

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 27, 1967

Senate called to order by the President.

Prayer by Rev. Father John Donovan of Winthrop.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent matter
Joint Order**

ORDERED, the House concurring, that Bill, "An Act Relating to Election of School Board of City of Old Town." (S. P. 352) (L. D. 936)

Be recalled from the Governor to the Senate. (S. P. 704)

In Senate, June 23, Read and Passed.

Comes from the House Indefinitely Postponed in nonconcurrency.

In Senate, voted to Recede and Concur with the House.

Bill, "An Act Relating to Coverage under Employment Security Law" (S. P. 456) (L. D. 1133)

In House—Enacted—June 7.

In Senate, Passed to be Engrossed As Amended by Senate Amendment "A" (S-248) in non-concurrency. June 23.

Comes from the House, that body having Insisted and asked for a Committee of Conference.

The Speaker appointed as House Conferees:

Messrs. HUBER of Rockland
DRUMMOND of Sidney
DURGIN of Raymond

On motion by Mr. Good of Cumberland, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:
BECKETT of Washington
LUND of Kennebec
NORRIS of Oxford

Bill, "An Act Increasing the Terms of Trustees for the Maine Maritime Academy." (H. P. 1220) (L. D. 1736)

In House, June 21, Passed to be Engrossed As Amended by House Amendment "A" (H-448)

In Senate, June 22, Passed to be Engrossed As Amended by Senate Amendment "A" (S-289) in non-concurrency.

Comes from the House, that body having Insisted and asked for a Committee of Conference.

On motion by Mr. Wyman of Washington, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:
WYMAN of Washington
ROSS of Piscataquis
VILES of Somerset

**House Papers
Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to conduct a comprehensive study of the taxation of boats and motors as personal property on the municipal level, to determine the need, if any, and the desirability of formulating such a tax and its impact upon the economic growth and development of our communities and be it further

ORDERED, that the Legislative Research Committee be requested to submit a report of its findings and recommendations, together with such implementing legislation as may be necessary or desirable, to the 104th Legislature. (H. P. 1231)

Comes from the House Read and Passed.

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

Communication

State of Maine
House of Representatives
Office of the Clerk

June 23, 1967

Hon. Jerrold B. Speers
Secretary of the Senate
103rd Legislature

Sir:

The Speaker appointed on June 23 the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act to Abolish Imprisonment for Debt and to Revise the Laws Relating to Disclosures of Debtors." (S. P. 680) (L. D. 1710):

Messrs. QUINN of Bangor
LEWIN of Augusta
DANTON
of Old Orchard Beach

Respectfully,

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

On the disagreeing action of the two branches of the Legislature on (L. D. 1731) (S. P. 695) "An Act Increasing Compensation of Court Justices and Certain Department Heads", the President appointed the following Conferees to the Conference Committee on the part of the Senate:

Senators:

WYMAN of Washington
KATZ OF KENNEBEC
STERN of Penobscot

On the disagreeing action of the two branches of the Legislature on (L. D. 1392) (S. P. 544), "An Act Creating a District Court Division of Northern Androscoggin and Franklin", the President appointed the following Conferees to the Conference Committee on the part of the Senate:

Senators:

HILDRETH of Cumberland
LUND of Kennebec
SNOW of Cumberland

On the disagreeing action of the two branches of the Legislature on (L. D. 993) (S. P. 380), "An Act Providing for an Additional District Court Judge at Large", the President appointed the following Conferees to the Conference Committee on the part of the Senate:

Senators:

HILDRETH of Cumberland
LUND of Kennebec
SNOW of Cumberland

Orders

On motion by Mr. Johnson of Somerset,

ORDERED, the House concurring, that the following Bills be recalled from the Legislative files to the House:

(H. P. 76) (L. D. 101) An Act Relating to Disposition of Tax on Transient Rentals under Sales Tax Law.

(H. P. 251) (L. D. 359) An Act Providing for Sales Tax on Advertising.

(H. P. 121) (L. D. 147) Repealing Trade-in Credit for Motor Vehicles Under Sales Tax Law.

(H. P. 287) (L. D. 407) An Act Relating to Taxation on Television Sets.

(H. P. 426) (L. D. 590) An Act Providing for a Luxury Tax on Luggage, Jewelry, Furs and Toilet Preparations.

(H. P. 122) (L. D. 148) An Act to Increase Cigarette Tax Two Cents.

(H. P. 123) (L. D. 149) An Act to Remove Sales Tax Exemptions on Rentals, Repairs, Installation and Servicing of Tangible Personal Property.

(H. P. 920) (L. D. 1329) An Act Establishing an Excise Tax on Livestock.

(H. P. 47) (L. D. 66) An Act Relating to Trade-in Credit for Watercraft Under Sales Tax. (S. P. 707)

Which was Read and Passed.

Sent forthwith to the House for Concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Secretary of the Senate shall, when the Senate is not in session, be the Executive Officer of the Senate and have custody of all Senate property and materials, arrange for necessary supplies and equipment through the State Bureau of Purchases, arrange for necessary service and make all arrangements for incoming sessions of the Senate, have general oversight of chambers and rooms occupied by the Senate, permit State Departments to use Senate property, dispose of surplus or obsolete material through the continuing property record section of the Bureau of Public Improvements, with the approval of the President of the Senate, and ap-

prove accounts for payment. The Secretary shall maintain a perpetual inventory of all Senate property of items costing over \$50. and make an accounting to the Senate upon request.

(S. P. 708)

Which was Read and Passed.

Mr. Lund of Kennebec, presented the following Order and moved its passage:

Whereas, passenger transportation service and costs are important factors in the economic and industrial growth of this State; and

Whereas, the discontinuance of all passenger transportation by rail and the curtailment of some passenger transportation service by bus has reduced or eliminated public transportation service to numerous points within this State; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee study the feasibility, safety and desirability of carrying of passengers by motor common carrier, in combination with existing freight operations, through the utilization of modified truck-tractors capable of handling passengers, and to report to the 104th Legislature any recommendations for legislation relating to the above-mentioned concept; and be it further

ORDERED, the Committee shall have the authority to employ such expert and professional advice as it shall deem necessary within the limits of the funds provided; and be it further

ORDERED, that the Committee is authorized to establish test operations as a part of its study, in conjunction with the Public Utilities Commission, and that said Commission is hereby authorized to expend such additional funds as may be necessary for said study. Such test studies shall be exempt from regulation; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$5,000 to carry out the purposes of this Order. (S. P. 709)

Which was Read and on motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table.

Committee Reports

House

Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing an Education Loan Fund for the Higher Education of Teachers." (H. P. 626) (L. D. 882)

Report that the members are Unable to Agree.

(Signed)

Edward A. Harriman
M. A. Pendergast
E. H. Shute, Jr.

—Committee on part of House.

Richard N. Berry
Albert W. Hoffses
Armand Duquette

—Committee on part of Senate.

Comes from the House Read and Accepted.

Which was Read and Accepted in concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill, "An Act Relating to Highway Commission Land Taking." (H. P. 409) (L. D. 575)

Report that the House Recede and Concur in the Indefinite Postponement of the Bill; that the House Adopt the Joint Order attached and made a part hereto; that the Senate Concur with the House in the Adoption of the Joint Order as follows:

"ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of Bill, "An Act Relating to Highway Commission Land Taking," (H. P. 409) (L. D. 575) — (1699), introduced at the regular session of the 103rd Legislature to determine whether the best interests of the State would be served by the enactment of legislation that would make compensable certain elements of damage caused by the taking under the power of eminent domain, which are now non-compensable and which have been historically non-compensable; and be it further

ORDERED, that the study be coordinated with the review, analysis and study now under way

by our Federal Congress; and be it further

ORDERED, that the Committee report the results of its study to the 104th Legislature." (H. P. 1233)

(Signed)

MARION T. FULLER
WILLIAM E. DENNETT
RICHARD D. HEWES

—Committee on part of House.

RODNEY W. ROSS
NORMAN K. FERGUSON
RICHARD W. BERRY

—Committee on part of Senate.

Comes from the House, Read and Passed.

Which was Read and Accepted in concurrence.

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

Enactors

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

An Act Establishing the Police-men's Arbitration Law. (S. P. 342) (L. D. 926)

An Act Providing for Disclosure of Interest and Finance Charges on Loans. (H. P. 964) (L. D. 1465)

An Act Relating to Boat Registration. (H. P. 1213) (L. D. 1724)

An Act relating to Truth-in-Lending and Disclosure of Interest and Finance Charges in Retail Sales. (H. P. 1215) (L. D. 1728)

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

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

Mr. MILLS of Franklin: Mr. President, I would like to speak to the subject of the enactment of two of these measures, if I may, that is 8-2, An Act Providing for Disclosure of Interest and Finance Charges on Loans, and secondly, if I may at the same time, taking up together 8-4, An Act Relating to Truth-in-Lending and Disclosure of Interest and Finance Charges in Retail Sales, and my thrust of my argument. Mr. President, is that immediate enactment is in order, that these bills require no appropriation of money, that the

appropriation for the administration of the Department of Banks and Banking is well provided for elsewhere, and that there is now resting on the Appropriations Table, or will be, adequate appropriation measures to carry out these bills. These bills stand on their own even if there were no appropriation. It is similar to the situation a few weeks ago when weights in regard to trucks, over-weight trucks were being discussed here, and one of the great department heads proposed that it would cost, I think, \$50,000 which was a lot of money, a loss of revenue to the state to have that legislation enacted. The issue was debated here on the floor, and I believe, as I recall it, it was turned down, the tabling motion which emanated from the department head.

Here again we have an unfriendly department situation, a department which participated in no part at all in sponsoring this legislation, and to our belief is opposed to it, and has conjured up this considerable expense which it says merits its being placed on the Appropriations Table, and mitigates against its enactment now.

If you are friends of this legislation, I ask you to vote for its enactment now, for both of these measures, and to resist any motions that might be made to table it. I view those motions as unfriendly to the legislation and designed to defeat the legislation, so I ask, Mr. President, that these bills be enacted now.

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

Mr. BERRY of Cumberland: Mr. President, I would move that the Senate place upon the Special Appropriations Table Item 8-1 (L. D. 926), Item 8-2 (L. D. 1465), Item 8-4 (L. D. 1728), Item 8-5 (L. D. 71).

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Items 8-1, 8-2, 8-4 and 8-5 lay upon the Special Appropriations Table. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I beg your pardon, I

didn't mean to interrupt. I would ask for a division of the issues here so that those measures that I am vitally concerned about may be taken up independently, that is, 8-2 may be determined independently, and 8-4 may be determined independently, and when the point is reached for a vote, I would ask for a division on them independently.

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

Mr. BERRY of Cumberland: Mr. President, while I am most sympathetic with the position and background of what is causing concern to the Senator from Franklin, Senator Mills, I see no point in separating these particular items in the interest of legislative progress, and in this connection, I would read the Order which was passed by this Body on February 8:

“ORDERED, that all Bills and Resolves carrying or requiring an appropriation or involving a loss of revenue that are in order to be passed to be enacted, or finally passed, shall, at the request of a member of the Committee on Appropriations and Financial Affairs, be placed on a special calendar to be called up for consideration only by a member of that committee.” I believe under the interpretation of this Order, Mr. President, that the action which I have requested is in order.

Thereupon the Senate voted to place Item 8-1 on the Special Appropriations Table.

The PRESIDENT: Is it now the pleasure of the Senate that Item 8-2, An Act Providing for Disclosure of Interest and Finance Charges on Loans, lay upon the Special Appropriations Table?

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

A division was had. 17 Senators having voted in the affirmative, and 16 Senators having voted in the negative, the motion to place Item 8-2 on the Special Appropriations Table prevailed.

The PRESIDENT: Is it now the pleasure of the Senate that Item 8-4 An Act Relating to Truth-in-

Lending and Disclosure of Interest and Finance Charges in Retail Sales lay upon the Special Appropriations Table?

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

The Chair would ask the Senator to repeat his remark.

Mr. MILLS of Franklin: Mr. President, I would ask for a roll call.

The PRESIDENT: The Senator from Franklin, Senator Mills, has asked that the vote be taken by the “Yeas” and “Nays”. In order for the “Yeas” and “Nays” to be entertained, there must be the expressed desire of at least one-fifth of the members present.

As many as are in favor of having a “Yea” and “Nay” vote on the tabling motion will now stand and remain standing until counted.

Obviously a sufficient number having arisen, the roll call is ordered.

The pending question is the motion of the Senator from Cumberland, Senator Berry, that Item 8-4 lay upon the Special Appropriations Table.

As many as are in favor of the motion to table will answer “Yes”. Those opposed “No”. The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Barnes, Berry, Curtis, Duquette, Farley, Hildreth, Hoffses, Johnson, Katz, MacLeod, Reny, Ross, Sewall, Snow, Sproul, Viles, W y m a n, Young and President Campbell.

NAYS: Senators Anderson, Beckett, Boisvert, Couturier, Ferguson, Girard, Good, Greeley, Harding, Lund, Mills, Norris and Stern.

A roll call was had. 20 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion prevailed and the bill placed on the Special Appropriations Table.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to place on the Special Appropriations Table Item 8-5, An

Act Increasing Salaries of Official Court Reporters.

The PRESIDENT: With reference to Item 8-3, An Act Relating to Boat Registration, is it now the pleasure of the Senate that this Bill be Passed to be Enacted?

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President, I would like to pose a question to somebody on Taxation: what is the estimated cost to carry this out and who would be charged with enforcing it, wardens or Taxation?

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

Mr. WYMAN of Washington: Mr. President, I can't see any unusual cost to it, because it works similar to automobile registration. A boat owner must show that he has paid his personal property tax at the time he registers his boat.

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

Mr. VILES of Somerset: Mr. President and Members of the Senate: If I read this correctly, you could have a boat that wasn't registered and under this bill here, you wouldn't be required to declare anything as far as tax goes. It would exclude canoes or boats with less than 10 H. P. I think it would be difficult to enforce a bill such as this, and I would like to move indefinite postponement.

The PRESIDENT: The Senator from Somerset, Senator Viles, moves that this bill now be indefinitely postponed.

The Chair recognizes the Senator from Piscataquis, Senator Ross.

Mr. ROSS of Piscataquis: Mr. President, I didn't pay much attention to this bill, but I have to go along with the Senator from Somerset, Senator Viles, for indefinite postponement. Now the only boats requiring registration have a little auxiliary, say 10 H. P. You can have a \$30,000 yacht that doesn't have any motor or can have a little auxiliary, say 10 H. P. or even seven-and-a-half, and he is getting home free under this bill.

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

Mr. WYMAN of Washington: Mr. President, your Committee on Taxation has struggled with this matter of boat taxation now not only in this session, but in other sessions, and it has seemed to be a problem, and this time — we always seemed to come back with an excise tax on boats that nobody seems to like and which seems to be very unfair, — so this time we had information from a number of other states, I would say maybe fifteen or twenty states, and compared their boat laws and what they were doing, and we came out with this bill. I don't think there is anything in it that says that a \$70,000 or \$50,000 yacht doesn't have to pay a tax because you are still covered under your statutes as they stand now, and this is an endeavor to pick up a good many small boats which are on trailers and which are moving about, and which it is difficult for the assessors to locate. If they don't want to assess the boat, it's all right, but it is a problem for assessors to pick up these small boats, and, of course, there is a limit on the low side because after all if there weren't, it would require registration of a six-foot skiff which obviously is impractical, and this is only once in three years when the boats are registered under the boat registration law, and I would certainly like to see us give it a try.

I would request a division on the motion of the Senator from Somerset, Senator Viles.

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 opposition to the motion of the Senator from Somerset, Senator Viles. I feel this is a good piece of legislation, something that is quite overdue. Over the years we have been trying to work out something in the Legislature, and this is the first time that I have seen a concrete effort to get some legislation through that would make it easier for your various

assessors in the various municipalities to get quite a lot of revenue from boats.

I know that the Maine Association of Assessing Officers is 100 percent behind this piece of legislation, and the Maine Municipal Association supports this bill. As a member of both associations, I too support this Legislative Document 1724.

Many, many municipalities are not assessing boats now. Some communities are scratching the bottom of the barrel for taxable items, and certainly we should be making a real effort to broaden the base for the municipalities to relieve the property owners on taxes.

We have a policy in our county in making assessments that on any boat under \$100 we don't assess them. Many times there are boats stored out of town that we don't know about. The people who have 16, 18 or 20-foot boats, with 40 and 50-horsepower motors on them, we not only lose the property tax on the motors but lose it on the boats. This piece of legislation is going to be a real benefit to the assessors in the various municipalities, and I hope you will not go along with the motion of the Senator from Somerset for indefinite postponement.

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

Mr. VILES of Somerset: Mr. President and Members of the Senate: I am very sympathetic with the problem, but I do know something about boats too. Unless you can have a bill that is designed to solve the problem that exists, to me, a poor bill, with the difficulties of enforcing it, would be worse than the present situation.

I am thinking particularly of the coastal areas as well as inland, and I remember very well four years ago there was a bill before the Legislature which was something like this one here, but there were lots and lots of good arguments against a bill just like this. So, to me, if you can't have a good bill to enforce, we are going to be in a lot of trouble.

There would have to be some cost involved here. I would hate to disagree with the good Senator

from Washington, but you just don't print forms and run them back and forth through the mail without costing somebody some money. There would have to be an appropriation here somewhere.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: Just about ten minutes ago we passed a joint order here to study this situation. Why not wait and see what the study comes up with?

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

Mr. FARLEY of York: Mr. President and Members of the Senate: I want to support the Chairman of the Taxation Committee. Away back in February we had a bill similar to this which would have denied Rockland, Portland, Camden, and a great many more cities and towns the taxes they are now collecting upon boats. This bill was a part of it, and we thrashed it out for approximately two and a half to three months. We had the Tax Assessor there, Mr. Johnson, and this and that, and we had a great many of the assessors from the Communities, the cities and towns, who thought it was about time to put something on there so they could find out where these boats were April 1st. It seems as though they would take them from someplace in Brunswick and move them over to Bath, and then later they would come back to Brunswick, and this and that. Finally we came up with this bill, and the only thing they could come up with was an excise tax.

I think the Chairman of the Taxation Committee fully explained it, and I am going to support the Taxation Chairman.

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

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: This is a rather simple bill. All it does is give the assessors, as has been mentioned before, some knowledge of where these boats are. It doesn't put any additional burden on the boat owner be-

cause he has to get an application to register the boat, if it is over 10-horsepower anyway, and even these other boats that are spoken of, these \$30,000 ones with no motors in them, they are taxable now. This has nothing to do with taxation. This is just to help the local assessors know where some of these boats are, especially on the inland waters. On the coast about all the municipalities tax the boats, and they will be taxed just the same as they are now, except when they get their certificate of registration they will have to show that their taxes have been paid. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Somerset, Senator Viles, that this bill be indefinitely postponed. The Senator from Washington, Senator Wyman, has asked that the vote be taken by a division. As many as are in favor of indefinite postponement will stand and remain standing until counted. Those opposed?

A division was had. Nine Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

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

Bond Issue

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. (S. P. 468) (L. D. 1160)

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

Emergency

An Act Providing for a Study for the Creation of a Full-time Prosecuting Attorney System for the State of Maine. (S. P. 686) (L. D. 1716)

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

Tabled—June 26, 1967 by Senator Johnson of Somerset.

Pending—Consideration.

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

Mr. JOHNSON of Somerset: Mr. President, I yield to the Senator from Penobscot, Senator Sewall.

The PRESIDENT: The Chair will advise the Senator from Penobscot, Senator Sewall, that the pending question is shall the bill become law, notwithstanding the objections of the Governor. Does the Senator wish to move the previous question?

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, I would like to move that when the vote is taken it be taken by the "Yeas" and "Nays."

The PRESIDENT: The question now before the Senate is shall this bill become a law, notwithstanding the objections of the Governor. According to the Constitution, the vote will be taken by the "Yeas" and "Nays." A vote of "Yes" will be in favor of the bill. A vote of "No" will be in favor of sustaining the veto of the Governor. Let me repeat that: A vote of "Yes" will be in favor of the bill. A vote of "No" will be in favor of sustaining the veto of the Governor. Is the Senate ready for the question? The Secretary will call the roll.

ROLL CALL

YEAS: Senators Sewall, Stern, Viles, Wyman, Young and President Campbell.

NAYS: Senators Albair, Anderson, Barnes, Beckett, Berry, Boisvert, Couturier, Curtis, Duquette, Farley, Ferguson, Girard, Good, Greeley, Harding, Hildreth, Hoffses, Johnson, Katz,

Lund, MacLeod, Mills, Norris, Remy, Ross, Snow and Sproul.

A roll call was had. Six Senators having voted in the affirmative, and 27 Senators having voted in the negative, and six being less than two-thirds of the number of Senators present and voting, the veto was sustained.

The President laid before the Senate the first tabled and unassigned matter, (S. P. 219) (L. D. 482) Bill, "An Act Reclassifying Certain Tidal Waters of Cumberland County." Tabled May 25 by Senator Johnson of Somerset, pending Enactment.

On motion by Mr. Johnson of Somerset, r e t a b l e d unassigned, pending Enactment.

The President laid before the Senate the second tabled and unassigned matter, (H. P. 230) (L. D. 400) Bill, "An Act Classifying Certain Inland Waters of the Presumpscot River Basin." Tabled May 25 by Senator Johnson of Somerset, pending enactment.

On motion by Mr. Johnson of Somerset, r e t a b l e d unassigned, pending Enactment.

On motion by Mr. Ross of Piscataquis,

Recessed until three o'clock this afternoon.

After Recess

Called to Order by the President.

Out of Order

Under Suspension of the Rules, the Senate voted to take up the following papers from the House:

Non-concurrent Matters

Bill, "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968, and June 30, 1969. (Emergency) (Draft "A")

(S. P. 700) (L. D. 1737)

In Senate, June 21, Passed to be Engrossed.

In House, June 22, Passed to be Engrossed in concurrence.

Now comes from the House, Engrossment Reconsidered, a n d

Passed to be Engrossed A s Amended by House Amendment "A" in non-concurrence.

(H-468)

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

House Paper

JOINT ORDER Relative to Appropriations Committee reporting Bill to Implement Vocational Training in Northern Kennebec County. (H. P. 1230)

In House, June 22, Read and Passed.

In Senate, June 26, Indefinitely Postponed in non-concurrence.

Now comes from the House, that body having Insisted and asked for a Committee of Conference.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: There must be some misunderstanding on this particular bill. We have taken care of it by an amendment to another bill, and I would move that we insist and join in a Committee of Conference.

Thereupon, the Senate voted to Insist and join in a Committee of Conference.

Committee Reports

House

Report of Committee Of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Joint Order H. P. 1193, relative to recalling Bill, "An Act to Authorize Bond Issue in Amount of One-Million One Hundred and Fifty Thousand Dollars for Construction at Pineland Hospital and Training Center and of Regional Care Facilities for the Severely Mentally Retarded at Bangor." (S. P. 371) (L. D. 984) from the Legislative files.

Ask leave to report that the Senate Recede and Concur with the House in Passing the Joint Order.

(Signed)

William J. Hennessey

Catherine Carswell

Harrison Richardson

House

Jon A. Lund
 Roger V. Snow, Jr.
 Rodney W. Ross
 Senate

TRUMAN of Biddeford
 Respectfully,
 BERTHA W. JOHNSON
 Clerk of the House

Which Report was Read and Accepted.

Which was Read and Ordered Placed on File.

Thereupon, the Senate voted to Recede and Concur with the House.

Enactors

Senate

Report of Conference Committee

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Creating a Second Assistant County Attorney for York County."

Ask leave to report that the members are Unable to Agree.

(Signed

HARVEY JOHNSON
 JON LUND
 ARMAND DUQUETTE
 Senate

WILLIAM E. DENNETT
 MARION FULLER
 RAYMOND NADEAU
 House

Which Report was Read and Accepted.

Communications

Office of the Clerk

June 27, 1967

Hon. Jerrold B. Speers
 Secretary of the Senate
 103rd Legislature
 Sir:

The Speaker appointed on June 27 the following Committees of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act Increasing Compensation of Court Justices and Certain Department Heads." (S. P. 695) (L. D. 1731)

Messrs. PHILBROOK
 of South Portland
 HARRIMAN of Hollis
 STARBIRD
 of Kingman Township

Bill "An Act Increasing the Terms of Trustees for the Maine Maritime Academy." (H. P. 1220) (L. D. 1736)

Messrs. DENNETT of Kittery
 TRASK of Milo

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

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

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

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

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

An Act to Clarify Authority of Complaint Justices and District Court Judges. (S. P. 378) (L. D. 990)

An Act Relating to Hours of County Offices of Androscoggin County. (H. P. 1045) (L. D. 1517)

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

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

Mr. BERRY of Cumberland: Mr. President, I move the Senate lay upon the Special Appropriations Table Item 8-3, L. D. 986.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate lay on the Special Appropriations Table Item 8-3. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, if it is in Order, may I debate the issue?

The PRESIDENT: The issue is debatable.

Mr. MILLS of Franklin: Mr. President, I wish perhaps some of you could turn to 986, and inform yourselves if you feel that there is any monetary consideration here. We already have on the books, I believe it is Item 8-3, it's

986, we already have on the law books of the state regulations in regard to the small loan industry. This proposal, among other things, reduces the amount that a small loan company can loan from \$2,500, as amended, to \$2,000. It provides other changes. It cuts down the interest rate to a small amount, one-half of one percent, in the smaller brackets, and perhaps the most important thing about the bill is that it limits the duration during which the larger amounts may be charged to 36 months, because experience has shown that the people become indebted to these companies and stay indebted to them for many, many years at a time, and the incentive to keep people on the rolls of the debtors to the companies is removed if the high rate of interest is taken away after the period of 36 months, and that it does.

Now, these companies are all subject to regulations and subject to inspection now. The Banking Department has received additional personnel within the past couple of years to help it perform its duties. It has requests before the Legislature in the appropriations bills. I am informed by persons who have served in the appropriations capacities in the past who have studied the budget of the department and have studied the personnel situation, that certainly 986 can't under any stretch cost more money to the state or to the department. There is a rather untenable theory, I think here that has been advanced by the Banking Department which would perhaps leave this bill in the third branch of the Legislature, the Appropriations Table, presided over by very limited personnel as you know, and that is that reducing the amount of money that these people can lend from \$2,500 to \$2,000 may reduce the amount of loans that are made over the state by the small loan industry. The State of Maine has a tax of \$50 per \$50,000 on the business that they do, and on the hypothesis, and it is certainly a hypothesis, that there might be a loss of revenue to the state, I think that the Banking Department has conjured up this theory that this belongs

on the Appropriations Table. Well, it is pure speculation and pure theory, and I can see no reason why this Legislature should push this bill over to the third branch that we have developed here, the leverage table, or the Appropriations Table, and subject it to possible execution by a very small number of rather willful people who don't favor this type of legislation. So I ask that this motion to table be defeated.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Berry, that this Item 8-3 lay upon the Special Appropriations Table.

As many as are in favor of the motion will say "Yes". Those opposed "No".

The Chair being in doubt, orders a division.

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

A division was had. 17 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to place Item 8-3 on the Special Appropriations Table prevailed.

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

Mr. MacLEOD of Penobscot: Mr. President, may I inquire through the Chair if H. P. 468, L. D. 681 has attached to it Senate Amendment "D" with a price tag of \$35,000?

The PRESIDENT: Is the Senator's question directed to one of the Enactors, Item 8-1, and the question again?

Mr. MacLEOD: Does 8-1, L. D. 681 have Senate Amendment "D" attached to it that was put on in the Senate last week?

The PRESIDENT: The Chair will reply in the affirmative.

Thereupon, on motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

Thereupon, Items 8-2, 8-4, 8-5 and 8-6 were Passed to be Enacted, and having been signed by the President, were by the Secretary presented to the Governor for his approval.

BOND ISSUE

An Act to Authorize a Bond Issue in Amount of Seven Hundred and Fifty Thousand Dollars for Construction of a Dormitory at Maine Maritime Academy. (H. P. 343) (L. D. 491)

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

BOND ISSUE

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)

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

BOND ISSUE

An Act to Authorize Bond Issues in the Amount of \$325,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers Under the Provisions of Section 2356-B of Title 20, R. S. (H. P. 399) (L. D. 565)

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

The President laid before the Senate the third tabled and unassigned matter, (H. P. 392) (L. D. 539) Bill, "An Act Providing for Paid Holidays for Municipal Employees of the City of Lewiston." Tabled May 31, 1967 by Senator Johnson of Somerset, pending enactment.

On motion by Mr. Girard of Androscoggin, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was passed to be engrossed.

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

Senate Amendment "A", Filing S-303, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 392, L. D. 539, Bill, "An Act Providing for Paid Holidays for Municipal Employees of the City of Lewiston."

Amend said Bill in the title by inserting after the word "Employees" the words 'and Relating to Duties of Department of Public Works'

Further amend said Bill by inserting after the enacting clause the following sections:

'Sec. 1. P. & S. L., 1939, c. 8, Art. X, §2, amended. Section 2 of Article X of chapter 8 of the private and special laws of 1939 is amended to read as follows:

Sec. 2. Certain duties of board. The department of public works shall be charged with responsibility for the construction, maintenance, and repairs of streets, bridges, sidewalks, and sewers; lighting of streets, public buildings and places; water supply; control and maintenance of public parks and lands; control, maintenance, and repairs of all public buildings, except buildings occupied by the school department and the fire department during their actual period of occupancy; and disposal of ashes, garbage and rubbish.

Sec. 2. P. & S. L., 1939, c. 8, Art. XIV, §3, amended. Section 3 of Article XIV of chapter 8 of the private and special laws of 1939 is amended to read as follows:

Sec. 3. Management and operation of city farm; public cemeteries. The department of health and welfare shall be charged with the management and operation of the city farm so long as it shall be maintained as such, the promotion of the public health, the supervision of plumbing including the enforcement of laws and ordinances relating thereto, and the control, care, and maintenance of public cemeteries.'

Further amend said Bill by inserting at the beginning of the first line the underlined abbreviation and figure 'Sec. 3.'

Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the sixth tabled and unassigned matter, (H. P. 925) (L. D. 1357) Bill, "An Act Relating to

Pensions for Members of the Police Department and Fire Department of the City of Auburn and Their Beneficiaries.”

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

Pending—Enactment.

On further motion by the same Senator, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the tenth tabled and unassigned matter, (S. P. 543) (L. D. 1444) Bill, “An Act to Correct Errors and Inconsistencies in the Public Laws.”

Tabled—June 26, 1967 by Senator Johnson of Somerset. Pending—Consideration. (In Senate June 20, 1967 Passed to be Engrossed as Amended by Committee Amendment “A” Filing S-277.)

(In House—June 23, 1967 Passed to be Engrossed as Amended by Committee Amendment “A” and House Amendment “B” Filing H-461 and House Amendment “D” Filing H-464.)

On motion by Mr. Anderson of Hancock, the Senate voted to recede from its action whereby the bill was passed to be engrossed.

House Amendment “B” was read and adopted.

House Amendment “D” was read and adopted.

Mr. Anderson of Hancock presented Senate Amendment “A” and moved its adoption.

Senate Amendment “A”, S-302, was read by the Secretary as follows:

SENATE AMENDMENT “A” to S. P. 543, L. D. 1444, Bill, “An Act to Correct Errors and Inconsistencies in the Public Laws.”

Amend said Bill by inserting after section 23 the following new section:

‘**Sec. 23-E. R. S., T. 30 §2, amended.** That part of the 6th paragraph of section 2 of Title 30 of the Revised Statutes, as amended by section 1 of chapter 397 of the public laws of 1965, which relates to the deputy clerk of courts

of Hancock County, is further amended to read as follows: Deputy clerk of courts, **salary to be established by the county commissioners;**’

Senate Amendment “A” was adopted.

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

Out of order and under suspension of the rules, Mr. Lund of Kennebec presented the following Order and moved its passage:

Whereas, under the present probate court system, one judge is elected in each county and is paid on the basis of a part-time position; and

Whereas, it is becoming difficult to secure the services of qualified attorneys as probate judges, especially in the smaller counties where the salary is lower, and restrictions are placed on the law practice of an attorney who is also probate judge; and

Whereas, the Legislature requires for its use comprehensive factual information concerning the operations of the probate courts in the 16 counties in order to consider the feasibility of establishing a Probate District Court System of full-time judges to be appointed by the Governor, with the advice and consent of the Council; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the feasibility of establishing a Probate District Court System with full-time judges to be appointed by the Governor, with the advice and consent of the Council; and be it further

ORDERED, that the study shall include but not be limited to a review of current workload as well as trends in the work of the 16 present probate judgeships; a translation of case load into man-hours of the time of the probate judges; consideration of travel time and other factors implicit in full-time judgeships; the administration, staffing, structure, organization and operation of the probate court system; and be it further

ORDERED, That the committee be authorized to employ such consultants as necessary to carry out the purposes of this Order; and be it further

ORDERED, that the committee report the results of its study with recommendations to the 104th Legislature; and be it further

ORDERED, that there is appropriated to the committee from the

Legislative Appropriation the sum of \$10,000 to carry out the purposes of this Order. (S. P. 710)

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

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.