

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL  
AUGUSTA, MAINE

## SENATE

Tuesday, June 20, 1967

Senate called to order by the President.

Prayer by Rev. Warren H. Benner of Hallowell.

Reading of the Journal of yesterday.

### Papers from the House Non-concurrent matters

Bill "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 358) (L. D. 966)

In Senate, June 9, Passed to be Engrossed As Amended by Committee Amendment "A" (S-176)

Comes from the House, Passed to be Engrossed As Amended by Committee Amendment "A" and by House Amendments "A" (H-430) and "B" (H-438) in non-concurrence.

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

Mr. KATZ of Kennebec: Mr. President, House Amendment "B" - is this subject for debate at the moment, Mr. President? This is a non-concurrent amendment.

The PRESIDENT: House Amendment "B" hasn't been read yet. If you want to debate it, it can be read, yes.

Thereupon, House Amendment "B" was read by the Secretary.

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

Mr. KATZ of Kennebec: Mr. President, House Amendment "B" is, you might say, an anti-nepotism amendment. It says in effect that no members of the Board of School Directors or spouse shall be employed as a teacher or any other capacity, and the same philosophy is applied to a member of the School Superintending Committee. It has merit to it, but I have feeling that this amendment will cause havoc around the state. There has been no public hearing on this and although it is very well for us to sit here and say there is a conflict of interest between a man being a school director and his wife working in a school system, I have a feeling that we will upset the apple cart in a great many towns

and communities around the state if we pass this House Amendment "B" without any public hearing or any weighty decision. I, therefore, move the indefinite postponement of House Amendment "B".

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I agree with the Senator from Kennebec, Senator Katz, that this has not had a public hearing and it is an anti-nepotism change in the law, but I also feel that since it does carry an effective date after the next election in each municipality, this gives the towns and the SAD's plenty of chance to understand and know this part of the law. I have sat on the School Board and I was very embarrassed when I was away at a convention and at the next school board meeting, I was embarrassed to find that in my absence one of the fellow School Board member's wife had been employed at a \$90 a week salary as a secretary in the Superintendent's office and I was further embarrassed later when the Principal's wife was hired by the Principal to serve in his office. It is a little tough to fight when you are sitting on the Board. Perhaps the board members should have a little more courage. Sometimes it just is difficult to do, and I think this amendment is needed in our laws. It should have been part of our statutes years ago. Therefore, I would oppose the motion of the Senator from Kennebec to indefinitely postpone this amendment.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I think that many of us who have observed school affairs over the state have perhaps observed this taking place in the hiring of bus drivers and that sort of thing, but it seems to me that it is a matter that could very well come before the Legislature in due course. There is another area that seems to cry out for correction just as much and that is the rather common practice of Superintendent's

wives being employed in the school systems. Of course, they almost invariably make excellent teachers, but just imagine one who didn't and how difficult it might be to discipline such a teacher when her employer was her own husband. He is probably not able to discipline her at home, to say nothing of handling her as a teacher on his staff. I think there is great merit in the anti-nepotism idea, but it seems to me it could have been spawned last January rather than at the closing hours of the Legislature, and I would support Senator Katz.

The PRESIDENT: The Chair would like to point out to the Senate that the two branches are in concurrence only so far as the adoption of Committee Amendment "A" is concerned. The House has meanwhile amended the bill with House Amendment "A" and House Amendment "B". As the Senate is going to be asked to choose between, or choose at least as to "B", the proper motion the Chair feels in the first instance would be for the Senate to Recede. This then puts us back in a position where we would have adopted Committee Amendment "A".

Thereupon, the Senate voted to Recede.

The PRESIDENT: Now the pending question is the motion of the Senator from Kennebec, Senator Katz, that House Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I should point out House Amendment "A" is essential, but House Amendment "B", and I will put this in as graphic language as I can, "scares the pants off me" to pass in this manner.

The PRESIDENT: The pending question is on the motion of the Senator from Kennebec, Senator Katz, to indefinitely postpone House Amendment "B".

As many as are in favor of indefinitely postponing House Amendment "B" will say "Yes"; Those opposed "No".

A viva voce vote being had, the motion to indefinitely postpone House Amendment "B" did not prevail.

Thereupon, House Amendment "A" was Read and Adopted, and House Amendment "B" was Adopted.

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

Mr. KATZ of Kennebec: Mr. President, I present Senate Amendment "A" and move its adoption.

Senate Amendment "A", Filing S-281, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 358, L. D. 966, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws."

Amend said Bill by adding after section 5 the following new section:

'Sec. 5-A. R. S., T. 20, §306, amended. Section 306 of Title 20 of the Revised Statutes is amended by adding at the end a new sentence, to read as follows:

**The school directors are authorized to lease any unused school buildings for educational or cultural purposes.'**

Senate Amendment "A" was Adopted, and, under suspension of the rules, the Bill, As Amended, was Passed to be Engrossed in non-concurrence.

Under suspension of the rules, the bill was sent down forthwith to the House for concurrence.

### House Paper Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to conduct a comprehensive study of an annual session system for the State. Said study to include a review of session systems and their operation in other states; and be it further

ORDERED, that the committee report its findings, together with any necessary recommendations and implementing legislation, to the next special or regular session of the Legislature. (H. P. 1221)

Comes from the House Read and Passed.

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

**Communications**

State of Maine  
Supreme Judicial Court  
Augusta, Maine

June 19, 1967

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

Dear Mr. Speers:

There is enclosed the Answer of the Justices to the Question of June 13, 1967.

I am enclosing herewith Committee majority Plan and Report of Senatorial Apportionment Commission with attached map submitted to us for use in consideration of the Questions relating to L. D. 1709 and L. D. 551.

Respectfully yours,

Robert B. Williamson

Enclosures

Which was Read and, with accompanying papers, Ordered Placed on File.

**OPINION**

OF THE JUSTICES OF THE  
SUPREME JUDICIAL COURT  
GIVEN UNDER THE PROVISIONS  
OF SECTION 3 OF ARTICLE  
VI OF THE CONSTITUTION

QUESTION PROPOUNDED BY  
THE SENATE IN AN ORDER  
DATED JUNE 13, 1967, RELATIVE  
TO S. P. 676, L. D. 1709.

ANSWER OF THE JUSTICES  
To the Honorable Senate of the  
State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answer to the question propounded on June 13, 1967.

QUESTION: Is the method of creating Senatorial Districts, set forth in Legislative Document 1709, constitutional?

ANSWER: We answer in the affirmative.

The question requires the application of our constitutional provision affecting the apportionment of the Senate to L. D. 1709 with the facts submitted to us relating to population and geo-

graphical limits of the proposed 33 senatorial districts to determine whether L. D. 1709 meets the requirements of our Constitution and the equal protection clause of the Federal Constitution, Maine Constitution Article IV, Part Second, Sections 1 and 2, (as amended by Article CIII effective November 28, 1966); U. S. Constitution, 14th Amendment.

In 1966 the Justices gave their opinion that our Constitution satisfies the equal protection clause of the 14th Amendment. We now express the opinion that the proposed apportionment plan is within the constitutional standards. The Justices (of whom four are presently members of the Court) unanimously said:

"In our opinion the permitted deviation of 10 per cent from the median number of inhabitants for each senatorial district is within constitutional standards.

"Constitutional requirements will be met if the Legislature makes a fair and honest effort to establish districts in such manner that it can reasonably be anticipated that a majority of the Senators will be so elected as to represent at least 50 per cent of the population. If in practical operation a majority is so elected as to be representative of a lesser percentage of the population, no violation of constitutional requirements will occur if such controlling percentage is only slightly below 50 per cent, but any substantial deviation below 50 per cent may exceed tolerable and permissible limits." **Opinion of the Justices (Me.)** 216 A. 2d 651, 654 (1966).

We apply several "measuring rods" of inequality using approximate figures to test the validity of our conclusion.

1. The population variance between the most under-represented district and the most over-represented district, or between 32,908 and 27,106 is 1.21 to 1, or in terms of deviation from the median number within the 10 per cent limitation of the Maine Constitution.

2. The maximum detrimental deviation in population from the

average among the districts is 12 per cent based on the most under-represented district of 32,908 and the average district of 29,371.

3. The 17 districts of the 33 proposed with the smallest population, thus including the most over-represented districts, contain 49.2 per cent of the population. The difference between 49.2 per cent and 50 per cent is slight indeed and in our opinion is well within tolerable limits under the Constitutions, both State and Federal.

4. Other factors bearing on the validity of the apportionment are that 19 of the proposed districts are above the average and 14 below; that 25 districts are wholly within a county; and that only our three largest cities are not contained within a district.

In testing the constitutionality of L. D. 1709, we have not sought for mathematical precision or geographical nicety. It is sufficient for our purposes that with the deviations from exact equality, the plan comes fairly within the spirit of one man-one vote. **Reynolds V. Sims**, 377 U.S. 533, 84 S. Ct. 1362; Note on Reapportionment, 79 Harvard Law Review 1228, 1250.

Dated at Augusta, Maine, this nineteenth day of June, 1967.

Respectfully submitted:

Robert B. Williamson  
Donald W. Webber  
Walter M. Tapley, Jr.  
Harold C. Marden  
Armand R. Dufresne, Jr.  
Randolph A. Weatherbee

State of Maine  
Supreme Judicial Court  
Augusta, Maine

June 19, 1967

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

Dear Mr. Speers:

There are enclosed the Answer of the Justices to the Question of June 14, 1967.

Respectfully yours,  
Robert B. Williamson

Enclosure

OPINION  
OF THE JUSTICES OF THE  
SUPREME JUDICIAL COURT  
PROVISIONS OF SECTION 3  
OF ARTICLE VI OF THE CON-  
STITUTION

QUESTIONS PROPOUNDED BY  
THE SENATE IN AN ORDER  
DATED JUNE 14, 1967 RELATIVE  
TO SENATE PAPER 226, LEGIS-  
LATIVE DOCUMENT 551 AN-  
SWERED JUNE 19, 1967

ANSWER OF THE JUSTICES

To the Honorable Senate of the  
State of Maine:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answer to the question propounded on June 14, 1967.

QUESTION: Is the method of creating Senatorial Districts, set forth in Legislative Document 551, constitutional?

ANSWER: We answer in the affirmative.

The question requires the application of our constitutional provision affecting the apportionment of the Senate to L. D. 551 with the facts submitted to us relating to population and geographical limits of the proposed 32 senatorial districts to determine whether L. D. 551 meets the requirements of our constitution and the equal protection clause of the Federal Constitution. Maine Constitution Article IV, Part Second, Sections 1 and 2, (as amended by Article CIII effective November 28, 1966); U. S. Constitution, 14th Amendment.

In 1966 the Justices gave their opinion that our Constitution satisfies the equal protection clause of the 14th Amendment. We now express the opinion that the proposed apportionment plan is within the constitutional standards. The Justices (of whom four are presently members of the Court) unanimously said.

"In our opinion the permitted deviation of 10 percent from the median number of inhabitants for

each senatorial district is within constitutional standards.

"Constitutional requirements will be met if the Legislature makes a fair and honest effort to establish districts in such manner that it can reasonably be anticipated that a majority of the Senators will be so elected as to represent at least 50 percent of the population. If in practical operation a majority is so elected as to be representative of a lesser percentage of the population, no violation of constitutional requirements will occur if such controlling percentage is only slightly below 50 percent, but any substantial deviation below 50 percent may exceed tolerable and permissible limits."

**Opinion of the Justices** (Me.) 216 A 2d. 651, 654 (1966).

We apply several "Measuring rods" of inequality using approximate figures to test the validity of our conclusion.

1. The population variance between the most under-represented district and the most over-represented district, or between 32,908 and 27,121 is 1.21 to 1, or in terms of deviation from the median number within the 10 percent limitation of the Maine Constitution.

2. The maximum detrimental variation in population from the average among the districts is 8.6 percent based on the most under-represented district of 32,908 and the average district of 30,289.

3. The 17 districts of the 32 proposed with the smallest population, thus including the most over-represented districts, contain 51.19 percent of the population. The control of the Senate will thus necessarily come from districts having over 50 percent of the population of the State.

4. Other factors bearing on the validity of the apportionment are that 17 of the proposed districts are above the average and 15 below; that 27 districts are wholly within a county, and that Biddeford is the only municipality, other than our three largest cities, not contained within a district.

In testing the constitutionality of L. D. 551, we have not sought for mathematical precision or

geographical nicety. It is sufficient for our purposes that with the deviations from exact equality, the plan comes fairly within the spirit of one man-one vote. **Reynolds V. Sims**, 377 U.S. 533, 84 S. Ct. 1362; Note on Reapportionment, 79 Harvard Law Review 1228, 1250. Dated at Augusta, Maine, this nineteenth day of June, 1967.

Respectfully submitted:

Robert B. Williamson

Donald W. Webber

Walter M. Tapley Jr.

Harold C. Marden

Armand R. Dufresne, Jr.

Randolph A. Weatherbee

### Order

Mr. Good of Cumberland presented the following Order and moved its passage:

ORDERED, the House concurring that the members and legal clerks on the Joint Standing Committees on Judiciary and Legal Affairs be given copies of the annotated Revised Statutes of 1964. (S. P. 699)

Which was Read and Passed.  
Sent down for concurrence.

### Committee Reports House

#### Leave to Withdraw

The Committee on State Government on Bill "An Act Relating to Salary of Commissioner of Education." (H. P. 327) (L. D. 461)

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

Comes from the House, Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought Not to Pass

The Committee on Natural Resources on Bill "An Act to Authorize the State Comprehensive Planning Office to Prepare a Guide Plan of Land Uses Related to Water." (H. P. 372) (L. D. 519)

Reported that the same Ought Not to Pass — covered by other Legislation.

Comes from the House, Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought to Pass as Amended**

The Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issues in the Amount of \$14,000,000 to Provide Funds for School Building Construction Under the Provisions of Section 3457 of Title 20, R. S." (H. P. 300) (L. D. 435)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-435)

Comes from the House, 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. Under suspension of the rules, the Bill As Amended, was given its Second Reading and Passed to be Engrossed.

**Ought to Pass in New Draft**

The Committee on Towns and Counties on Bill "An Act Relating to Annual Estimates for County Taxes in Penobscot County." (H. P. 616) (L. D. 858)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Annual Estimates for County Taxes." (H. P. 1217) (L. D. 1730)

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

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

**Divided Report**

The Majority of The Committee on State Government on Bill "An Act Relating to Mandatory Competitive Bids on State Property." (H. P. 328) (L. D. 462)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington

STERN of Penobscot

Representatives:

DENNETT of Kittery

WATTS of Machias

CORNELL of Orono

RIDEOUT of Manchester

**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. 1219) (L. D. 1735)

(Signed)

Senator

LUND of Kennebec

Representatives:

STARBIRD

of Kingman Township

MARTIN of Eagle Lake

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

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

**Divided Report**

The Majority of the Committee on State Government on Bill "An Act Relating to Increasing Revenue of the Liquor Commission." (H. P. 1031) (L. D. 1497)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington

LUND of Kennebec

Representatives:

DENNETT of Kittery

WATTS of Machias

PHILBROOK

of South Portland

RIDEOUT of Manchester

MARTIN of Eagle Lake

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

(Signed)

Senator:

STERN of Penobscot

Representative:

STARBIRD

of Kingman Township

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

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



### Second Readers Senate

The Committee on Bills in the Second Reading reported: Bill "An Act Increasing Compensation of Court Justices and Certain Department Heads." (S. P. 695) (L. D. 1731)

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

Sent down forthwith for concurrence.

### Senate - As Amended

Bill "An Act Increasing Salaries of Official Court Reporters." (S. P. 58) (L. D. 71)

Which was Read a Second Time and Passed to be Engrossed As Amended by Committee Amendment "A" (S-275)

Sent down forthwith for concurrence.

### Enactors

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

An Act Relating to the Appointment of Clerks of the Judicial Courts. (H. P. 246) (L. D. 354)

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Wednesday, June 21, pending Enactment.)

An Act Entering the State of Maine Into the New England Interstate Planning Compact. (H. P. 620) (L. D. 876)

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

An Act Relating to Municipal Regulation of Community Antennae Television Systems. (H. P. 632) (L. D. 888)

An Act Reducing Maximum Amount and Duration of Small Loans and Establishing Equitable Rates for Small Loan Agencies. (S. P. 373) (L. D. 986)

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

An Act Relating to Use of County Surplus Funds. (S. P. 457) (L. D. 1134)

An Act Repealing Law Relating to Leases of Right to Take Kelp on Submerged Lands. (S. P. 673) (L. D. 1704)

An Act Relating to Temporary Loans by State. (H. P. 1203) (L. D. 1712)

An Act Relating to Duties of State Transportation Commission. (H. P. 1204) (L. D. 1713)

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

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

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

Mr. MILLS of Franklin: Mr. President, a parliamentary inquiry? Did I hear the President make a motion to put 8-4 on the Appropriations Table?

The PRESIDENT: I did.

Mr. MILLS of Franklin: Mr. President, I didn't hear the motion made from the floor, and I question the reason and appropriateness of placing this bill on the Appropriations Table at this time. I question the parliamentary action of the President in accepting a motion I didn't hear made from the floor.

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

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby it placed Item 8-4 on the Special Appropriations Table.

Thereupon, on motion by Mr. Johnson of Somerset, Item 8-4 was tabled, unassigned, pending Enactment.

### Bond Issue

Bill "An Act to authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and Vocational Technical Institutes and the Issuance of Not Exceeding \$6,715,000 Bonds of the State of Maine for the Financing Thereof." (H. P. 1160) (L. D. 1659)

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

### Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, (S. P. 428) (L. D. 1082) Bill, "An Act to Conform the Statutes with the Amendments to the Rules of Civil Procedure."

Tabled — June 16, 1967 by Senator Mills of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Mills of Franklin, retabled and specially assigned for Wednesday, June 21, pending Passage to be Engrossed.

The President laid before the Senate the second tabled and today assigned matter, (S. P. 654) (L. D. 1666) Bill, "An Act Regulating Snow Traveling Vehicles."

Tabled — June 19, 1967 by Senator Johnson of Somerset.

Pending — Motion by Senator Hoffes of Knox to Recede and Concur.

In Senate: Voted to Recede and Concur with the House.

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

The President laid before the Senate the third tabled and today assigned matter, (H. P. 409) (L. D. 575) House Reports — from the Committee on Judiciary on Bill, "An Act Relating to Highway Commission Land Taking." Majority Report, Ought to Pass in New Draft (H. P. 1196) (L. D. 1699); Minority Report, Ought Not to Pass.

Tabled — June 19, 1967 by Senator Ross of Piscataquis.

Pending — Acceptance of Either Report.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: As a member of the Committee on Highways, I feel definitely called upon to oppose this bill. I would like to give you a little history on it. First, I want to tell you how it came into being. It was originally L. D. 575 and this is a redraft of it. As you know an interstate bridge is under

consideration called the Piscataqua River Bridge between Kittery and Portsmouth. For many months, there have been considerable plans and discussion of a proposed interstate bridge spanning the Piscataqua River from Portsmouth to Kittery. These plans and this program have had considerable publicity including, in part, the tentative location of the approaches. This publicity is, in part, a necessary thing, and no public agency can keep this desirable program and these plans from becoming news, and further, no particular prohibition or restriction should be placed on this news and notice, which would keep it from the general knowledge of the public.

I hope you will bear with me. I am just trying to show you how this bill has gotten as far as it has got.

Along the approach to this proposed structure, there is a trailer park. It is alleged that the publicity has adversely affected the income on this property and depreciated its value. It is presumably caused by the tenants moving their trailers to other more desirable sites, thus preventing a rush when the State of Maine acquires the land occupied by their trailers.

The alleged loss is said to be based on two facts. First, the loss of rent from the land on which the trailers were located, and secondly, the depreciation on the property for the reason that no one would care to purchase the property for any use knowing that it would be taken for highway construction.

The law of this state, as is the law of most states, sets forth no provision for recovery of such loss in value. The fact that at some future time the state with its power of eminent domain may require the land of a private owner is one of the conditions on which the owner holds land in this state. Certain injuries are necessarily incident to ownership of property for which the law does not and has never afforded relief.

Thus, L. D. 575 was presented. This legislative document proposed to amend our law and permit consideration of this loss when the state acquired property. Unfor-

tunately this form of legislation could not be implemented at the operating agency level without a major revision of the laws of this state, including the manner and methods of appraising damage and the long established rules in the courts, which have interpreted our laws and provided adequate procedures for their effectiveness.

At the public hearing on L. D. 575, the Highway Department appeared in opposition and propounded it an unworkable bill, and only two other states even considered the premise, and it was generally accepted that the legislative document was not workable and perhaps could be revised by making provision for a separate cause of action to give relief if, in fact, there were a loss which could be established. Presumably L. D. 1699 would do this. However, in the opinion of the Chief Counsel for the Highway Department, this L. D. 1699 was equally impossible. It would neither give them the relief that they seek nor would it provide acceptable procedures for this agency to follow. It could do nothing but create chaos in this Commission, and in the courts that would try to implement the law. The federal government is now considering legislation to take care of this situation. In fact, they might soon require the states to pay for such losses where federal aid money is involved. However, when and if they take this position, we will be required to amend our laws to conform, and that is the time for consideration of such legislation, not now.

Furthermore, lady and gentlemen of the Senate, we have passed a bill in this session allowing damages for relocation where the state by eminent domain takes the property. I think you are familiar with that bill because it was just recently passed. The simple fact is that L. D. 1699 would create an impossible situation for every city, town, county and state agency that found it necessary to exercise the power of eminent domain.

I think it is an invitation for larceny and I move for the indefinite postponement of this bill and all its accompanying papers.

The PRESIDENT: The Senator

from Piscataquis, Senator Ross, moves that the bill and accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As a member of the Judiciary Committee, I rise to oppose the motion which the good Senator from Piscataquis, Senator Ross, has made. I am interested in the argument which the good Senator made. He said this would create an impossible situation and yet the federal government is considering legislation to take care of this particular situation which troubles the people of Maine and troubled the sponsor of this bill enough to introduce the bill and the Judiciary Committee enough to report it out Ought to Pass.

One of the things which I find so difficult to understand is that people say we should attend to the things that we can here on the state level and not let the federal government take over. Yet I hear in this Legislature so often argued, don't do anything because the federal government may do something. Well, to me if we have an injustice which can be taken care of I see no reason why we should postpone it and wait and see what the federal government may do.

Now, the practical matter of this is that property owners have lost substantial amounts of money by reason of the fact that the State of Maine would make known that they were going to condemn certain property. Now, the Senator from Piscataquis, Senator Ross, has suggested that the courts have so ruled. The statute, the Legislature has said, not the courts, the Legislature has said that the date of the taking is the date when the damage starts accruing. Actually, we know from the situation which occurred here, and many other situations, that the damages do not occur on the date of the taking; they actually occur when the notice goes out or the publicity goes out of the Highway Department that they are going to take this particular piece of property, but when the land-owner comes before the

Land Damage Board, he can only show what the value of that land was on the date of the taking, and its value may have declined very much in the two-year period for instance from the date that the publicity came out until the date of the taking. He is without any remedy. It is a big bother that the State of Maine has taken his property. It has been reduced very much in value and he is without a remedy.

Now, Mr. Richardson, I would say, before the Committee, he agreed. He said "Yes, there is no question about it. This is a real wrong which many of the property owners have sustained." He agreed to that, but he said "I think that it would create some problems insofar as the federal government is concerned on matching funds," but we took care of that problem because it has to be a separate award, so there is no problem as far as the federal government is concerned on the matching funds. Now, procedurally, I suggest to you there is no problem either because when the Highway Commission goes out to make the negotiations, they can negotiate with this phase of the award just the same as they can negotiate with the other phase of the award, and in 90 per cent of the cases they will have a release, a quit-claim deed, and it will be taken care of. In the cases where they have to go to court on it, then the land-owner may bring a damage suit in Superior Court to recover this amount of damage to which I feel that he is entitled.

Everybody knows that there is a wrong here and there is injustice, but they say it will be too much trouble, inconvenience as far as the Highway Department is concerned, to do something about it. I don't follow that line of thinking. I think that this particular bill will take care of the problem, and it will give to the land-owner what I feel he is entitled to and what I think you are entitled to, and what you feel he is entitled to, and that is a fair value of his land. That is all we are asking. Under the present law he does not get reimbursed a fair value for his land,

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

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

Mr. HILDRETH of Cumberland: Mr. President, I rise with some surprise in support of the Senator from Aroostook, Senator Harding. I listened very carefully to what he said and I believe to "give the devil his dues" if I may use that simile, that what he said is completely accurate.

One point that he did not make that I think that Senator Ross suggested was that in situations where there is an impending taking, but nobody knows exactly where the taking is going to be, damage at that point, real damage is created particularly in the rental field when people have land or buildings or apartments for rent and cannot, as a practical matter, and it is a very realistic matter, cannot obtain people to come in and rent this property because they are afraid that in two weeks or a month, or three months, the Highway Department or some other state agency is going to come through and take this property by eminent domain, and, as a very real proposition, this land is damaged. Its value does go down.

This bill would not seek to recompense all these people. It would only recompense ultimately the people whose land was in fact taken and not the people whose land was not taken. I think this bill is a departure, it is an experiment, and it is one of those situations where the state is trying to use its skill and imagination to take care of a problem which it feels exists without having to wait for the federal government to come in and tell us we are not doing this right and, therefore, we are going to have to do it the way the federal government tells us to do it.

I am very much in support on this particular matter of Senator Harding's remarks.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the

Senate: To quote the good Senator from Cumberland, Senator Hildreth that this is experimenting, I say, let's not experiment at this time. For instance, along comes some guy with a tripod and a little telescope and he looks down at somebody's property. Right away he's going to get ideas and he is going to claim damages for the length of time between when this engineer appeared and put the little red flags in the highway — he's going to claim damages from then until the land is taken. I still say it is a bad bill.

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

Mrs. SPROUL of Lincoln: Mr. President, I would heartily support the motion of the Senator from Aroostook. It is a well known fact that when land is taken, it is usually taken from a person who does not particularly want his land disposed of in this manner, and in many cases I have known where the awards were none too generous. Therefore, anything which would help the land-owner, I would be heartily in favor of.

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

Mr. MILLS of Franklin: Mr. President, would you please state the question before the Senate.

The PRESIDENT: The question before the Senate is the motion of the Senator from Piscataquis, Senator Ross, that the bill and its accompanying papers be indefinitely postponed.

Mr. MILLS of Franklin: Mr. President, I would speak in opposition and it is a particular pleasure to find all three of us on the Judiciary Committee in agreement this morning. Now if the good Senator from Kennebec, Senator Lund, would only join us, we would have a real reunion. This measure seemed to be fair to us in the Committee because it takes care of an area where compensation isn't given under the very strict laws of eminent domain. Under those laws, as you probably know, the value of the property is determined just exactly from the date of the taking and so many things can happen before that which

depreciate the value of the property. There are many other things that are not compensable under the very strict law of eminent domain that it seems only fair to recognize at least this area.

For instance, the loss of business use is not a compensable item. Some years ago the very fine restaurant on the outskirts of Bangor was taken, the Pilot's Grill, and that company that operates that restaurant was out of business for a considerable period of time due to that taking, and there was no compensation available to them for that loss of business use. This bill does not take care of such a situation, but it does take care of a situation where through the long periods of time that do occur after the state has definitely made up its mind to take property that tenants flee and values go down because of the apprehension that exists concerning the fact that there will no longer be that property in existence after the state takes it, and it did seem to be a move in the right direction. That is why the Committee in the Senate was unanimous in its report.

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

Mr. LUND of Kennebec: Mr. President, in order that the good Senator from Franklin will have the opportunity to pass the wassail bowl, I just want to let him know that I do plan to join him in opposition to the pending motion.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: Just one other thought. How much is this going to cost the State of Maine? The Highway funds aren't what they should be at the present time. As a matter of fact, they are sadly depleted as you know from the bills and the bond issues that you have seen before you, and I think that the cost of this is going to be stupendous.

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

Mr. HOFFSES of Knox: Mr. President, I would like to ask a question through the Chair of the good Senator from Piscataquis. How much is this going to cost the property owner? I think we have some duty to at least give consideration to the man who is paying the taxes.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have just been advised by my very good friend from Penobscot County, Senator Stern, that I am not a lawyer, but in spite of that I am going to say a few words. After having seen all the attorneys stand up and speak in behalf of the bill, I reread it with a great deal of interest and this comes under the purview of a lawyer's bill, without any question at all.

Certainly the objectives are laudable. There is no question about this, and the sympathy is with the land-owner. There can be no question about this. I think there is no more unpopular act that the state officially does than the Highway Commission taking land for road construction. It certainly was reflected in the defeat of the bond issue for the State Highway Commission Office Building.

I think we have got, as legislators, to use the expression, keep our feet on the ground on some of these changes such as are visualized here. The objective is fine: relief for damage done for a private property owner. But I invite your attention to the language of L. D. 1699, and Senator Ross has put his finger on the very first item, and that is when a surveyor sets up a transit for any reason at all, it may not be in connection with the construction of a road. It might be for determination of a property line, and immediately a chain of events is set in motion. It might go on for many years. Well, I have waited for a good many years for a certain road that I have been following, and five years is a minimum figure, and it might be a lot more than five years.

It seems difficult to believe that we would put legislation on the books that would tie damages, financial damages, involving state money to such an act that couldn't be tied down. It says, "any preliminary act or communication incidental". Somebody might write an innocuous letter suggesting road construction and this would start a chain of events in motion.

Let's step on to the next practical problem. This involves a net loss of rent. What is a net loss of rent? Did the landlord make a good faith effort to rent his property, or did he sit back and say "Boy, I'm on the gravy train now and I am going to ride it"? Immediately there are two very difficult things that even a non-lawyer can understand, and this is to get in and prove the time the chain of events started and the net loss of rent.

Let's step onto the next practical objection, a diminution in the value of such property. Now this is really something. What was the property worth five years ago when the tripod was set up? I think the objective is very good. I am in tremendous sympathy with the problems of highway land taking, but many people have been on the receiving end. I think the awards are impractical from a financial viewpoint and they work hardships on the people of the state involved. Of course, in fairness, we must admit that frequently it is impossible for the State Highway Commission to get clear title without taking it, but it does seem a greater effort should be made to do this.

I would think that from a practical standpoint, and the objections that I have enumerated, that the motion of Senator Ross is very much in order.

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

Mr. STERN of Penobscot: Mr. President and Fellow Members of the Senate: When I whispered to my good friend that he was no lawyer, I didn't know what he was going to say, but I said it as a compliment. The things he said surprise me because what he said is something that I agree with, and I do feel that what he said makes

sense even though it does hurt me. I have had considerable land taking cases, but if a case is properly handled, I think that the individual property owner is not going to take much of a loss when all the facts are taken into consideration, and I do think that, under the circumstances, I am going to support Senator Ross.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think you have heard it said that this is a lawyer's bill and if you can tag that to it, why you stand a chance of defeating it. I would only cite to you the statistics which were given to us by the State Highway Commission themselves in these land damage cases. There are less than five per cent of them that ever wind up into court. So what we are talking about here is the benefit which will accrue to about 95 per cent of the people who are involved without any litigation.

The second part, as far as the difficulty of proof is concerned, this is something which a lawyer has in all cases, but I suggest that that should not be an impairment to the right of the property owner. Now, the Senator from Piscataquis, Senator Ross, suggests that this would cost a lot of money. I don't know how much money it would cost. I don't believe that anybody has much of an idea of how much it would cost. We know it is not going to be a tremendous thing because the land taking itself is not a substantial part of the budget of the Highway Commission. In fact, it is a very small part of the budget, and when you have federal funds that are involved on the interstate system it is a 90-10 proposition. Where you have matching funds, it is a 50-50 proposition as far as contribution is concerned. So we are not talking about a lot of money here, but what we are talking about is the right of an individual to have and own real estate and to be protected on it. Now, when the state takes his real estate and, as a result of that taking, he does not get back a fair value, we haven't given that

property owner a fair shake. All this bill intends to do is just that; that if the state takes this man's property, they give him a fair deal insofar as the amount that he will get back for the property, and I don't see that this is something which we ought to feel so badly about.

And speaking of the bond issue that the good Senator from Cumberland, Senator Berry, is concerned about, I agree with him that one of the reasons that this was defeated, this highway building, there was a bad taste in so many of the people's mouths in the State of Maine who have lost property to the State Highway Commission because they felt, and this is not only in Aroostook County, but all over the State of Maine, they had been given a raw deal, and I think the people of Maine are very fair minded, and they feel that they have not been rightly treated, and it seems to me that we should rightly treat them, and when the day comes that the State of Maine can't afford to pay a fair price for the property that it takes away from a man who owns it, I think we are in pretty sad shape. I don't think that day has arrived. I think we can pay a decent price for the property that we take and this is what this bill intends to do.

The PRESIDENT: The Chair recognizes 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 Piscataquis, Senator Ross. If you read this bill, we have been restricting the debate to state agencies, but the bill says, "Notwithstanding any other provision of law, whenever the State or any agency thereof or any political subdivision of said State." This would get into your town roads. It would get into your state aid roads. When you are building state aid roads and are straightening out the curves and other things, this amount comes out of your joint funds. Your municipalities are going to suffer under this bill. In fact, I was so glad to see so many attorneys, about every attorney in the Senate here, who were after this, and I think this is something

that is going to be very beneficial to the legal profession.

The cost — this is something that nobody knows, but during the next few years we are going to spend about twelve to thirteen million dollars in the compact section of Portland on interstate highways, South Portland five or six million dollars, Kittery nine million dollars on approaches, and I wouldn't be a bit surprised, if this bill goes through and things are settled, that you will be paying more for land taking than you will be for the actual construction of your highways.

I hope that you people in the Senate will give serious consideration to this bill. It was not, I understand, debated in the House, and in many, many cases the value when the highways come through and after the land taking, the value of your property is improved. I lost some property in 1959 in the Town of Hanover when they were building Route 2. I figured that on the taking of my property there I was out between three and four thousand dollars, during that year, then in about two years the property and the land all through that area increased by twice that much. Here are some of the things that we should consider. This bill has been lobbied. I have seen some of my friends lobbying for this bill, and it all stems from one person from Kittery. This is where the whole thing started, and it has certainly gained momentum in both branches. If you pass this bill, it is the general public that is going to suffer. They are the ones who are going to pay the taxes, and certainly we'll have to review the Highway allocation bill, not so very much this time because this bill won't become effective until 90 days after the adjournment of the Legislature, but two years from now you are going to have not one penny out of gasoline tax, but possibly two. You won't be able to float enough bonds to take care of this issue, so I urge you, members of the Senate, to support the motion of the Senator from Piscataquis, Senator Ross.

The PRESIDENT: Is the Senate ready for the question? The

pending question is the motion of the Senator from Piscataquis, Senator Ross, that this bill and its accompanying papers be indefinitely postponed.

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

A division was had. 17 Senators having voted in the affirmative, and 10 Senators having voted in the negative, the motion to Indefinitely Postpone the bill prevailed.

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The President laid before the Senate the fourth tabled and today assigned matter, (H. P. 1184) (L. D. 1686) House Reports—from the Committee on State Government on Bill "An Act to Establish the Division of Municipal Affairs in the Executive Department." Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—June 19, 1967 by Senator Ferguson of Oxford.

Pending—Motion by Senator Wyman of Washington to accept the Majority Ought to Pass Report.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Wednesday, June 21, pending the motion by Senator Wyman of Washington to accept the Majority Ought to Pass Report.

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The President laid before the Senate the fifth tabled and today assigned matter, (S. P. 543) (L. D. 1444) Bill "An Act to Correct Errors and Inconsistencies in the Public Laws."

Tabled—June 19, 1967 by Senator Ferguson of Oxford.

Pending—Adoption of Committee Amendment "A" Filing S-277.

On motion by Mr. Ferguson of Oxford, the Senate voted to Adopt Committee Amendment "A". Under suspension of the rules, the Bill was given its Second Reading. Under further suspension of the rules, the Bill was Passed to be Engrossed and sent down forthwith for concurrence.

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The President laid before the Senate the sixth tabled and today



assigned matter, (S. P. 378) (L. D. 990) Senate Reports — from the Committee on Judiciary on Bill, "An Act to Clarify Authority of Complaint Justices and District Court Judges." Majority Report Ought to Pass as Amended by Committee Amendment "A" Filing S-276; Minority Report "A", Ought to Pass; Minority Report "B", Ought Not to Pass.

Tabled — June 19, 1967 by Senator Harding of Aroostook.

Pending — Acceptance of Any Report.

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

Mr. HILDRETH of Cumberland: Mr. President, let me start off by saying that this is indisputably a lawyer's bill. I don't see how anyone could have much interest in this except lawyers or members of the Bar. You need a score card to tell the players on this report. The bill was introduced by the Senator from Franklin, Senator Mills, as L. D. 990. It was, in effect, a bill to allow them to bring justices from another county to issue complaints within a particular county when a cause arose. The reason for this is because in some counties, notably Waldo, there is no complaint justice. The Bar is limited in the smaller counties, and with this situation it becomes harder and harder to find people to serve as a complaint justice, and in Waldo as a matter of fact it is practically impossible. This bill would allow the court to bring over a complaint justice from Hancock, an adjoining county, to issue the complaint.

This bill makes a lot of sense to me. It was introduced by the Senator from Franklin, Senator Mills, and I favor it and I happen to know that the Chief Justice of the District Court is also very much in favor of it. However, there are two other reports. The other report is a report which was signed by a majority of the Committee which would pass this bill, but would also pass it with Committee Amendment "A". Committee Amendment "A" in effect would repeal a section of the law without public hearing that was passed at

the last session of the Legislature, and although I would frankly say that I scanned very carefully each piece of legislation that was passed at the last session, this seems to be one that makes a great deal of sense. The section that Committee Amendment "A" would repeal is a section saying that the Chief Justice may authorize the Clerk of the District Court, who is also a Justice of the Peace, to issue process for the arrest of persons charged with offenses.

This bill passed by the last session of the Legislature, I think, is a good one. I am opposed to the Committee Amendment which would repeal this. My understanding is that the Senator from Aroostook, Senator Harding, who signed the third report, is also opposed to it. There are three reports on this bill. One is the one which I, as a minority of one, signed that the bill Ought to Pass. The second is the Majority Report of the Committee to accept the bill, but with this amendment, which would repeal the section allowing the District Court to authorize the Clerk to issue process, and the third is the report of Senator Harding and one other member of the Committee that the whole thing Ought Not to Pass. I may be wrong, but my understanding is that Senator Harding's opposition is mainly to the Senate Amendment "A" so that we are in agreement on that point.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, now moves that the Senate accept Report "A" Ought to Pass.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I believe that the Senator from Cumberland, Senator Hildreth, has fairly stated the problems which exist here. I feel that the Majority Report, Ought to Pass with Committee Amendment "A", would be a very dangerous and expensive situation as far as the State of Maine is concerned, because, as I read it, you would have to go to a Complaint Justice to have a simple warrant for speeding made out. These things all cost money and I think that is entirely unnecessary.

My opposition to having people outside of a county issue warrants is that I feel that people within a county know the particular situation there better and are better able to issue a warrant because you have some very classical situations exist. I know in my own home town there are people who enjoy fighting husbands and wives. It is a thing that goes on and on. Someone down in Bangor might feel it is a very perilous situation and, not knowing the background, they might issue a warrant and have the man arrested when it would be entirely unnecessary. A little bit of time would take care of it.

If the real issue here is that there is not someone in the county that is appointed as a Complaint Justice who could issue a warrant, I certainly would be willing to go along with the Ought to Pass, with it being amended, so that it would apply only in the case where there was not a Complaint Justice appointed in that county. It seems to me that that is a reasonable solution to the problem, and I would support at this time Senator Hildreth's Ought to Pass report, thinking perhaps that this might be done, and it seems to me that would answer all the problems that anybody has.

Thereupon, on motion by Mr. Hildreth of Cumberland, the bill was tabled and specially assigned for Wednesday, June 21, pending the motion by that same Senator that the Senate accept the Minority Report "A" Ought to Pass.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 1201) (L. D. 1708) Bill "An Act Repealing Economic and Recreational Development in Oxford County."

Tabled—June 19, 1967 by Senator Ferguson of Oxford.

Pending Passage to be Engrossed.

On motion by Mr. Ferguson of Oxford, the Senate voted to Pass the Bill to be Engrossed.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the eighth tabled and today

assigned matter, (S. P. 329) (L. D. 863) Senate Reports—from the Committee on Judiciary on Bill "An Act Providing for a Study for the Creation of a Full-time Prosecuting Attorney System for the State of Maine." Majority Report, Ought to Pass in New Draft, (S. P. 686) (L. D. 1716) Minority Report, Ought to Pass.

Tabled—June 19, 1967 by Senator Lund of Kennebec.

Pending—Motion by Senator Mills of Franklin to Accept the Majority Ought to Pass in New Draft Report.

In Senate: Voted to accept the Majority Ought to Pass in New Draft Report of the Committee, and the New Draft was Read Once. Under suspension of the rules the Bill, in New Draft, was given its Second Reading and Passed to be Engrossed.

Sent down forthwith for concurrence.

The President laid before the Senate the ninth tabled and today assigned matter, (H. P. 1045) (L. D. 1517) Bill "An Act Relating to Hours of County Offices of Androscoggin County."

Tabled—June 19, 1967 by Senator Girard of Androscoggin.

Pending—Consideration.

(In Senate—June 9, 1967 Passed to be Engrossed as Amended by Committee Amendment "A" — Filing H-396.)

(In House—June 15, 1967 Passed to be Engrossed as Amended by Committee Amendment "A" and as Amended by House Amendment "B", Filing H-433.)

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

The President laid before the Senate the tenth tabled and today assigned matter, (H. P. 1191) (L. D. 1691) Bill "An Act Clarifying the Offense of Procuring Liquor for Certain Persons."

Tabled—June 19, 1967 by Senator Katz of Kennebec.

Pending—Enactment.

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

Mr. JOHNSON of Somerset: Mr. President, I now move the pending question.

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

Mr. MacLEOD of Penobscot: Mr. President, I would like to inquire through the Chair to any member of the Judiciary Committee if the last part of the sentence under 1058 "Whoever sold liquor to a minor under the age of 18 years should be punished by a fine of not more than \$200 or by imprisonment for not more than one month." Is this whoever knowingly procures, or just any person who sells liquor to anyone under 18 is punished by a fine of \$200?

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, poses a question to any member of the Judiciary Committee, who may answer if he so chooses.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate, and particularly the good Senator from Penobscot, Senator MacLeod: The answer is in the affirmative, that it does not require a willfulness if the minor is under the age of 18 years. The bill came in, I think, at 19 years, but the Committee dropped it down to 18. It was felt that when a minor is involved in the purchase of liquor, and the age is less than 18, that you shouldn't have to prove that the bartender or the barmaid or the grocery clerk, whoever is selling the liquor, had a deliberate malicious knowledge or deliberate design to do what he was doing, that there should be sufficient awareness that anyone under 18 years of age was a minor, that is, he was under 21 so that willfulness would not be required, it somewhat smacks of the argument that we had a couple of weeks ago in regards to willfulness in motor vehicles, that over 18 and up to 21, there would have to be a showing of willfulness.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I respectfully suggest to the

Senator from Franklin, Senator Mills, that I can show him several young ladies under 18 years old that I say he will not be able to tell whether they are 18 or 22 or 23, or 24 years old. Today — the way of the hairdos and the make-up and the dress, etc., it is pretty difficult to tell, and I can visualize a respectable restaurant which might dispense liquor, and a girl who looks 22 or 23, with a false identification card, that the bartender or the waitress would ask for and be shown to, and he serves her because he thinks she is over 21, particularly if she has some kind of a license, there are all kinds of them. We had a little ring in Brewer a little while ago where two high school boys were manufacturing these ID cards with false ages on them. I say it is very difficult for a business establishment to tell sometimes, particularly if they have this forged identification, how old a young lady is, and I think that this is a very stiff penalty to put on somebody who sells liquor unknowingly, and not willfully, to a young lady particularly. I think that boys are much easier to identify as far as age.

If I understand the Senator from Franklin correctly, then I would now move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, now moves that this bill be indefinitely postponed in concurrence.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President: I recall just a few days ago, when we were discussing the other bill in which willfulness entered in, it was very carefully pointed out that willfulness had no place in a matter dealing with a civil remedy only, and at that time the Senate agreed that the standard of willfulness should not be required in the case of the violations of the small loan laws. By the same token, I feel that the standard of willfulness does belong in what might be called inadvertent offenses.

It is entirely possible for a person to sell liquor inadvertently to a person who is under age, and I have very grave reservations about

removing the standard of willfulness from what is a criminal offense, and I, therefore, am going to join in support of the good Senator from Penobscot, Senator MacLeod's motion to indefinitely postpone. I think that what is attempted to be sought here is very laudable, and I join with the people who are seeking to eliminate violations of the law regarding the sale to minors. I do not think that this is a problem that can be solved legislatively in this fashion here. I don't think removing the standard of willfulness is appropriate under these circumstances.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Penobscot, Senator MacLeod, that this bill be indefinitely postponed.

As many as are in favor of indefinite postponement will say "Yes". Those opposed "No".

A viva voce vote being had, the motion to Indefinitely Postpone the Bill prevailed.

The President laid before the Senate the 11th tabled and today assigned matter, (H. P. 1213) JOINT ORDER — Relative to Recalling from the Files Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 1120) (L. D. 1592)

Tabled—June 19, 1967 by Senator Hoffses of Knox.

Pending — Passage.

On motion by Mr. Hoffses of Knox, the Joint Order was Indefinitely Postponed.

The President laid before the Senate the 12th tabled and today assigned matter, (H. P. 583) (L. D. 815) House Reports — from the Committee on Judiciary on Bill, "An Act Establishing the Maine Planning Commission on Criminal Law Administration." Majority Report, Ought to Pass as Amended by Committee Amendment "B", Filing H-427; Minority Report, Ought Not to Pass.

Tabled — June 19, 1967 by Senator Lund of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Mills of Franklin, the Senate voted to accept the Majority Ought to Pass Report and the Bill was Read Once. Committee Amendment "B" was Read and Adopted and, under suspension of the rules, the bill given its Second Reading.

Thereupon, under suspension of the rules, the bill was Passed to be Engrossed in concurrence.

The President laid before the Senate the 13th tabled and today assigned matter, (S. P. 70) (L. D. 152) Senate Reports—from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of Seventeen Million Eight Hundred Two Thousand Dollars for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings."

Majority Report, Ought to Pass in New Draft "A" under New Title: Bill "An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 691) (L. D. 1726) Minority Report, Ought to Pass in New Draft "B" under New Title: Bill "An Act to Authorize Bond Issue in the Amount of \$21,740,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 692) (L. D. 1727)

Tabled—June 19, 1967 by Senator Albair of Aroostook.

Pending—Acceptance of Either Report.

On motion by Mr. Albair of Aroostook, retabled and specially assigned for Thursday, June 22, pending Acceptance of Either Report.

The President laid before the Senate the 14th tabled and today assigned matter, (S. P. 597) (L. D. 1575) Bill "An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969."

Tabled—June 19, 1967 by Senator Johnson of Somerset.

Pending—Motion by Senator Johnson of Somerset to Reconsider.

Mr. Johnson of Somerset was unanimously granted leave to withdraw his motion to reconsider.

On further motion by the same Senator, and under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate the 15th 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 19, 1967 by Senator Sewall of Penobscot.

Pending—Enactment.

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

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

Senate Amendment "B", Filing S-280, was read by the Secretary as follows:

SENATE AMENDMENT "B" to S. P. 635, L. D. 1635, Bill "An Act Relating to the Water and Air Environmental Improvement Commission."

Amend said Bill by striking out all of section 1.

Further amend said Bill in section 2 by striking out in the 7th line (6th line in L. D. 1635) the figure "8" and inserting in place thereof the following: "10" and by striking out all of the last 2 lines (same in L. D. 1635) and inserting in place thereof the following: 'represent the public generally, 2 of whom shall represent the conservation interests in the State and 2 other members knowledgeable in matters relating to air pollution.'

Further amend said Bill in section 5 by striking out in the 5th and 6th lines of the 6th paragraph of that part designated "§363" (5th line in L. D. 1635) the underlined words and figures "during at least 16 hours of any 24-hour period" and by inserting after the underlined words "any time" in the 6th line (same in L. D. 1635) the underlined punctuation and words

'subject, however, to normal natural variations,'

Further amend said Bill in section 5 by striking out in the 4th and 5th lines of the 9th paragraph of that part designated "§363" (4th line in L. D. 1635) the underlined words and figures "during at least 16 hours at any 24-hour period" and by inserting after the underlined punctuation and words "any time," in the 5th line (same in L. D. 1635) the underlined punctuation and words 'subject, however, to normal natural variations,'

Further amend said Bill in section 5 by striking out all of the 13th paragraph of that part designated "§363" (same in L. D. 1635) and inserting in place thereof the following underlined paragraph:

'The dissolved oxygen content of such waters shall not be less than 5 parts per million for trout and salmon waters, subject, however, to normal natural variations, and not less than 4 parts per million for non-trout and non-salmon waters, subject, however, to normal natural variations. The numbers of coliform bacteria allowed in these waters shall be only those amounts which will not, in the determination of the commission, indicate a condition harmful to the public health or impart any usages ascribed to this classification.'

Further amend said Bill in section 5 by striking out in the 2nd, 3rd and 4th lines of the 14th paragraph of that part designated "§363" (same in L. D. 1645) the underlined punctuation and words except such small amounts as may be attributable to the discharge from facilities providing the best practicable treatment or control"

Further amend said Bill in section 5 by striking out all of the 3rd underlined sentence of the 16th paragraph of that part designated "§363" (same in L. D. 1635) and inserting in place thereof the following underlined sentence:

'Dissolved oxygen of these waters shall not be less than 2.0 parts per million, subject, however, to normal natural variations and shall always be present.'

Further amend said Bill in section 5 by striking out all of the first underlined sentence of the 17th paragraph of that part designated “§363” (same in L. D. 1635) and inserting in place thereof the following underlined sentence: **‘These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum.’**

Further amend said Bill in section 6 by striking out all of the 6th underlined sentence of the 9th paragraph (same in L. D. 1635) and inserting in place thereof the following underlined sentence: **‘There shall be no floating solids, settleable solids, oil or sludge deposits attributable to sewage, industrial wastes or other wastes, and no deposit of garbage, cinders, ashes, oils, sludge or other refuse.’**

Further amend said Bill in section 6 by striking out all of the first underlined sentence of the 12th paragraph (same in L. D. 1635) and inserting in place thereof the following underlined sentence: **‘These waters shall be free from sludge deposits, solid refuse and floating solids such as oils, grease or scum.’**

Further amend said Bill in section 11 by striking out all of that part designated “§415” and inserting in place thereof the following:

**‘§415. Appeals**

**Any person aggrieved by any order or decision of said commission may, within 30 days after notice of the filing of such order or decision, appeal therefrom to the Superior Court. Notice of the appeal shall be ordered by the court without a jury in the manner and with rights provided by law in other civil actions so heard. The court shall receive in evidence in any proceeding hereunder a transcript of the proceedings before the commission and a copy of the commission’s order and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability and to the physical and economic feasibility of securing abatement of any pollution in violation of this chapter, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public**

**interest and the equities of the case may require.’**

Further amend said Bill in section 12 by inserting after paragraph E. of subsection 1 of that part designated “§451” (same in L. D. 1635) the following underlined paragraph:

**‘After notice to and a hearing with the affected parties, the commission shall issue to any municipality, sewer district, person, firm, corporation or other legal entity, special orders directing such operating results as are necessary to achieve any of the interim goals set out in the above timetable.’**

Further amend said Bill in section 12 by striking out all of the last underlined sentence of subsection 1 (same in L. D. 1635).

Further amend said Bill in section 12 by inserting after the underlined word “subchapter” in the last line of subsection 2 (same in L. D. 1635) the following underlined words **‘and present such evidence as may be pertinent and relevant to the alleged violation’**

Further amend said Bill in section 12 by striking out all of the last 2 underlined paragraphs (same in L. D. 1635) and inserting in place thereof the following underlined paragraphs:

**‘After consideration of said evidence and argument, or in the event of a failure of the alleged violator to appear on the date set for hearing, the commission shall, as soon thereafter as practicable, make findings of fact and, if it finds that a violation exists, it shall issue an order aimed at ending the violation.**

**All orders of the commission shall be enforced by the Attorney General. If any order of the commission is not complied with within the time period specified, the commission shall immediately notify the Attorney General of this fact. Within 30 days thereafter, the Attorney General shall forthwith commence an action in the Superior Court of any county where the violation of the commission’s order has occurred. If the commission finds that the discharge of any material into any waters of this State constitutes a substantial and**

immediate danger to the health, safety or general welfare of any person, persons or property, they shall in addition request the Attorney General to initiate immediate injunction proceedings to prevent such discharge.'

Further amend said Bill by striking out all of section 14 and inserting in place thereof the following:

'Sec. 14. Appropriation. There is appropriated from the General Fund to the Water and Air Environmental Improvement Commission for Water Pollution Control the sum of \$12,068 for the fiscal year ending June 30, 1968 and the sum of \$19,579 for the fiscal year ending June 30, 1969. The breakdown shall be as follows:

WATER AND AIR  
ENVIRONMENTAL  
IMPROVEMENT COMMISSION

	1967-68	1968-69
Water Pollution Control		
Personal Services		
(2)	\$12,068	(2) \$19,579

There is also appropriated from the Unappropriated Surplus of the General Fund to the Water and Air Environmental Improvement Commission for Air Pollution Control the sum of \$19,000 for the fiscal year ending June 30, 1968 and the sum of \$17,000 for the fiscal year ending June 30, 1969. The breakdown shall be as follows:

WATER AND AIR  
ENVIRONMENTAL  
IMPROVEMENT COMMISSION

	1967-68	1968-69
Air Pollution Control		
Personal Services		
(1)	\$12,000	(1) \$12,000
Capital Expenditures		
	7,000	5,000
	<hr/>	<hr/>
	\$19,000	\$17,000'

Further amend said Bill by renumbering sections 2 to 14 to be sections 1 to 13.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: It might be in order if I explained very briefly the context and the reason behind this amendment, which is a fairly lengthy and somewhat technical document.

We have endeavored over the past several weeks to reach an acceptable compromise with the minority party regarding this very important Air and Water Environmental Improvement Commission Bill. This is a very comprehensive bill, which does cover the water classifications in the State and sets up a time table for several years to come. It also calls for a study of air pollution. Both of these subjects are very technical, and there was a large area of disagreement between the majority and the minority parties as to how these rules would be administered. We have tried very earnestly to reach a common ground that would be acceptable to both sides, and this amendment incorporates the results of several written communications between the opposing camps. We trust that this amendment will provide an acceptable compromise, and I hope that the bill will be ultimately approved by all branches. Thank you.

Thereupon, Senate Amendment "B" was adopted and the Bill, as Amended, Passed to be Engrossed. Then, under suspension of the rules, sent down forthwith for concurrence.

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

Mr. MILLS of Franklin: Mr. President, is the Senate in possession of Legislative Document 1392 relating to District Courts?

The PRESIDENT: The Chair will reply in the affirmative, this bill having been held for reconsideration.

Mr. MILLS: I move, Mr. President, that the Senate now reconsider its action of yesterday whereby the bill was indefinitely postponed.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate now reconsider its action whereby it indefinitely postponed (S. P. 544) (L. D. 1392) Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin."

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, I would like to oppose

the motion for reconsideration and request a division.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of reconsidering the action of the Senate of yesterday in indefinitely postponing this bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Mr. Mills of Franklin was granted unanimous consent to address the Senate briefly.

Mr. MILLS of Franklin: Mr. President, this is particularly addressed to the good Majority Floor Leader. There was an item among the Enactors today, 8-4, and I was perhaps obviously disturbed when it was routed to the table and your tabling motion prevailed. I now find that that was inadvertently perhaps a boon because I had omitted to present an amendment which I should have presented earlier, and I would like to tell you about it so that you will know it is all right. Then I would like to ask if you would possibly take it off the table, in the interest of expediting matters, since it isn't so very late, and then we could go on to reconsider our engrossment and I could submit this motion in good order.

The PRESIDENT: The Chair might save time by saying that the Chair will rule that no bill will come off the table that has been tabled and specially assigned for another day unless there is unanimous consent of all the Senators and all of them being present.

Mr. MILLS: Which would make it rather impossible today.

The PRESIDENT: That is right.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, for the information of the good Senator from Franklin, Senator Mills, I would like to say

that there is a price tag on this item. I believe that the Appropriations Committee Chairman would substantiate that.

The President laid before the Senate the second tabled and specially assigned matter tabled earlier in today's session by Senator Berry of Cumberland, (S. P. 654) (L. D. 1666) Bill "An Act Regulating Snow Traveling Vehicles."

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

Mr. GOOD of Cumberland: I believe the pending motion is to recede and concur, and I support that motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: Part of the motion by the Senator from Cumberland, Senator Good, is to recede. I would like to have the Senate recede. I don't know which motion takes precedence over the other.

The PRESIDENT: The Chair would rule that the motion to recede does take precedence. Does the Senator now move that the Senate recede from its former action?

Mr. FERGUSON: Yes, Mr. President.

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

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, I would be interested in knowing the purpose of the motion of the gentleman from Oxford, Senator Ferguson, to recede.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I made this motion in the hopes that it would receive passage for the purpose of offering an amendment, which is Filing 282.

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



The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, I would be interested in learning about the substance of the amendment from the Senator from Oxford, Senator Ferguson.

The PRESIDENT: The pending question is the motion of the Senator from Oxford, Senator Ferguson, that the Senate recede.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would ask for a division on the motion.

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

Mr. FERGUSON: Mr. President and Members of the Senate: I think that the Senator from Cumberland, Senator Good, has asked for the purpose of what we are going to accomplish by this amendment. It refers to the section on application for a license. This amendment would not make it necessary for people operating snow traveling vehicles on unplowed private roads and wood roads, rivers, brooks and streams, and great ponds, the same as you do on private property now. It would eliminate this part of Legislative Document 1666. This is the purpose of it. I didn't think it was necessary. In fact, they tried to put this amendment on in the House but it was beaten down. So, I thought possibly we could get it on in the Senate. I think it is a good amendment and that is why I am offering it.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: I would oppose the motion of the Senator from Oxford, Senator Ferguson, to recede for the purpose of introducing an amendment.

We had quite an extensive hearing on this snow traveling vehicle bill; it was thoroughly discussed. People came from all over the State. There were certain amendments offered which everyone was in agreement with. There have already been two amendments placed on the bill since then,

and there are two more which are acceptable, which the motion to recede and concur would accept. Now we are presented with a fifth. Now, this amendment is not acceptable because it would make the bill inapplicable in certain areas. The amendment says "This Chapter" - meaning this bill - "shall not apply to the operation of snow traveling vehicles on unplowed private and wood roads." Now, anyone reading the law would assume then that everyone who had a snow traveling vehicle was authorized to travel over unplowed private and wood roads. Well, of course, they wouldn't be authorized to do it because they would be trespassers, but it almost seems a license for them to do that.

Secondly, it goes on further to say that "This Chapter shall not apply to rivers, brooks, streams and great ponds." In other words, if a vehicle were being used in these areas it is a fact, if this amendment was adopted, that these vehicles would not have to be licensed. So, you are going to have part of the vehicles licensed and part of the vehicles not licensed. And some of those that are not licensed would assume that they are authorized to travel on private roads. The bill itself says that is no license to travel on private property.

Now, someone mentioned that of course they always have a bottle along when they go with these vehicles. I don't know what that has to do with them not being licensed, but I said "How do they get home." And they said "Well, there is always somebody that is sober." Thank you.

The PRESIDENT: The Chair would like to point out to the Senate that apparently everybody is agreed that we at least should recede. Some agree that we should recede and concur. Some agree that we should adopt an amendment. I would urge, therefore, that the Senate vote to recede, and then vote on the amendment to be offered by the Senator and dispose of that so as to be in a position to concur with the House.

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, that procedure is perfectly all right with me, provided we indefinitely postpone the amendment.

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

The motion prevailed.

Mr. Ferguson of Oxford presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C", Filing S-282, was read by the Secretary as follows:

SENATE AMENDMENT "C" to S. P. 654, L. D. 1666, Bill "An Act Regulating Snow Traveling Vehicles."

Amend said Bill in section 1 by striking out all of that part designated "\$2160" (same in L. D. 1666) and inserting in place thereof the following:

'\$2160. Application

**This chapter shall not apply to the operation of snow traveling vehicles on unplowed private and woods roads, rivers, brooks, streams and great ponds.'**

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

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President, I move that Senate Amendment "C" be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Good, now moves that the Senate indefinitely postpone Senate Amendment "C". As many as are in favor of the indefinite postponement of Senate Amendment "C" will say yes; those opposed, no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the Senate voted to Concur.

The President laid before the Senate the fifth tabled and unassigned 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 7, 1967 by Senator Johnson of Somerset.

Pending—Acceptance of Report.

On motion by Mr. Johnson of Somerset, the Bill was substituted for the Report, and the Bill Read Once.

Under suspension of the rules, the bill was given its Second Reading and, under further suspension of the rules, Passed to be Engrossed and sent down forthwith for concurrence.

The President laid before the Senate the sixth tabled and unassigned 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 9, 1967 by Senator Johnson of Somerset.

Pending—Acceptance of Report.

On motion by Mr. Johnson of Somerset, the Ought to Pass in New Draft Report of the Committee was Accepted, and the Bill Read Once.

House Amendment "A" was read and adopted.

Thereupon, on motion by Mr. Ferguson of Oxford, the Senate voted to reconsider its action whereby House Amendment "A" was adopted and, on further motion by the same Senator, indefinitely postponed House Amendment "A".

Under suspension of the rules, the Bill was given its Second Reading and, under further suspension of the rules, Passed to be Engrossed and sent down forthwith for concurrence.

The President laid before the Senate the tenth tabled and unassigned 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, New 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 13, 1967 by Senator Johnson of Somerset.

Pending — Acceptance of Either Report.

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

Mr. JOHNSON of Somerset: Mr. President, I move that we accept the Majority Ought to Pass in New Draft, New Title, Report of the Committee.

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

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I realize that what we say here today is not going to have very much effect on what is going to happen, but I do think that there are some things which ought to be made known.

First of all, I would say that I did present a bill which incorporated the suggestions and recommendations which were made by an impartial Senatorial Apportionment Commission. I don't know if any other bill at this session was denied a public hearing or not, but my bill was denied a public hearing. I believe that this is an affront against particularly a legislative leader. I think it is an affront against any legislator who introduces a major piece of legislation and is denied a hearing. I think it is an affront against the people that the Senator represents, and also it is an affront against all the people of the State of Maine.

In times past it used to be that these reapportionment matters were decided in a small room among a few politicians who would decide how Maine was to be carved up to best suit the politicians. I think those times have passed and that the people of Maine ought to have something themselves to say

at the public hearing as to how they will be divided up. So I think this is very unfortunate, and I hope that never again will we see a Legislature that will deny a public hearing to a bill of major import such as this.

This majority plans has been, I think, very unfairly, called the second abortion bill. I do say that is unfair. Although I did oppose the abortion bill originally that was submitted, and I thought it was a very poor piece of legislation, certainly it is a much better piece of legislation than this majority plan and, therefore, I think that the sponsor of the first abortion bill, we should apologize to her for someone suggesting that this is the second abortion bill.

I also would say that Representative Gerry, if he were living now, would be proud of this majority plan. It represents gerrymandering in some areas at its very best.

I would call your attention to District No. 9. I don't know what a gerrymander looks like, but that should be a fine example of a gerrymander. It goes right around the City of Portland down there and picks up some various areas and does a splendid job of gerrymandering.

I don't know what my good friend, the Senator from Franklin, Senator Mills, what offense he may have committed, but it does appear that great violence has been done to the County of Franklin. I don't know what Rumford and Mexico have in common with the County of Franklin and why it should be divided thus, but thus it has been divided. So, it doesn't look as if the Senator from Franklin, Senator Mills, would have too good a shot at this thing if he were to run again.

I look up into my own county of Aroostook at the pride which the people have there, and I am not sure that they are going to be particularly proud that part of their county has been ceded to Penobscot County. I was very much cheered at the time that my good friend from Piscataquis, Senator Ross, I thought that under the Minority Plan he would have a chance to campaign in our own

County of Aroostook, and we would very gladly have accepted Piscataquis as a part of this Senatorial District, and I know that however much the good Senator has enjoyed campaigning before, that certainly it could never have matched his pleasure at campaigning up through the valley. There are many bears there who I know would be very pleased to see the good Senator, and the people there are very hospitable. But under the Majority Plan you would be denied that privilege.

I would also say that both these plans, of course, meet the constitutional requirements, as I think most people here agreed would be the situation. However, the constitutional requirements are not the sole objectives certainly. They are one necessary objective, but the fairness to the different areas to make sure that they have the same economic status, they have some relation to their geography, and so on, these are important things.

I look at the County of Cumberland again and I see that it has been divided. That is, part of it on one end goes to another area, and they have picked up part of York on the southern part to make up for that which they gave away on the northern end. It doesn't seem to me that this represents the best interests of the people of the State of Maine. I believe that all that we say here in this Legislature, and what we do here about this particular plan probably will be for naught. I think everybody here knows what is going to happen to this, but I felt that it was important that some of these matters be brought out on the record.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: I would like to remind the good Senator from Aroostook, Senator Harding, that bears can't vote. And under his Minority Plan, I looked that over very carefully, and I couldn't find any road running from the large County of Piscataquis up there to the district that he had tied in with us. It re-

minds me of that record that my son used to play over and over again. It was called "Bert and I." Along came a tourist from out of state in a car and he wanted to get to a certain town in Maine, and he would give him one direction and then he would give him another direction, and finally he said "Hell, man, you can't get there from here." That would be the situation I would be up against.

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 the Senate is aware that there will be other opportunities to discuss this bill, and I do not propose to debate it at every stage of the proceedings as apparently the good Senator from Aroostook plans to do. However, he has raised a couple of points which I think perhaps should be clarified just in terms of showing both sides of the picture.

My memory isn't perfect by any means, but I note that he refers to the origin of his Minority Plan as being an impartial committee. If my memory serves me, the origins of the plan were a good deal less than nonpartisan. As I recall it, there was a bill introduced at the last session establishing this commission, and I believe the Governor vetoed the bill. And the only way that the Majority Party last session could get this commission into being was to pass it by a legislative order which was not subject to veto. So I would suggest that we don't need to accept Senator Harding's assertion as to the impartiality of the origins of his bill.

I am a little bit puzzled at Senator Harding's discussion today because he pretends to be discussing it in a serious vein, and yet he gives circulation to the term "second abortion bill." I would suggest that the Senator cannot mean that seriously. He can't seriously be trying to tie such a label onto the Majority Plan and, if he is attempting to do it in humor, possibly there are other places where such humor might be more fitting.

As I stated initially, I do not propose to debate this at every stage of the proceedings, and I think we will have opportunity later on to discuss the merits of both of these proposals in full.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I have here a Webster Dictionary which defines the word "gerrymander," the verb, "to change the boundaries of election districts to give one political party an unfair advantage." I would ask the Senator from Aroostook, Senator Harding, if Elbridge Gerry might not have also been very amused by the spectacle of a poor Republican from Dover-Foxcroft having to make his way through two other different districts, over roads that don't exist, to the northern part of his district to Fort Kent to the welcoming arms of the Democratic stronghold located in that area. I would also ask him if Elbridge Gerry might not chuckle somewhat at the spectacle of the good City of Biddeford, the bountiful Democratic munificence, being spread into three different districts.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: One of the things which would have been brought out at the public hearing, had I been granted the courtesy of having a hearing on this bill, which I was denied, would have answered these charges which are being made that this is something which the Democratic Party concocted. Of course, the Senatorial Commission, as originally set up, was pursuant to an order of the 102nd Legislature. However, the members on that Commission, and this is right in the front of the Report of the Senatorial Apportionment Commission, those commissioners were two Democrats, two Republicans, and the others were the Professor of History at Bowdoin, the Pro-

fessor of History at Bates, the Chairman of the Department of Political Science at the University of Maine, the Professor of the Department of Government at Colby College, and the Dean of the Law School of the University of Maine at Portland.

Had I had the privilege, which I think was granted to everyone else, of having a public hearing on their bills, these people would have been here, and you wouldn't have had to hear from my lips, you could have heard from their lips, as to how this was drafted. They would have told you that there were no political considerations involved whatsoever in the way that these districts were set up. And they would have told you that the consultations, if any, among political leaders was minimal, and this was a draft which they made themselves. It was a disinterested group of people who had no axes to grind whatsoever, and this is the way that they set this up.

I wish the people of Maine could have heard this, and I wish they could have heard of all of the hours that the people, the students at the University of Maine Law School, put in to do this job. And then I wish they could have heard who it was, and where the other plan was drafted. But the people of Maine will never know this, you see. This is what they are cheated out of when they are deprived of a public hearing on a bill. So, now all the people will know about are the charges and countercharges that we make here. But there is available for all the Maine people and for all the Senators here to read the Senatorial Apportionment Commission's Report. It was submitted by the Chairman, Edwin S. Godfrey, who is the Dean of the Law School of the University of Maine in Portland. I don't think there is anyone here who is going to challenge his impartiality or his competence. It was the result of this impartial group that the Minority Plan was submitted.

I would also point out that, as far as my own area is concerned, certainly under the Minority Plan it would do me very little good, and it probably would insure that I would be defeated if I ran again. But that is beside the point; it is not how one or two Senators will be affected, the question is how all of Maine would be affected by this division. One group did it on an impartial nonpolitical basis, and it could be substantiated by Dean Edwin S. Godfrey, had he been granted the privilege, or the right I should say, of coming before this Legislature and testifying, and the other plan was devised strictly on a political basis. But I think what is finally going to happen here is that this Legislature is going to come out with no plan, and probably the Supreme Court of Maine will have the responsibility of drawing the districts.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: The good Senator from Aroostook, Senator Harding, reminds me of another point I had intended to make in response to his remarks concerning the lack of a public hearing. My understanding is that it has not been the practice in the past to have public hearings on reapportionment plans, and we have followed this practice this year.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: As a member of the Reapportionment Committee, I feel that the Senate should be informed of one other feature in the Majority Report which hasn't been mentioned as yet. This is that the Majority Report took straight line population projects from 1950 to 1960, and then extended those on a straight line basis to 1970.

The Supreme Court has held that our Report is constitutional, and this would mean that if we do reapportion on the basis of the Majority Committee Report it is conceivable that we wouldn't have to

four years from now go over this whole thing again and reapportion again, because the census would be taken in 1970, but the ward breakdowns from the large cities are not available, and won't be available to this Legislature in January of '71 and won't be available probably for another 12 to 18 months after the census is taken. So, we would be in the position, under the constitutional referendum that was passed last Fall, of having to reapportion again and not having accurate figures to go on. But if we just used the projections which the Committee used in this L. D. 1709, this would remain valid for the next ten years. So that the reapportionment as passed by this Legislature wouldn't have to be redone again in four years.

The Senator from Aroostook, Senator Harding, mentioned the political make-up and nonpartisan nature of this Commission. If my information is correct, the nonpartisan public members of this Commission's registrations are: 3 Republicans, 1 Democrat, and one was not registered to vote. That is a little bit of information to pass on, along with the two Republican and two Democrat members of the Commission.

As far as the public hearing is concerned, the districting of a house and senate is legislative business. We are operating under a mandate from the people as passed in constitutional referendum last Fall. The House was redistricted in 1963 and I don't believe any public hearing was held on that. They reported out a bill, and that is what our Committee was ordered to do by this Legislature, and that is what we did. We reported out two bills. I would hope that 1709 will become, in fact, law, and be the new districts.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel compelled to make a few remarks in regards to this Senate Reapportionment.

Having served on two previous Reapportionment Committees, and grateful not to have to serve on this one, I would point out a few

facts. The matter of political make-up has been brought to light quite forcefully. I would like also to bring to light another fact of political make-up, and that is of the special committee which was appointed in the 102nd Legislature on Senate Reapportionment. The make-up was nine to one. I was the one Republican on that committee. It was ultimately the bill which I introduced which was passed and which went to the referendum of the people. Now, I do not care to take any credit or discredit for that L. D.

I am reminded of the hearing which was held, which I do not believe this session is particularly interested in the results thereof. But in answer and in defense of this L. D., I believe that the primary reason for the Majority Report is that if this Minority Report were to be accepted, and Piscataquis County's jurisdiction, that is now controlled by the Assistant Majority Floor Leader, the distinguished Senator from Piscataquis County, Senator Ross, were this Minority Report to be accepted, and that portion of Aroostook County were to be included in his district, I believe it was felt that Aroostook County might lose its identity to Piscataquis, and none of us certainly would want "The County" to lose its identity.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would say, first of all, that as far as the projections which are suggested here, that we are not going to have to reapportion again in four years, I don't know where the figures came from on these straight line projections, but our Constitution says that as a basis for these Senatorial Districts we must use the federal census figures. So the federal census figures would have to be used, and I can understand the majority party's feeling that they would like to gerrymander this, not only for this time, but for the next ten years after that. But I think that the Legislature, which will be in session when it comes time to reapportion, will want to give this their

own consideration and, rather than taking some straight line projections, under the Constitution they must take the 1970 federal census figures to make up these new Senatorial Districts.

I was pleased with the remarks of the good Senator from Knox, Senator Hoffses. He has testified to the fairness of the Committee. Although it was nine to one against him, yet the Committee unanimously supported the plan which he adopted. How much more impartial can you be than that. We fought to get it passed by the 102nd Legislature, and it was, and Senator Hoffses forever has to his credit that he devised the plan that finally was passed by the people, and under which the people of Maine will be redistricted into Senatorial Districts. How much honor can you want, I would ask.

I didn't suggest that it cast any aspersions by calling this the second abortion bill. I thought that it was very unfortunate that those statements should be circulated because, as I say, it was not as good a bill as the real abortion bill. Anyway, all that we say here is going to come to naught, I suspect, and I wish it had been possible for this Legislature to meet its responsibilities and come up with a plan which would be acceptable and could be enacted, but apparently that is not to be. When the vote is taken, Mr. President, I ask that it be taken by division.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: For purposes of clarification, I would like to reassure the Senator from Aroostook, Senator Harding, that the figures that the Reapportionment Committee used were the federal census figures from 1960 and 1950, with a straight line projection to 1970. I don't know in 1971, when the time comes to reapportion the Senate again, if we don't have the latest ward figures from the large cities, how we can reapportion on any basis other than the information that we have available. That is one reason that the majority of the Committee reported out the bill that we did.

Also, for purposes of further clarification, I would like to correct an error. I misstated myself on the political make-up of the impartial members of the Commission, the public members, the college professors. I guess I said there were three Republicans, one Democrat and one non-registered. I meant to say there were two Democrats, one Republican, one Independent, and one that wasn't registered. I find it hard to believe that a college professor in Political Science, who doesn't even bother to register to vote, would have very much interest in putting out a decent reapportionment bill.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It has been said that perhaps there is going to be further opportunity to discuss this measure, but I would just make a few brief remarks at this time.

Since it does such violence to my own county, of course, I am opposed to it. In looking over the State, it does seem to be unfair in a number of other particulars. However, at this time I would like to mention only a couple of considerations that seem to prevail with the Committee in concocting the Majority Report.

There is an assumption of straight line projection of population based on the increase in population from 1950 to 1960. I submit that if the population figures are studied from 1890 through to the present time, in the various decades, there is no conclusion that can be reached, no proper conclusion that can be reached, which validates this projection which the Committee has assumed to be valid and to come to be valid in 1970. As a matter of fact, it is quite well known, I think, that the birth rate has been diminishing during the past several years, and quite the opposite from what they concluded could properly be assumed, it would seem to me.

The other matter is the parentage of the bill, the origin of it, and I have suggested this outside of these chambers and met with very strong assertion if this sub-

ject were broached. I don't see why it isn't a fair proposition to suggest that its parentage is doubtful; that it has no pride of ancestry. I think that it is the jackass, as we refer to it, or the donkey, I have forgotten which, which can't pride itself on its ancestry. I think that this Majority Report hasn't anything to commend it in the way of its ancestry, whereas, the Minority Report, its pedigree has been well stated here. People who have the credentials of impartiality to a very high degree—of course, perhaps there is no man who walks the earth who is entirely impartial in most any matter that he approaches—but these college professors and the distinguished gentlemen from the Law School who did work on the Minority Report certainly carry as high credentials as you can find.

The reason I mention this, and the reason I question the parentage of this measure, is because a number of Committee Members have shrugged it off, and shrugged their shoulders when it was mentioned, and indicated that the Committee itself spent very little time upon it, and that the Committee Members who were disappointed by the results of the Majority Report were taken completely by surprise when it was brought forth. I have wondered who did actually do the research work in regard to this. It seems to be taken that it wasn't the Committee itself. I don't believe it was the Chairman. I wonder upon what props the Committee leaned to develop this monster. I don't see why there should be a secret about it. If it was a prominent lobbyist I think we should know who it was. If it were other state officials I think we should know who they are, because the ancestry of the Minority Report is plain for everyone to see. I recognize that, being the Majority Report, that the issue is probably sealed, that it is going through, going probably to the Governor where it will—well, as everyone on the Committee assures me, they say "Well, that is going to be vetoed, you don't need to be worried about this bill. It is never going to be law, therefore, why be concerned about it."



I am concerned about the posture of my party in concocting such a thing.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Somerset, Senator Johnson, that we accept the Majority Ought to Pass in New Draft Report of the Committee.

As many as are in favor of accepting the Report will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and seven Senators having voted in the negative, the motion prevailed and the Ought to Pass in New Draft Report was accepted.

Thereupon, the Bill was Read Once and, under suspension of the rules, given its Second Reading. Under further suspension of the rules, the Bill was Passed to be Engrossed and sent down forthwith for concurrence.

The President laid before the Senate the 11th tabled and unassigned matter, (S. P. 280) (L. D. 660) Senate Report — Leave to Withdraw from the Committee on State Government on Bill, "An Act Creating a Second Assistant County Attorney for York County."

Tabled — June 14, 1967 by Senator Johnson of Somerset.

Pending — Acceptance of Report.

On motion by Mr. Johnson of Somerset, the Bill was substituted for the Leave to Withdraw Report of the Committee, and the Bill Read Once.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and, under further suspension of the rules, Passed to be Engrossed and sent down forthwith for concurrence.

The President laid before the Senate the 18th tabled and unassigned matter, (S. P. 671) (L. D. 1702) Bill, "An Act Relating to Membership of the Advisory Council of the Department of Economic Development."

Tabled — June 19, 1967 by Senator Johnson of Somerset.

Pending — Enactment.

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

Mr. BERRY of Cumberland: Mr. President, I would move that L. D. 1702, Bill, "An Act Relating to Membership of the Advisory Council of the Department of Economic Development" be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Item 18 be indefinitely postponed.

The Chair recognizes that Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The original Legislative Document No. 168 was introduced by Senator Harding of Aroostook. I always feel it quite informative to look at the language of original documents because they frequently reflect thinking that redrafts may lose in the process of revision.

The original legislative document provided that the existing seven-member Department of Economic Development Advisory Council should be changed to consist of one legislative leader from each house representing both major parties, and an undeterminate number of knowledgeable persons representing all phases of economic activity of this State to be appointed by the Governor to serve a term of three years and until a successor is appointed and qualified.

The redraft provides that there shall be nine members instead of the — what was that expression — undetermined number, and that the composition of the nine members shall be one legislator from the majority party and one legislator from the minority party in the Senate, and one legislator from the majority party and one legislator from the minority party in the House of Representatives, and five persons representing all phases of economic activity to be appointed by the Governor.

The prospect of four-ninths of the composition of such an influential body being of a political nature gives me the shudders, quite frankly. I have said before on the debate on this issue that the Department of Economic Develop-

ment has been harassed with other problems than politics, and to throw this into the pot, I think, is going to sour the cooking.

The attempt probably to have a redraft come out which would be acceptable to everybody omitted the confirmation of appointments by the Governor by the Council which, I think, as long as we have the Council in existence, this feature is indicated.

The important point is that this is the department of our State Government which has the hardest job to do its assigned task. I think to give it five people and then to throw into it four people, who could be politically motivated, is an error. Now, we have at the present time an excellent advisory commission of the Department of Economic Development, and I think that tribute should be paid to this group under the Chairmanship of Halsey Smith. It has been a hard row, I know, from the beginning of the inception of the Department, with its several name changes and so forth. It cannot do a job that can be concrete, that can be added up, and they take credit for it, but I would point out to you the tremendous surge of new industry which has been happening in the last several years, and it seems to be just snowballing at the present time. All of this did not happen without the help of the Department of Economic Development. Let's let them alone.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think we have already debated this matter once. The Chairman of the Advisory Board, for whom I have the greatest respect, stated that he felt this would be helpful to have legislators involved so that they could be constructive instead of destructive.

This was a unanimous report, I believe, by the Committee on State Government, and it is intended to be helpful to the Department of Economic Development. The only real opposition which I have heard to this suggestion has come from the Senator from Cumberland,

Senator Berry. When the vote is taken I would ask that it be taken by division.

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

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: Since my colleague, Senator Berry from Cumberland, has repeated some of the debate which was made to kill this bill, I would like to repeat very briefly some of my remarks of that time.

It is my feeling that the presence of legislators on this Committee will effect a closer liaison between the Department of Economic Development and the Legislature, will enable the Legislature to work more effectively, and will also enable the Committee to work more effectively.

I would like to repeat to you that it has been my privilege to serve on at least three bodies — I think it may be four — where legislators have served with non-legislators, and to my observation this has worked well. One of these has been the Transportation Commission, on which Senator Katz and I served. Another is the New England Board of Higher Education. The Advisory Commission for the Study of Higher Education had two legislators on it. At present, although I do not believe they are so designated, the Museum Commission has two legislators on it, who are Senator Berry and myself, if my memory is correct. I feel that the presence of legislators adds to the value of this Advisory Commission, and I hope you will vote to defeat Senator Berry's motion.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Berry, that this item, No. 18, be indefinitely postponed.

As many as are in favor of the indefinite postponement of the bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

and eight Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed.

Sent down for concurrence.

The President laid before the Senate the 20th tabled and unassigned matter, (H. P. 1035) (L. D. 1501) Resolve, Proposing an Amendment to the Constitution Insuring Payment of Industrial Loans to Fisheries and Agriculture.

Tabled — June 19, 1967 by Senator Hildreth of Cumberland.

Pending — Final Passage.

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

Mr. HILDRETH of Cumberland: Mr. President, we are still awaiting answers to questions from the Law Court on this matter. If the questions come back with a favorable answer we can kill this bill and we won't have to trouble the people with it. I would, therefore, hope that it will be retabled unassigned.

Thereupon, on motion by Mr. Johnson of Somerset, retabled unassigned, pending Final Passage.

On motion by Mr. Ross of Piscataquis.

Adjourned until ten o'clock tomorrow morning.