State, but will you tell me what the other one is.

The PRESIDENT: The Senator from Franklin, Senator Mills poses a question to the Senator from Aroostook, Senator Harding, who may answer or not, as he desires.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Members of the Senate: I pass.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A" to Committee Amendment "A"?

The motion prevailed.

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

Sent down for concurrence.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.