

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, January 23, 1968

Senate called to order by the President.

Prayer by Mr. Rodney W. Ross, Senator from Piscataquis.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Hearings Before Water and Air Environmental Improvement Commission." (H. P. 1322) (L. D. 1868)

Having been recalled from the Governor's office, now comes from the House Passed to be Engrossed As Amended by House Amendment "A" (H-529) in non-concurrence.

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

Joint Orders

WHEREAS, one of the highlights of the 27th annual Agricultural Trade Show at Lewiston, Maine was the coronation of the Maine Apple Queen for 1968; and

WHEREAS, Miss Kathleen Ann Harkins, daughter of Mr. and Mrs. Robert Harkins, of Poland, was adjudged from a field of eight contestants to be the recipient of this honor; and

WHEREAS, the stimulating charm and winning talents of this seventeen - year old senior of Edward Little High School will be of much credit to the State throughout her reign and beyond; now, therefore, be it

ORDERED, the Senate concurring, that Queen Harkins be extended the warmest congratulations with special hopes for her future happiness and success by members of both the Senate and the House of Representatives of the 103rd Legislature of the State of Maine, now in its second special session; and be it further

ORDERED, that duly attested copies of this Joint Order be transmitted forthwith to the award recipient and her parents in honor of this occasion. (H. P. 1338)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

ORDERED, the Senate concurring, that the Joint Rules be amended by amending Joint Rule 10 to read as follows:

10. Filing after cloture. Any bill or resolve to be introduced after the cloture date must be presented to the Clerk of the House, or the Secretary of the Senate, who shall transmit the same to the Joint Committee on Reference of Bills. The Committee will ascertain from the sponsor the facts supporting introduction notwithstanding cloture and, if a majority of the Committee approves, the bill or resolve shall appear on the calendar of the appropriate house, duly noted as having been approved by a majority of the Committee and the document shall be received. (H. P. 1339)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

ORDERED, the Senate concurring, that the joint rules be amended by adding a new Joint Rule 17-A, to read as follows:

17-A. Reports of committees. All bills and resolves must be reported from committees by 1 P.M. on the last Friday of April or by such later time as may be fixed by the Joint Standing Committee on Reference of Bills. (H. P. 1340)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

ORDERED, the Senate concurring, that the joint rules be amended by adding a new Joint Rule 18-A, to read as follows:

18-A. Debate and amendment. No debate or amendment shall be permitted on any bill or resolve until such bill or resolve is before the Senate in the second reading or before the House in the third reading, provided the favorable report of the committee to which the bill or resolve has been referred has been accepted. (H. P. 1341)

Comes from the House Read and Passed.

Which was Read.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to ask a question of any member of the Legislative Research Committee. As I understand, in reading this proposed rule, it would appear that you would not be able to debate, amend, or the bill would not be read, as we know, in the first reading in the Senate and in the first and second reading in the House. Now, I can imagine some kids coming down here from some high school some day and they will explain to them these readings, and the child might ask, "Well, if the bill is neither read, is neither debated, nor can it be amended, what is the purpose of having the reading?" Also — I know perhaps this is out of order — but, under the first Order, 1-3, I think that reads just the opposite from what you intend it to read.

The PRESIDENT: The Senator from Aroostook, Senator Harding, has posed a question to any member of the Legislative Research Committee, any member of which may answer if they so desire.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: The Legislative Research Committee, in an attempt to come to grips with some of the rules, joint rules, which some of the rules, time seem to delay unnecessarily the processes of the Legislature, after a number of hearings came up with four or five concrete proposals, three of these being before us today.

In specific answer to the question raised by the Senator from Aroostook, Senator Harding, I think he misreads Item 18-A. A bill coming out of committee can be debated on the acceptance of the committee report, whether or not the committee report is to be accepted. Once the committee report is accepted the change in the rule would make it necessary to wait until the second reading in the Senate, or the third reading in the House, before the members could

try to amend the bill in some other fashion. It is an attempt to schedule the debate in one particular segment of time as far as amendments go. Now, after this stage is reached, there is nothing in the rule that would prevent further debate after the third reading, after engrossment, let's say, or the offering of amendments.

We seriously considered doing away with reading but we felt, and it was the unanimous judgment of the Research Committee, that the readings of bills actually don't take up that much time; that it does serve a purpose, that it actually focuses the members' attention on the bills and, since it doesn't take up that much time, it seemed wise at this stage of the game, at least, to allow the readers to remain so that the members could watch the flow of the bills. This rule, on the other hand, would set up a time certain that each member would be aware of when the major debate, once the committee report was accepted, when the major debate on the bill would take place, with the amending process and so forth.

The PRESIDENT: In answer to the second question posed by the Senator from Aroostook, Senator Harding, the Chair will explain that the Order, as introduced, is stated in the affirmative, "The document shall be received." The printed journal apparently is in error and says "shall not be received."

The Chair again recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would suggest that someone should table this because, clearly, the way that this rule is written, you could not debate this at the time of the committee report unless the committee report were unfavorable. If you had a favorable report you would not be able to debate it at the time of the committee report. Now, the explanation that the Senator from Cumberland, Senator Hildreth, has given of it would lead you to believe that you could debate it whether it was favorable or unfavorable. Clearly, as I read it, that is not the case.

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

Mr. HILDRETH of Cumberland: Mr. President, I would have no objection to some other member tabling this until later in today's session or until tomorrow. I don't blame the Senator from Aroostook for being a little confused as to the language. It is easy to read it in the way you apparently interpret it. I think if you take the time to read it over more carefully and think about what it says that you won't get this interpretation. The favorable report of the committee must be accepted, and when the committee reports come out, that is the time that debate may take place on either the acceptance or non - acceptance of the committee report which is before the body at the time. But I would have no objection if somebody would like to table this order to study it further. I can only assure you that we were aware — a couple of members of the committee had the same reaction that you did when they first read it, but on reflection I think the committee was quite certain that this was properly worded.

The PRESIDENT: The pending question is on the passage of the order.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, I move that this item lay on the table until later in today's session.

The PRESIDENT: The Senator from Kennebec, Senator Lund, moves that this item lay on the table until later in today's session. Is this the pleasure of the Senate?

The motion prevailed and the Order was so tabled until later in today's session.

Orders

On motion by Mr. MacLeod of Penobscot,

WHEREAS, it has long been the policy of this State to remove tolls from bridges through legislative enactment; and

WHEREAS, the Joshua L. Chamberlain Bridge, spanning the Penobscot River between the cities of Bangor and Brewer, is the only

remaining toll bridge in the State; and

WHEREAS, this bridge provides a lifeline for medical, professional and commodity services for all surrounding communities; and

WHEREAS, the area serviced by this bridge represents the third largest population in the State and its only convenient access to Interstate 95; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee of the 103rd Legislature be directed to study the feasibility of removing such toll from the Joshua L. Chamberlain Bridge across the Penobscot River between Bangor and Brewer; and be it further

ORDERED, that the Committee report the results of such study with any implementing legislation to the next regular or special session of the Legislature. (S. P. 812)

Which was Read.

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

Reports of Committees Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Relating to Proof of Perjury." (H. P. 1267) (L. D. 1773)

Reported that the same should be granted Leave to Withdraw.

Comes from the House report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass in New Draft

The Committee on Judiciary on Bill, "An Act Relating to Tax on Real Estate Transfers." (H. P. 1265) (L. D. 1771)

Reported that the same Ought to Pass in New Draft, (H. P. 1335) (L. D. 1879).

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-531)

Which report was Read and Accepted and the bill in New Draft Read Once. House Amendment "A" was Read and Adopted and, under suspension of the rules, the bill, as Amended, was given its

Second Reading and Passed to be Engrossed in concurrence.

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Proposing a Salary Plan for Certain Unclassified State Officials." (H. P. 1311) (L. D. 1840)

Reported that the same Ought to Pass in New Draft. (H. P. 1336) (L. D. 1880)

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

Which report was Read.

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

Divided Report

Five members of the Committee on Judiciary on Bill, "An Act Creating the State Witness Immunity Act." (H. P. 1269) (L. D. 1775)

Reported in Report "A" that the same Ought to Pass.

(Signed)

Senators:

HILDRETH
of Cumberland

Representatives:

FOSTER
of Mechanic Falls

HEWES
of Cape Elizabeth

DAREY
of Livermore Falls

QUINN of Bangor

Five members of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft, (H. P. 1337) (L. D. 1881).

(Signed)

Senators:

HARDING of Aroostook
MILLS of Franklin

Representatives:

BERMAN of Houlton
DANTON

of Old Orchard Beach
BRENNAN of Portland

Comes from the House, Report "A" - Ought to Pass Read and Accepted and the bill Passed to be Engrossed.

Which reports were Read.

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

Mr. HARDING of Aroostook: Mr. President, I move that the Senate accept Report "B", Ought to Pass in New Draft, and I would like to speak to my motion.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate accept Report "B", Ought to Pass in New Draft.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING: Mr. President and Members of the Senate: It is with regret that I tell you that, in my sincere judgment, much misinformation has been disseminated, unintentionally I am sure, regarding witness immunity.

I hope that no one here has made up their mind prematurely on this before hearing the debate as to the actual facts. Now, you have read in the papers that some 37 of 42 states have this general immunity law. This is untrue. Only seven or eight states have the general immunity law that we are talking about. Some 42 states do have a limited immunity law, and Maine is one of them. Our limited immunity law applies only in the case of restraint of trade. In the report which I am asking you to accept we wish to extend that to cases involving the use of drugs, marijuana, LSD, and in sex crimes where minor children are involved. We believe that this is not straining the history of immunity because, as a practical matter, the courts already are granting immunity, and the county attorneys and what have you, to the children who consent to sex acts which are against the law. They actually do not prosecute them although under the law they should. This would protect those children.

Also, in the cases of these pushers of marijuana and LSD on our campuses and so on, we are interested, of course, in having those people convicted. This would enable these children who are on our campuses and in our schools to testify against the people who are selling and peddling this kind of thing.

I will speak now briefly about my objections to the general immunity law which is proposed here. As I say, this is new ground and there are only seven or eight

states in the entire nation that have this general immunity law. Now, from Page 15 of the Legislative Research Committee's report on this matter, Exhibit 5, they have listed a Model State Witness Immunity Act, and this was passed by the National Conference of Commissioners on Uniform State Laws in 1952. This means that some 16 years have gone by and 42 states have seen fit not to accept this law. I suggest to you there is a good reason for that.

I also commend to your attention, and I think this is very important — this is in the Legislative Research Committee's report on Page 11 — there is real serious danger in adopting this, and I read from Paragraph 3. This is not my statement; it is the statement of the Legislative Research Committee themselves: "One serious danger in the light of court decisions with respect to the application of immunity given by one jurisdiction to prosecution in other jurisdictions is that the grant of immunity to a witness in one proceeding will interfere with investigations elsewhere. Since facilities for communication between elements of the federal government are better developed than those at state and local levels, the problem is greater in state courts and grand jury investigations."

What does this all mean? It means very simply this: You could have a person who was charged with a very serious crime, that they were developing the evidence in the State of Illinois, let us say, and he comes to Maine, should we pass this act, and in Maine we grant him immunity to testify before a grand jury or before the court. As I read this, and as the court decisions exist, he would have immunity from the prosecution in Illinois. This is why this caveat was put in here. Before you start adopting these immunity statutes you need a coordination on the federal and the state levels, not just within your state but within the nation because, otherwise, you would be granting immunity to some very serious threats to our society.

Now, the question is: You have read in the paper time and time again that it is very important that we adopt this because the Costa Nostra is after us, or the Mafia is after us, or what have you. Now, I can tell you in all sincerity that before the committee questions were asked of responsible people, "Would a member of the Costa Nostra or the Mafia testify if he were subpoenaed?" The answer is "No." There is only one circumstance under which that man would testify. If he testified without the approval of the mob, which of course they would not give, he would be killed. This would be certain death for him. There is only one circumstance under which those people testify, and that is if they have already been marked for death and they know that they are under contract to be killed. Then they will come in and testify, and you don't need this act. They have testified in Massachusetts without the general immunity act, as I will show in a paper here in a few minutes.

They will say "Well, maybe you can't use it for the Mafia and maybe the Costa Nostra, and perhaps this information has come out — we would like to kind of toss that aside for a minute, but really we do need it in the lesser crimes." Now, there are people here who have tried cases in our courts, and you know that when a man testifies, he is brought in to testify, you can impeach his credibility. That is, you can show that the jury should not believe him because he has been convicted of other heinous crimes. So, you bring this fellow in that has been involved in this thievery and you read from his record: "Are you the same John Jones that was convicted of rape in 1952? Are you the same John Jones that was convicted of larceny in 1960?" And you just read over these different convictions, and he says "Yes, I am." Then in your argument to the jury, which is very plausible and is very accepted, you say "Well, would you believe a known thief, a known killer? Is this the kind of a man you are going to believe and send somebody behind prison bars for his testimony, one

against the other?" So, this testimony isn't often believed in our courts. And in Massachusetts, just recently, a jury acquitted four in a gangland slaying, and this is the very kind of evidence which they had. They had one of the gang who was in and testified. But they brought up all of these convictions of which he stood charged and the jury would not believe him.

Now, before our committee there wasn't a bit of evidence that this had been helpful in combating crime in any one of the eight states that now have it; not a single bit.

Now, I object to Report "A" because it permits thieves, killers and prostitutes to go without punishment for their crimes for their doubtful promise that they will testify against somebody else. And with that class of people, would you want to have your liberty put in jeopardy with that kind of a person testifying against you? You may say "Well, I would beat the rap." You probably would, but how would you like to be dragged into court, have a grand jury return an indictment against you, pay for your defense counsel and so on, for this kind of a witness against you?

I do suggest Report "B". I think that we would have a chance to see how this does work on this limited effect. We would see how many immunities actually were granted. I suggest to you that if Report "A" is adopted it will do little — in fact, it will do nothing — I will make a broader statement: It will do nothing as far as organized crime is concerned. It might be used occasionally on the lesser crimes. It has immense potential, however, of being abused. But why I so strongly object to this is the big factor that it misleads the people of Maine. They believe that when you pass this you have done something that is going to eliminate major crime in Maine. You will have done nothing to reduce major crime in Maine, and you will have done next to nothing as far as the lesser crimes, but you will have increased the abuse of the law and the possibility that innocent and decent people will be put to trial for things which they should not be. And, as

far as your convictions are concerned, they are very rarely obtained in any of the eight states that have this general immunity because of the character of the people that are permitted to testify. So, I hope on the merits of this thing, and not on some prejudgment of what you have read in the papers and so on, because the papers have reported this very inaccurately, that you will decide this particular thing on its merits, and this I would ask of you. Thank you.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I would hope that Report "B" would not be adopted. I would hope instead that Report "A" would be adopted in concurrence with the other body.

The Senate Minority Leader is correct in saying that obviously the passage of this bill is not going to wipe out organized crime in the State of Maine. Of course it isn't. The Legislative Research Committee and the five members of the Judiciary Committee which signed Report "A", however, were convinced that crime is a growing problem in the State of Maine, as it is throughout the nation, that organized crime is also a growing problem within the State of Maine. The Research Committee and the Judiciary Committee listened to our Attorney General speak about his concerns of the growth of organized crime within the State of Maine and ask us to equip him with certain tools with which to deal with what he conceives to be a growing problem.

I am not an expert on organized crime. I think the Attorney General, by reason of his office, is probably as close to being an expert on what organized crime is doing in the State of Maine as anyone. I for one am willing to listen very carefully to what he says and listen to his recommendations. One of his recommendations was this bill. It also happens to be the recommendation of the President's Commission on Law Enforcement and Administration of Justice, which recommends the passage of

general immunity legislation not only in the federal government but in the several states.

Some states, as the Minority Leader has mentioned, have already passed witness immunity legislation. I think the State of Maine is just kidding itself if it doesn't see on the horizon the storm signals that have been flying in the past two or three years and move to equip itself to handle the kind of situation that I think really does exist.

The bill that is reported out by half the Judiciary Committee — incidentally, when the Judiciary Committee comes out five to five that is practically unanimous — the bill that is reported out by the five members that signed Report "B", limiting witness immunity to crimes involving narcotics and sex offenses involving juveniles, if they adopt the philosophy that it is good for these crimes, it escapes me why the bill which otherwise is identical, isn't equally good for the kind of crimes that are increasing in the State of Maine. I refer specifically to the rash of well - organized, well - manipulated thefts that have taken place in the Portland area during the last two or three years.

I am afraid, to be perfectly honest, that an element of politics has crept into this whole argument over the bills recommended by the Attorney General. I think this is too bad. I don't think it should be a partisan issue and I hope that with you it is not a partisan issue. It shouldn't be. On the other hand, I think any of you reading articles like those that appeared in Life Magazine and the Saturday Evening Post must inescapably be aware of the fact that there are those guys out there that really don't have the niceties of philosophy that some of us have, and I think we have got to deal with them on equal terms. I would not feel this way if a commission, as well set up and prestigious as the President's Commission on Law Enforcement, had not flatly recommended this particular bill as being one of the most important things that the various states can do to equip themselves.

I hope that the Senate will not accept Committee Report "B" but, instead, will accept Committee Report "A".

The PRESIDENT: The pending question is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept Report "B", Ought to Pass in New Draft.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I rise to support the Senator from Aroostook County, Senator Harding. I don't think I would have risen until the Senator from Cumberland County made the remark about the magazine Life with reference to Mafia, or whatever it is.

The City of Biddeford has been plastered all over the State of Maine with reference to that organization. The weakness upon our city government in the City of Biddeford that a telegram was never forwarded to the Attorney General, "Come into the City of Biddeford and clean it up because we decent people are behind you;" but that wasn't done. The Attorney General was a resident of York County and an attorney at the bar. He really knows, if he wants to honestly say, that the City of Biddeford is as fine a city as there is in the State of Maine. Sure, we have bookies. You can take out the National Guard and you will never stop the bookies. I know you all know I love to go to a horse race, and I will go. But when you come out and tag the City of Biddeford then you indict us all.

I want to give you an experience of the Gestapo that I saw in the City of Biddeford. I was standing by the city building with the editor of the Biddeford newspaper and within five minutes the State Police are raiding. They went over to the barbershop. We asked the Chief of Police what they were doing. He didn't know. He didn't know they came in there. I walked around the corner and the State Police were in a newspaper store of as fine a young gentleman that there is in the City of Biddeford, who is respected by the people of the

City of Biddeford, who was a member of the Board of Education in the City of Biddeford for twelve years. On top of automobiles were people taking pictures of the store. One friend of mine, who peddles oil, was held in there 25 to 30 minutes. He went in to buy a package of cigars and something else, but he couldn't get out. And they took his name when he came out. I says "Pic, let's get across the street or we will have our picture in this too." It wasn't over 15 minutes when out came an officer of the law handcuffed with this young man who was in business, and an honorable man in the City of Biddeford, along with some gentleman who has been a bookie, they claim. To me it was a farce. In my community, they are wrong to people in the City of Biddeford who condemn them. It is not the fault of the State Police who guard our highways and this and that; they are called there to do that and they have to go along.

In the afternoon, at 3:00 o'clock about, on Alfred Street they had raided another place. The TV cameras were there, the trucks were there, and everything else you can think of, and they were bringing out whatever they had there.

I don't know anything about the cases; they are in court. But when they condemn the City of Biddeford they want to go to some other places in the State of Maine and condemn them. Our people work in the mills and the shops and they have been there for years, and they don't like that kind of criticism. If the bookies are there get them out of there. We can go to the track, we can lay our two - dollar bill down. And I think the Senator from Aroostook County is looking at this as I am throughout the State of Maine. I am not interested in what the newspapers say about it one way or the other. The unfortunate part about newspapers in the State of Maine today is that you only get one side of the story; there is only one newspaper in the town. When I came up in the City of Biddeford we had the old Biddeford Record, which was a Democratic paper, and the Journal was always a Republican paper, but we

could always get into something and have a free - for - all at any time that we wanted to. Now we get one paper, and they copy a lot of it, I think. I don't think they go out and get the news because what I read I can read in the Portland Press Herald.

So, I say to you, give us in the City of Biddeford some consideration and forget that magazine. I don't know where there are any bookie joints in Biddeford; I never bought a bookie ticket in my life. I never bought a treasury ticket from Ireland, nor a lottery ticket, nor a raffle, but I have put two dollars on a horse to see them run around. Sometimes I get a little dividend and sometimes I don't. All we ask, politically speaking, forget that end in the City of Biddeford.

I attempted in this last session to improve our city government in the City of Biddeford, to give the other party, which was the minority party, an opportunity to put a ticket in. I believe in the two - party system because when you have only got one party you have got too many leaders. But the chairman of the committee said to me that it was an oversight, there were too many bills in the Legal Affairs Committee, that mine was snuck in with another one. As I say, all I ask of you, whether you vote for Senator Hildreth or for Senator Harding, please think of the people in the City of Biddeford. It has been rapped all over the country. And if that organization is in the City of Biddeford, we ask the Attorney General to go up and clean it up. Thank you.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: As a layman I have examined both of these bills and I think I would agree that Report "B" is a very watered down version; it just covers sex crimes of minors and drugs or its use or sale. It would seem to me that if we were going to do the job right we should accept Report "A". I would request a division on the motion.

The PRESIDENT: The pending question is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept Committee Report "B", Ought to Pass in New Draft. The Senator from Somerset, Senator Johnson, has requested a division.

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: As a lawyer who has tried defense cases for many years, I am going to give you some advice. No, I take that back. I am not going to give you some advice because every time I say that I am reminded of a girl who wrote in class — they were asked to write a theme about Socrates — and she made this profound summation: "Socrates was a man who went around giving people good advice. They poisoned him." But I will say this: I am going to be mercenary in my approach, and I know some of my brother lawyers will perhaps look at me with astonishment and surprise when I say "Vote for Report 'A'." Why do I say vote for Report "A"? As I told you, I am taking a mercenary approach. It means that I am going to make an awful lot of money and I am going to win a lot more cases. You may say to me "How do you arrive at that conclusion?" Brother Harding has stolen a great deal of the many things that I wished to say on this subject, but I will just repeat that when the State and the prosecution relies on the testimony of a self-confessed criminal to win a case we are in grave danger because I know, and many other lawyers who have practiced before the bar know, that, if the prosecution relies on this, nine times out of ten you are going to lose the case. As Brother Harding pointed out in this case that just came out in Boston where the jury acquitted four in the gangland slaying, there were four unsavory characters, if ever I read and heard about them, with records a mile long. What happened as a result of that? They were acquitted. Now, under the law, once they are acquitted, and even though there might be some concrete evidence that might be found later, they would still be per-

mitted to roam the streets free, and can never be brought to the bar of justice because of the law of double jeopardy. I know this from my experience.

You see, there is a great deal that is said in the press about this witness immunity act that is only one side of the story. I don't want anyone to get the idea that we lawyers have an ulterior motive when we speak out against this particular act because, as I told you before, if you pass this act it means money in my pocket. I can just dream, I can just visualize a defendant with the only evidence against him being that of a self-confessed criminal, and my argument to the jury, reminding them of our law that the defendant is presumed to be innocent until proven guilty beyond a reasonable doubt. And then I can just picture myself asking that jury whether or not, with the law that the court will give them, "Are you going to take the evidence of this self-confessed criminal to convict the defendant?"

Now as I said before, and I say it again, I am sorry that I will have to go along, because I am taking this mercenary approach, and vote for Report "A".

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: Very briefly, I would like to answer some of the questions which the Senator from Cumberland, Senator Hildreth, raised. He said if this is good on a limited basis why wouldn't it be good on a broader basis? I attempted to answer that in my argument, that I suggest the limited basis because these people from whom we want testimony are people who have been victimized. They are young people whose honesty would be believed and truthfulness would be believed by a jury. We want to protect them and we want to get at the real culprits. That is the reason it is satisfactory on a limited basis. It is not satisfactory on the broad basis because you are giving a free ride to crooks, thieves, prostitutes and killers.

As far as I am concerned, I am speaking on this as a member of the Judiciary Committee. I am not speaking in a leadership capacity on it. As far as the report is concerned, Report "B", you will notice that is signed by members of both political parties. I assume that the Senator from Somerset, inasmuch as this is a Judiciary matter, Senator Johnson, was also speaking on this in his individual capacity, and not his leadership capacity, because I am sure that no political party, on something which affects our basic rights, wishes to make a political issue of something of this nature.

As far as the recommendations of this commission are concerned, the President's Commission, I would emphasize again that the dangers which they pointed out, that if you pass these immunity laws without having the coordination that you would do great harm. That is still there in the report if you would like to read it.

I will just close with this one statement: If this has been so good in these eight states that have it, why wasn't there some evidence brought before this group right here of how nice this works? Why then, for sixteen years since this proposal was made, from which this draft is taken, have 42 states failed to enact it? Well, I will suggest to you the reason. 42 states share the conviction which I have, that we ought not to give a free ride to thieves, crooks, perjurers, killers and kidnappers; we ought to put them in jail instead.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I don't want the Senate to get the impression that this is a bill that is dedicated to giving a free ride to killers, crooks and other criminals any more than it is dedicated to giving a free ride to dope pushers, which it would be doing, in the Senator's term, or to sexual molesters of children, which it would be conceivably doing under Report "B".

This is a bill that is a fairly sophisticated tool in dealing with a fairly sophisticated problem.

Obviously, if an Attorney General tries to use the witness immunity bill in every case, he is going to have a remarkably poor record of convictions. Remember that the Attorney General or the County Attorney, or whoever is trying the case, is after a conviction. He knows as well as Senator Harding does that the jury is going to take into consideration, as Maine juries have for over 150 years, the weaknesses of a witness, the bias that he might have, the prejudice that he might have, the interest that he might have, in saying what he says in open court, knowing full well the penalties of perjury. Maine juries have been able to take into consideration these factors for a good period of time. I have no doubt but what they will be able to continue.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I must confess that I feel rather strongly about constitutional guarantees, and I don't really feel terribly enthusiastic about either one of these bills because either one of them does, to a certain limited extent, nibble away at a constitutional guarantee that we have at the present time. On the other hand, I think we must face up to the fact that we in this country and apparently in this State have problems that are not yielding to the tools we have been limited to in years past.

I am a little puzzled at the argument that the witnesses in all of these cases — and I don't think there would be very many cases in which this device would be used — but that these witnesses would be self - confessed criminals and, as was suggested by the good Senator from Cumberland, the County Attorney and the Attorney General are certainly going to weigh the quality of evidence to be received before attempting to use this tool. I am sure that this tool will be used carefully. If it isn't, I am sure that we will see that we will not leave the tool in the hands of our prosecution.

But as I look at the bill, and I am looking at the original bill

which is favored by Report "A", it appears to me that there are reasonable safeguards laid down. And although, as I have indicated, I don't feel any tremendous enthusiasm for either bill, I feel that a step in this direction is necessary, and I am going to favor Report "A".

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I realized a few moments ago that my seatmate was going to speak, and I do want to thank him for the mildest opposition that I have received from him in the whole of this legislative session. Usually it is a strong type of opposition. I want to congratulate him on his mild stand this morning. It makes our neighborhood a little more enjoyable to have it of a mild nature. I think that he has almost come over. His remarks indicate that he can see the virtue in the opposition to this broad-based immunity act which is being proposed.

The thing that I don't like about it, Mr. President, as a lawyer, is that this is so colored with hysteria and panic and politics that we are doing something which I think we wouldn't do if we were approaching it rationally. We haven't heard from the Maine Bar Association and we are not likely to. The President of the Maine Bar Association is the Attorney General. We have heard from a number of the Executive Committee of the Maine Bar Association, and every one of them who has contacted me has spoken in opposition to this move. I might say that one of them is one of the greatest trial lawyers in this State, and a very close friend of the Attorney General, who urged upon me great caution in this field. We haven't heard from the Executive Board of the Directors of the Maine Trial Lawyers' Association. These groups are the professional groups of the bar and they are dedicated to studying propositions of improvements of the law, and particularly when they pertain to constitutional rights and individual liberties. The Maine Bar Association practically stood on its

head last winter when a little fellow that didn't have any legs to walk on wanted to take the bar exam. But here we have a matter which is vitally affecting the rights of every citizen, and we haven't heard from them as a body, except from their President who urges this in a panicky sort of way. He has put on a tremendous campaign; you have got to hand it to him. He has used all of the media that is available to one in his high office to promote this after the Legislative Judiciary Committee last winter unanimously denied approval to these measures.

It takes quite a lot to stand up to this hysteria and this publicity, these two - page spreads that you read in the Gannett Press in Portland, the author of which may very well be in the room, in which they misstate the facts, they don't have the facts. They state for instance, Mr. President, that the federal government and more than half the states do not already have these tools. The implication is that if this is good for the federal government then it is good for us. But the evidence is plainly, and this is from the Attorney General's own article — I shouldn't implicate the press for that because he wrote this apparently — when it was available to him, and I am sure he was aware of the fact, that the committee of the good Senator from Cumberland, Senator Hildreth, reporting on organized crime listed the federal witness immunity acts, and they pertain, as you will see on Page 12, Exhibit 2, they pertain only to the fields of commerce and industry, and not to general crimes. I have had limited experience in that area, in prosecuting for the federal government, and in the area of general crimes with which we are dealing today there are no immunity statutes. And this is quite significant, Mr. President, because, roughly since the Lindbergh case of the 1930's, there have been many, many reforms in the criminal statutes of the United States, and there have been many campaigns, anti-crime campaigns which grew up around certain instances which promoted tremendous public support for improvement in the criminal laws, and this

has not occurred in the federal law. The immunity statutes do not prevail in Internal Revenue. And you recall that it was the Internal Revenue Laws that finally brought Al Capone to brook. And many, many respectable and dis-respectable citizens have faced the Internal Revenue Laws and the government didn't have a tool, as the Attorney General says, such as this to bring them to the bar of justice.

Also interstate transportation of stolen goods, the Lindbergh Law itself, the stolen car act, the Dyer Act, and all of these crimes in the field of general crimes, outside of the field of commerce and trade, this type of thing does not exist.

Now, we did have a very interesting committee hearing with the Attorney General, and I am not going to delve into the deep secrets that were revealed to us at that time. But we were shown many, many mug shots, these fellows with distorted faces and disheveled hair and numbers across their chests, and we were very much impressed with the fact that some of these fellows have been known to cross the line from Portsmouth into Kittery and they have been traveling around in Maine. I think we ought to keep our eye out for them and see to it that they don't start any of their Mafia families in our midst. At the present time, I think it is fair to say, and discreet to say, that we don't have any prosecutions afoot and we don't have any of their scalps to hang up to show that we have been doing our job in the field of prosecution, but I do want to say that this interstate travel on the part of criminals is nothing new. On the part of conspirators against the government of the United States, it is not the first time they have been into Maine. A number of years ago, to my knowledge, the Secretary of the Communist Party summered down — and I hope this isn't shocking to the good Senators from Hancock County — but he summered down there for three summers in a row and enjoyed the good weather of Hancock County. He died a short time after that, that Secretary of the Communist Party,

but it was very significant to me that in the elections of 1964, following the Communist Party Secretariat moving into Hancock County, that Hancock County was the one county that stood out above the rest in voting the Republican ticket, and it has been contributing more to the Republican coffers than any of the other counties ever since. So, I don't suppose we should invite the Communist Secretary over into Franklin County, but if it would bring about results like that it might be of collateral benefit.

I do know, and I think all of you know, that this has taken on not only hysterical overtones but political overtones as well. I wish that when the vote is taken there would be a few Republicans over on the side of logic, as I hope to be on, but I think you will see when the vote is taken, it will be obvious to anyone, that this has become a political issue, and it is unfortunate that it should have been. I do hope that the motion of the Senator from Aroostook, Senator Harding, will prevail but I haven't much hope that it will.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I rise this morning not as a partisan, not as a Republican or a Democrat, but as a member of the Legislative Research Committee which considered this bill, and also as a private citizen.

The Senator from Franklin, Senator Mills, mentioned the way this bill was presented as in a panicky sort of way, and he mentioned the word "hysteria." I would like to point out to that gentleman that there is panic abroad in the State of Maine today and in America, and there is hysteria. And there is alarm at the way our society is operating at the present time, and this is partially through some of the decisions that have been handed down through the courts to protect the so-called individual rights of American citizens.

I believe in constitutional guarantees and constitutional rights of the individual, but I also

feel that society as a whole is entitled to some protection. In recent years some of the decisions that have come down to protect the individual, the individual hood and criminal, have acted in a way so as to make the rights of society imperiled so that now it is no longer safe for a child, or for a woman, or for a man, to walk down the streets of many of our large cities, either day or night. It has become so that the disregard for law and order is such that we have had insurrection and anarchy in our streets last summer, and probably worse to come this summer.

I say that this tool, with the protections that are in the bill, that the Attorney General must at all times first approve the request of the prosecuting attorney, and then the court, after the request from the Attorney General, must then order — but he doesn't have to order — it is in his own good judgment, if he feels it is needed, to use this immunity statute — that I feel it would be used in a very limited fashion to get at some of the hoods and felons that are in the State of Maine as well as in other states.

When they laugh and make fun of the organized crime being in the State of Maine, and when I go and talk to a friend of mine in the real estate business who informs me that unknowingly he has sold a piece of land worth \$175,000. to a member of the family, a documented member of the Mafia, here in the State of Maine, then this is no joke. It may end up being in the form of hysteria or acting in panic, but perhaps it has come to that state of affairs. Society needs some protection. And society has not had the protection it should have had in the last few years in America, including the State of Maine. And I don't think this is an infringement upon the constitutional rights of an individual as much as it is going to be to help protect society as a whole. I would hope that the motion to accept Report "B" is defeated, and that the broader version as expressed in Report "A" would be accepted by this body.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I am kind of disturbed by some of the arguments that I have heard in connection with the rights of society and all that. The inference is that perhaps some of us who argue against it are opposed to protecting society. We are all against sin. I am just wondering whether or not this is the best way to protect society.

Let me take you behind the scenes for just a moment. You see, the public is rightfully disturbed, and should be so, about the crime that is existing in our country today. I am. But I am wondering about the solution. Do you know what happens in court today? I have these cases and I know. The public doesn't know. I am representing a defendant, and Brother Mills is representing a co-defendant, both charged with robbery. Brother Mills' client claims that he is innocent and demands a trial. My client comes to me and he says "Mr. Stern, you know, I am guilty of this, and Mr. Mills' client is guilty. What would happen, or what would be the result if I plead guilty and testified against the client of Mr. Mills?" Now, this has happened so much, so frequently, all of you know this. Well, this is what happens: I, in giving him the best advice that I could, say "If you are guilty I would suggest that you plead guilty. And if you feel that you want to testify against Brother Mills' client, well do so." And he does. But he asks me before he does "What would happen to me?" The best advice that I can give him is that he probably, and will be, treated with more consideration and perhaps he will be given a break if he cooperates with the State. This is true. So you see, we do have sort of an immunity act. And it is better, it is much better, because nine times out of ten, I can't see one crook getting off to testify against the other. My client will still get a sentence, but he will be treated with much more consideration. This happens in these sex cases, marijuana cases, all these cases; the ones who

pleads guilty and cooperates with the State, even though he is not guaranteed immunity does get immunity up to a certain point, and oftentimes is not permitted to go free. Now, this is what actually happens in court. I am just telling you so you might have some benefit of what I say, because it is absolutely immaterial to me how you vote.

As far as this organized crime is concerned, and what we hear about so frequently in the State of Maine, I can't seriously consider that it is that serious. Perhaps you may think that I am speaking facetiously, but I don't think we have organized crime because, with my tremendous ability, it seems to me that some of it would have gravitated towards me. I absolutely don't defend anybody from the Mafia or organized crime, so I can't believe that we have it.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: Probably I can add little here this morning other than to maybe clarify the political charge. I, after hearing the debate, am going to vote against Report "A" and also against Report "B". If we are already in our courts, in a sense, giving immunity to sex offenders, I see no reason why they can't stretch this a little further, possibly to those victimized by dope peddlers.

I will be brief. To me it seems as if the Senator from Penobscot, Senator MacLeod, hit upon the real issue. That is, basically, the problem of society itself and what are you going to do about it. Now, I don't think that this is a political issue, in a sense, although, of course, anything that goes through here, in a sense, is political. I personally don't believe that it is actually a legal issue as such. I view it as a moral issue.

The Senator from Cumberland, Senator Hildreth, and probably he is right, but I disagree with him on the idea that in order to fight crime and criminals you have to get down on their level. I feel that

this is what is wrong with society today. And I do not believe that you are going to fight organized crime, that you are going to improve society, by putting it down and lowering it so that it fights at their level. I just do not feel that this is the way to go about it. We take the easy course too many times and I just feel as if, when you give immunity to the criminal, there is something in it that goes against my grain. Therefore, I will vote against both reports.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I must disagree with the previous speaker. I think that Senator MacLeod did put his finger on it when he said, "This is an obligation of society to correct its own house, to put it in order." We can't sit back idly and see ourselves going steadily down hill the way we are in this matter of law enforcement and punishment of criminals.

Things have come to a pretty pass in this country. It's easy to wave the flag and say that our ancient principles of honesty and freedom, justice and so forth, which founded this country over two hundred years ago are still in effect because they certainly are not in effect. Our country no more bears a resemblance to that of 1750 than the fast car of today bears to the horse of two hundred and fifty years ago. I think we have to realize that we are not going to sacrifice some basic principles, but we have got to do something to protect society. As a complete neophyte in these matters, I ask myself why do we separate out certain crimes and say that this change would apply to it? Are the crimes of sex offense and dope peddling, less serious than that of murder, bribery, and all other forms of crime? With civilization advancing so fast the law has got to change its way of doing business. It has got to change its way of apprehending criminals. It seems to me new tools must be devised and used, tried out first if necessary, but certainly used.

An appalling statement the other day was made when we were talking about a candidate for Congress. And he made the statement that he wouldn't dare take his family down to Washington and live. This is what we are facing today, ladies and gentlemen. It seems we are not asking for much here. It is not political; we have seen both sides of the fence represented. I think this deserves a try, and I hope you vote against acceptance of Report "B".

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I have listened with a great deal of interest to the good Senators Harding and Mills speak against the basic principle of witness immunity, especially in Report "A", and yet the same principle is involved in Report "B". I wonder if perhaps they could explain through the Chair why they are against the principle of one and for the same principle in the second report.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: Only recently in the newspaper in the City of Portland the chief of police resigned. One of the statements he made was he couldn't accomplish the job that he wanted to accomplish due to politics in the City of Portland. That is the Chief, Mr. Webber, and anybody that read it in the Portland Paper, it came out as his own statement.

In regards to all that has been said here, and this and that I have only had one letter and I had it from the Manager of the Columbia Market in the Town of Sanford. He wanted me to support the bills that were presented by the Attorney General with reference to crime and this and that. The policemen in our community will directly tell you that since the ruling of the United States Supreme Court they don't know whether or not to sign the complaint, this or that, or whether they are going

to get sued, or where do you go from here?

There is no question in my mind, in the city of Biddeford we have had a lot of breaks. That is up to the police department to change their form of what they do with their patrolmen at night. At the time being they haven't done it. Crime exists; there is no question about it. We heard a lot about dope, but let me tell you an honest and sincere story before LSD ever came into existence among the younger element. This gentleman drove it out of his place, he ran a little candy store, coca-cola, and this and that. They used to come there nights, and a young lady bought a coca-cola and when she wasn't looking somebody dropped three aspirin in there. If that isn't dope, I want to know what it is. Many things occurred after that, and the man told them to get out. I still think that the Senator from Aroostook County has got a good fair argument for the best interests of the citizens of Maine.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: The Senator from Somerset, Senator Johnson, has posed a question which I feel deserves answering. The real pity of this piece of legislation is that good people, sincere people, like the Senator from Penobscot, Senator MacLeod, and the Senator from Cumberland, Senator Berry, believe that this is going to do something to combat these awful things which they have mentioned. The fact is that it will do nothing. We don't get at the heart of the matter, and are passing up the real heart of the matter in that we need to appropriate and spend more money to train able policemen. We need to have on the State level a good training program, an adequate training program, which we do not have. We are substituting for these very basic things a gimmick which eight states have had, and not a single one of them would come here and submit any statistics, nor any of the proponents, that this had worked in any of the eight states that do

have it. This is the tragedy of the thing.

Now you ask why I accept the principle on this limited number of cases and not on the broader principle. I hoped that I had covered that; apparently I have not. It is this fact, that in these limited number of cases we are talking about young people who have been victimized. And we wish to make it possible for them to be given immunity so that the real offenders can be punished. And these people are believable but they have been victimized, and they deserve to have a chance to testify and to be protected. This is the basis of why I support Report "B" and, if this is enacted, and if this becomes law, you will be very disappointed at the effect of it, because it will do little good, if any good. And it has the potential of immense harm, which I have called to your attention in the Report of the President's Commission of the real caveat, to the real warning, and which nobody here has answered.

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

Mr. STERN of Penobscot: Mr. President, I didn't intend to speak about the subject any further, but I just wanted to tell you this: The public doesn't realize that we have immunity. I am representing a defendant, a young boy, 18 years of age, who is charged with the possession of narcotics. This has received publicity throughout the State, the Attorney General knows about it, it is pending in court, and we are fighting it. Now, you know who testified against my client? Several other boys of the same age who also had possession. But they have testified, and they will testify, because they want to get my client. The reason they want to get my client is because there are some charges he is growing it in his yard and then giving it away to the boys in the area. Now this has been publicized, people know about it, and this case is now pending. Now, there is a case of immunity. None of these other teenagers have been arrested or charged with the possession of narcotics. It's what you don't know

that makes this problem sound so serious. We do have immunity.

If I had to decide between "A" and "B", with what I know, I would side with my good friend Senator Reed, because we have it, and we don't need it to permit one crook to be set free just to get at somebody else who will get free, and then go out and commit other crimes and not be able to be prosecuted later, if there is evidence found, because of the law of double jeopardy. If I had to choose between "A" and "B", maybe I'm wrong, but if I said I would go along with "B", I would go along with "B" because it is the lesser of two evils. But we don't need it. I'm fully in accord with Senator Reed.

If I had my way, and it is probably too late, — I'm not well versed in the technical procedure — but I would make a motion for indefinite postponement of both, if it is in order. If it is in order, I make it.

The PRESIDENT: The Chair rules that the motion is not in order; that a disposition of the pending motion will solve the question. The pending question is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept Report "B", Ought to Pass in New Draft.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Just one short word, Mr. President. In my prior remarks I referred to the pandemonium in the press, and I referred particularly to the Gannett Press, I think. I should point out that against this two - page spread of the Sunday Telegram, there was, on Friday, January 12, 1968 a two - column editorial which supports the position that I find myself in this morning in particular. This editorial says: "That granting immunity to criminals who provide State's evidence should be challenged most seriously. It invites abuse. And it will be abused just as surely as the fifth amendment has been abused. It invites denunciation of innocent persons by punks and hoods who will do far worse things than lie to save their own skins. It returns to the streets to strike again an element often

as guilty as those convicted. There is no defense whatever for this proposal on ethical grounds." Skipping a little, "If the immunity law should be passed, it would indeed be well to beef up the perjury law." On very good legal advice, I understand, the Attorney General decided to withdraw the perjury law from our consideration. It says here also, "That a case can be made for all the measures advocated by Mr. Erwin, but they are not beyond challenge and the increasing crime rate should not prod prosecutors, enforcement people, or legislators into hasty action. These proposals may well need far more airing than they are likely to get in a Special Legislative Session. And before they are made into law, the people might like to hear more discussion on both sides."

I find myself probably more allied with the views expressed by Senator Reed, however, I signed this "B" Report because I understood that some bit of legislation in this area was doomed to go through this legislature, and I felt this was the least harmful of the two. If I had a preference, I would feel that none of this should be enacted.

I would like to express this hope, Mr. President: that when the Attorney General writes his report for next year, that he inform us and the people of Maine as to the use he has made of these measures which we are passing, apparently, today in this Legislature. I feel that he will make very little use of them, that they will not be the tools that he has announced so broadly that they should be, that they are prospectively the tools of great harm in the administration of justice, and that, in effect, he will have very little use for them.

What the Attorney General needs to beef up his program is good solid convictions and good solid police and enforcement work; not doing it in the newspapers, but doing it in the courtroom. I hope he will follow that humble advice.

The PRESIDENT: The pending question is the motion of the Senator from Aroostook, Senator Harding, that the Senate accept Report "B", Ought to Pass in New Draft.

As many as are in favor of accepting Report "B", Ought to Pass in New Draft, will now stand and remain standing until counted. Those opposed?

A division was had. Six Senators having voted in the affirmative, and 27 Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: Is it now the pleasure of the Senate to accept Report "A", Ought to Pass?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I will request a division.

The PRESIDENT: The Senator from Sagadahoc, Senator Reed, has now requested a division. As many as are in favor of accepting Report "A", Ought to Pass, will stand and remain standing until counted. Those opposed?

A division was had. 25 Senators having voted in the affirmative, and eight Senators having voted in the negative, Report "A", Ought to Pass, was Accepted and the bill Read Once. Thereupon, under suspension of the rules, the bill was given its Second Reading and Passed to be Engrossed in concurrence.

Senate

Divided Report

The Committee on Judiciary on Bill, "An Act Relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles." (S. P. 766) (L. D. 1823)

Reported in Report "B" that the same Ought Not to Pass.

(Signed)

Representatives:

FOSTER

of Mechanic Falls

BERMAN of Houlton

BRENNAN of Portland

DANTON

of Old Orchard Beach

DAREY

of Livermore Falls

The same Committee on the same subject matter reported in Report "A" that the same Ought to Pass in New Draft (S. P. 813) (L. D. 1883)

(Signed)

Senators:

HARDING of Aroostook

MILLS of Franklin

HILDRETH
of Cumberland

Representatives:

HEWES of Cape Elizabeth

Which reports were Read.

In Senate, the Ought to Pass in New Draft Report "A" was Accepted and the bill, in New Draft, Read Once. Thereupon, under suspension of the rules, the bill was given its Second Reading and Passed to be Engrossed.

Sent forthwith to the House for concurrence.

Enactors

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

An Act Relating to Payment for Drugs Under Health and Welfare Appropriation. (H. P. 1250) (L. D. 1756)

An Act Relating to Schooling for Children Resident at Private Tax-Exempt Institutions. (H. P. 1255) (L. D. 1761)

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

An Act Increasing Fees for Copies in Office of Register of Probate. (H. P. 1298) (L. D. 1804)

An Act Relating to Compensation for Certain Municipal Officers who Appear in District Court. (S. P. 753) (L. D. 1811)

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

An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine. (S. P. 759) (L. D. 1816)

On motion by Mr. Berry of Cumberland, 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 "B" and moved its adoption.

Senate Amendment "B," Filing No. S-354, was Read and Adopted and the bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for Concurrence.

An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Year Ending June 30, 1969. (H. P. 1302) (L. D. 1831)

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

An Act Relating to Coordination of Public Higher Education. (S. P. 777) (L. D. 1849)

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: The question of budgeting has been brought up in connection with this bill and I ask that, if this legislation becomes law, the following statement of legislative intent be considered by each of us as incorporated within our view of the problem. The statement is that "It is the intent of the Legislature that the Board of Trustees of the University of Maine shall, during the remainder of the 1967-69 biennium, follow the appropriations as appropriated by the 103rd Legislature for the University of Maine and the State Colleges."

The purpose of this is to insure that the trustees of the new university will follow the appropriation schedule as set out by this Legislature, and by this means we know we are going to insure the continuity of the program. Thank you.

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

Emergency

An Act Permitting Livermore Falls Water District to Take Water From Certain Sources. (H. P. 1277) (L. D. 1783)

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

Emergency

An Act Raising the Discount on the Sale of Cigarette Tax Stamps

by the State Tax Assessor to Licensed Distributors. (H. P. 1284) (L. D. 1790)

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

Emergency

An Act to Clarify the Law Relating to Truth-in-Lending and Disclosure of Interest and Finance Charges in Retail Sales. (H. P. 1316) (L. D. 1859)

This being an emergency measure, and having received the affirmative vote of 32 Senators, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Mr. ALBAIR of Aroostook: Mr. President, I would inquire whether the Senate is in the possession of "An Act Authorizing a Bond Issue in the Amount of \$2,750,000. for Dormitory Facilities at Farmington State College and Maine Maritime Academy" (L. D. 1857)?

The PRESIDENT: The Chair will reply in the affirmative, this measure having been held at the request of the Senator from Aroostook, Senator Albair.

Thereupon, on motion by the same Senator, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby it adopted Committee Amendment "A" and, on motion by the same Senator, Committee Amendment "A" was indefinitely postponed.

Then, on further motion by the same Senator, the bill, as amended by House Amendment "A", was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the first tabled and today assigned matter,

Bill, "An Act Relating to County Estimates and Finances." (H. P. 1328) (L. D. 1873)

Tabled — January 22, 1968 by Senator Good of Cumberland.

Pending — Adoption of Senate Amendment "A" S-349. (Motion by Senator Ferguson of Oxford.)

On motion by Mr. Ferguson of Oxford, Senate Amendment "A" was indefinitely postponed.

The same Senator then presented Senate Amendment "B", Filing No. S-351, which was Read by the Secretary.

On further motion by the same Senator, tabled and specially assigned for Wednesday, January 24, pending Adoption of Senate Amendment "B".

The President laid before the Senate the second tabled and today assigned matter, Bill, "An Act Relating to Referendum Under Maine Housing Authorities Act." (H. P. 1333) (L. D. 1878)

Tabled—January 22, 1968 by Senator Hildreth of Cumberland.

Pending—Adoption of Senate Amendment "A", Filing S-350.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Cope.

Mr. COPE of Cumberland: Mr. President, I move the adoption of Senate Amendment "A", and I would like to speak to my motion.

The PRESIDENT: The Senator from Cumberland, Senator Cope, moves that the Senate now adopt Senate Amendment "A".

The Senator may proceed.

Mr. COPE of Cumberland: Mr. President and Members of the Senate: This amendment, what it accomplishes, and what it provides, is that on the peninsula of Portland for many years we have had series of referendums both on public housing and urban renewal. The people of Portland have given overwhelming support of such a referendum on the peninsula. I believe in public housing, we need public housing, and we need more public housing. What this amendment accomplishes is that, in the future, on the peninsula we no longer need any more referendums for any more public housing. This provides an unlimited amount of open end public housing on the peninsula. It provides for rehabilitation, leasing, remodeling, and turnkey provisions under the fed-

eral law. There is a need for public housing on the peninsula and I hope the Senate does adopt this amendment.

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

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I was hoping that during this second special session I could sit in my chair all the way through and not talk on anything, but I find to my consternation that this is the third time this morning I have spoken on an issue, and I apologize.

This bill had a divided report by the Judiciary Committee. It was, I believe, a five and five report; one "Ought to Pass", and one "Ought Not to Pass". I was one of the signers of the "Ought to Pass" Report, which would have eliminated the necessity for referendum in cities over 60,000 people in regard to public housing projects. Yesterday the bill came before us in our afternoon session and the Senator from Cumberland, Senator Cope, showed me the amendment which he has proposed just as the session started and the Senate took up the matter. I was concerned about the amendment; I wasn't sure I understood it. I knew his concern of having public housing matters outside the peninsula area, as he puts it, the area which is involved in the Model Cities Program that Portland has been fortunate enough to qualify for. I wanted some time to look at it to assess the amendment and, therefore, tabled it until today. I have looked at the amendment, I have talked to some people that know more than I do about this subject, and I concluded that I personally, at least, am opposed to the amendment which he now offers, and I hope it will not be adopted. I am a little embarrassed because Senator Cope is the only one of the four Cumberland Senators that actually lives in the City of Portland.

My very clear understanding is that most people involved in this problem actively in the City of Portland favor the "Ought to Pass"

bill as it originally was reported out of the Judiciary Committee. This "Ought to Pass" Report "A" was adopted in the other body and, if we adopt this amendment or Report "B", to which this is an amendment, the two bodies would be in non-concurrence. The Portland City Council voted seven to two in favor of what is Report "A" of the Judiciary Committee, eliminating the referendum. Not only did the City Council vote in this regard, but a number of other active groups in the City of Portland have strongly supported the elimination of the need for these continuing referendums because they have been told by the Model Cities people that we need to create more flexibility in the City's ability to move into the Public Housing area by not only constructing units but, when an area is renewed or bulldozed, people are obviously displaced, they have to go somewhere. The necessity for a referendum hampers the ability of the City to go into areas that perhaps are running down, remodel them, refurbish them, lease them perhaps, and take advantage of what is locally known, I guess, as turnkey housing, to try and spot these people in areas throughout the City where they are not jammed into one block of public housing.

The opposition to this kind of measure arises out of the fear of some people in the City of Portland that if public housing were to locate in their neighborhood that the neighborhood would become run down and the value of their house and the houses surrounding a turnkey unit would be devalued. In the first place, in order for this to happen, not only must the public housing authority favor the remodeling and leasing of a unit or a group of units, but also the city planning board, which is an independent board of the city, and the city council; all three of these groups, must agree that a public housing unit could be built or remodeled in a particular area. So, the city council has voted in favor, seven to two, of eliminating the referendum.

Other groups that have written to me, and perhaps to many of you,

are the Portland section of the National Council of Jewish Women, the League of Women Voters, the Danforth Home Savers' Association, which is a private development and improvement group, Child and Family Services, a part of the United Community Services, and many other people. I don't pretend that there is no opposition to this but, after having tried to understand the problem and understand the ramifications of it, I believe that the position taken by the Portland City Council on this matter is a correct one. Therefore, I hope that Senate Amendment "A" is not adopted. If it is not adopted, I will then move to reconsider our action where we adopted Committee Report "B" and, if I'm successful, then I would later move that the Senate adopt Committee Report "A," which is "Ought to Pass" of the original bill.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Cope, that we now accept Senate Amendment "A."

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: I regret to have to oppose the first proposition presented by our new Senator from Cumberland, Senator Cope, but I am in favor of the position of the Senator from Cumberland, Senator Hildreth, that this Senate Amendment "A" be indefinitely postponed.

I have also been contacted by the city council in Portland. They voted seven to two in favor of Committee Report "A," which I am in favor of. The amendment here offered would be rather cumbersome and unfair in that it would require referendums for projects in certain parts of the city and not in others. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Cope.

Mr. COPE of Cumberland: Mr. President and Members of the Senate: This amendment has been cleared through the Attorney General for the intent that there be no more referendum on the peninsula of the City of Portland. This

amendment stems from two articles in the Portland Evening Express. One is dated January 2, 1968 and I quote: "At present, by law, public housing must be constructed in the area of the model city project. There are many dwellings that can be rehabilitated on a spot basis. If rehabilitation is construed to mean construction, there must be special referendums called. This is and will be impractical. At this month's special session it will eliminate referendums on housing rehabilitation." This is what this amendment does; remove the referendum on rehabilitation.

On January 11, at the hearing in Judiciary, in an article by David Langzettell, the City Hall Reporter, I quote: "Representative Anne M. Boudreau, a Democrat, says she favors public housing, but urged the Committee to amend the bill so that public housing will be confined to the city's peninsula area." This is what this amendment accomplishes.

Since my good friend from Cumberland, Senator Hildreth, referred to Report "A" and Report "B," I have an opportunity to discuss the merits of the two bills. Report "A," L. D. 1877, and Report "B," L. D. 1878, both are divided into two parts: Rehabilitation of a Neighborhood and, two, Removal of Referendum.

On the first part there is no disagreement. Everyone wants our legislation broadened to permit leasing, rehabilitation and renovation, as well as construction of new public housing projects in order to permit our towns and cities to take advantage of the full range of programs permitted under federal law. Both report "A" (which is L. D. 1877), and report "B" (which is L. D. 1878), provide for this change. There is no disagreement on that.

On the second part, removal of the referendum, there is complete disagreement. I believe that there is a matter of moral principle involved. L. D. 1877 takes away from the people of Portland their democratic right of referendum on a local public issue, which includes the taking of real estate by eminent domain without the people's approval. L. D. 1878

grants the voters the right to determine if they want to vote on future public housing projects.

We have had referendum requirements throughout this State for many years. A moral obligation is due the people of Portland to permit them to vote approval or disapproval of their right of referendum. This is similar to the local option on alcoholic beverages, which this Legislature resolved in regular session by giving the municipalities the privilege of ending regular referendum votes by one referendum. This is what I recommend and support for the Portland public housing issue. At present the people of Portland have the right to approve the areas of the City where public housing can be located, the number of housing units and the scope of the projects. One final referendum would keep faith with the people of Portland. It is conceivable that the people of Portland will vote in favor of public housing in the suburbs. I am in accord with that. It would not be expensive or inconvenient to hold such a referendum. The legislature gave the people the referendum right on public housing as well with the local liquor option and, to be consistent, a similar privilege should be granted the people of Portland on the public housing question.

Another consideration is that everyone wants the blighted peninsula area of Portland to move ahead with the model cities project and the many other federal programs which are related to it. The model cities project area is located on the western portion of the peninsula. There is absolutely no disagreement here, because on December 4th 1967 the citizens of Portland by referendum approved five hundred dwelling units of public housing in the geographically defined peninsula area.

I have a map of the city of Portland, and I would like to show the relationship of the peninsula and the model cities program to the rest of the City. In front of me is the peninsula of Portland marked in red. This is about 20 per cent of the total land area of the City of Portland. The model cities program project is approxi-

mately one-half of the peninsula, or ten per cent of the land area of the City of Portland. I would like to show the relationship of the model cities program, the peninsula, and the area of Portland. The people of Portland have voted public housing for only a relatively small geographic area of Portland. There is no newly constructed public housing outside the peninsula. In such areas such as Woodfords, Riverton, Stroudwater, Rosemont, North Deering, East Deering, Nason's Corner, Libbytown, Morrills Corner and Oakdale; in all these sections there has been no public housing constructed. All the people of Portland have committed themselves to public housing and urban renewal on the peninsula.

I would like to quote from an article in a recent issue of the Portland Evening Express, written by Dave Langzettell, City Hall Reporter: "What is more, public housing projects have been confined to the peninsula because City officials agreed that trying to get referendum approval to build them elsewhere in Portland would be asking for trouble."

By previous referendum vote the people of Portland have authorized the construction of eight hundred units, yet only two hundred units have been constructed to date. Thus, at the present time, the housing authority is authorized to construct almost six hundred public housing units without the need of further referendum. I have been advised that these units will probably not be constructed for another three to five years.

One point must be emphasized: statements have been made that referendums on each project had to be eliminated to make Portland eligible for the comprehensive benefits of the Model Cities Program. This is not true. Portland is in no danger of losing any federal funds because of the referendum. Portland is not in any danger of becoming ineligible for any comprehensive benefits of the Model Cities Project Programs. To suggest the risk of loss of federal money is a scare tactic and a red herring. Such tactics are not only improper but are unnecessary.

Such statements do not add anything constructive to our legislative discussions.

The sole issue is: (1) Should you, the Legislature, take away from the citizens of Portland the present right to vote on public housing issues? (2) Should the people of Portland be granted the right to decide their own destiny and vote whether or not to have referendum on public housing issues? May I remind you that, under the existing law, people of all municipalities in the State of Maine have a right to vote on these issues. Do you want to make an exception of Portland? What if it was your town or city?

Referendum is a basic ingredient of home rule. The right of people to vote by self determination is a basic democratic principle. The power of eminent domain, the taking of private property for public housing, should be by vote of the people whom it directly concerns. The people of Portland have no right of appeal because Portland's City charter does not grant them any method of appeal procedures. Let the people of Portland decide how this local issue should be resolved. Don't disenfranchise the citizens of Portland their right to vote. Therefore, I believe that Report "B," which we are referring to, L. D. 1877, is a fairer and a better bill.

The PRESIDENT: The pending question is on the acceptance of Senate Amendment "A".

The Chair recognizes the Senator from Lincoln, Senator Sproul.

Mrs. SPROUL of Lincoln. Mr. President, I would support the motion of the Senator from Cumberland, Senator Cope. The reason that I support him is because I am strongly concerned with doing away with the power of referendum. Some one might wonder why I am concerned about this problem; it's not taking place in the County of Lincoln at present, but I am strongly opposed to doing away with the right of referendum. I have seen this work many times on the Legal Affairs Committee. We would have something come in there or there would be a hearing, and we would think, well, this is fine, but just as a safeguard we

will put it out to referendum. I have seen the people reverse the decisions that have been made in Committee with the right of referendum. If everyone is in favor of this project in the City of Portland, and in other places, why be afraid of a referendum. I strongly support the motion of Senator Cope.

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

Mr. VILES of Somerset: Mr. President and Members of the Senate: I have been trying to put this amendment with the bill here, and it seems to me that there is a great similarity between 1877 and 1878. I have read it so many times now that I am confused anyway, but I wish somebody would clarify exactly where the amendment is, and exactly what it does to this 1878? It looks to me like it could fit either one of these, but I am not sure.

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

Mr. COPE of Cumberland: Mr. President, I will explain to Senator Viles of Somerset that this amendment is part of L. D. 1877. What it, in effect, does, if the amendment passes and Report "B" passes, is that on the peninsula of Portland there would be the need of no more future public housing for rehabilitation or any additional housing. There would be an open end housing grant on the peninsula. If the City Council or the Public Housing Authority desires to place public housing in the suburbs of Portland, which is 80 per cent of the land area, then they require one final referendum. The history of Portland has been that the people supported the referendum on the peninsula. So far we have no response on the referendum outside the peninsula in the suburb areas.

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

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: Now I am the one who is confused. I was reading the amendment, and I think I know what Senator Cope is trying to do.

However, reading the amendment, under Filing No. S-350, I find that this is an amendment, Senate Amendment "A," to L. D. 1878. I believe the bill we have under consideration is 1878. When I read 1878, I find provisions very similar to the amendment, and that is what I would like to see clarified before we move on here. I just don't know whether we are trying to amend 1877 or 1878, in other words, Report "A" or Report "B."

Thereupon, Senator Cope of Cumberland was granted unanimous consent to address the Senate a fourth time.

Mr. COPE of Cumberland: Mr. President and Members of the Senate: Senator Couturier from Androscoggin is correct. Perhaps I did not make myself clear. This amendment has cleared the Attorney General's Office, and it is part of L. D. 1878. I might have said 1877, but it is supposed to be 1878, and it ties in at the bottom of the bill 1878. So, in effect, it says that in the future, if we want to encourage, construct, or rehabilitate more public housing on the peninsula, we do not need to have a referendum. However, if the authority decides they want to have public housing in the suburbs, then we will need one final referendum. I hope that this might answer your question.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: If I may add to the confusion a little bit, the two reports 1877 and 1878, regardless of the proposed Senate Amendment, are basically different in that 1878, which is Report "B" of the Judiciary Committee, requires that a referendum be held on this general question before it go through. 1877, Report "A," on the other hand, is the Legislature removing the requirement that the referendum be held. The Senate Amendment, therefore, would go onto a bill which not only now requires a further referendum to be held but amends the last paragraph of Section 1 so that it would have to be held in cases of rehabilitation, alteration and repairs in those

areas that are not within the Model Cities area or the public housing area as already established.

I think the point the city council was trying to get across was that there are going to be situations where it would be well to rehabilitate, to modernize, to improve certain existing housing units that are outside the Model Cities area without having to go each time through referendum. They take this position on representations made to them by the Model Cities people that Portland has a very cumbersome referendum procedure, and that this would facilitate the development of the Model Cities Program in the City of Portland.

Thereupon, Senator Cope of Cumberland was granted unanimous consent to address the Senate a fifth time.

Mr. COPE of Cumberland: Mr. President and Members of the Senate: The Senator from Cumberland, Senator Hildreth, is quite correct. The intent of my amendment is to provide such a provision. But may I remind the Senate that in my discussion I mentioned that the Model Cities area is part of the peninsula; it is one-half of the peninsula. This amendment provides that you can have additional public housing, rehabilitation, remodeling, not only in the Model Cities Project area, but in the total peninsula project.

I would like to also mention one other thing. I have here the indicator of public opinion, the TVQ, which is dated Thursday, January 4th, and it says "Should the Legislature eliminate referendum from public housing?" What was the response? This refers to the Portland area: Seventy-five percent say "No", we should not eliminate the referendum from public housing. Twenty-five percent say "Yes." So, the people, speaking through TVQ, want the right to vote on public housing issues.

Senator Hildreth from Cumberland also mentioned that certain committees supported it, like the Public Housing Authority, the Planning Board, the Portland Advisory Committee, the Portland Regional Opportunity Program; they all seem to support elimi-

nation of the referendum. I ask myself, why do I want to get involved in this. After all, with this amount of evidence against me, why should I be the only one to stand at the time and have pot shots taken at me? I imagine it is a matter of principle. I want to remind myself that I live in Portland, I serve on the City Council—in fact, I was its Chairman—I also served on the Planning Board, and I know how the people feel. One thing about these various committees, they are all orientated to the peninsula, and they are all appointed by the City Council. The Planning Board, the Public Housing Authority, the Portland Advisory Committee, P.R.O.P.; they are all appointed by the City Council, so naturally it is all one voice speaking with different means of communication. So, being on the City Council, I know what effect it has. I feel that the people want the right to vote on this, just as you and the people of your town do. I will also say that I know the members of the City Council. I work with them and I am very friendly with them. I know the members of the Planning Board, I know the members of the Public Housing Authority, I know them all and I know them all very well personally, and they are all dedicated and sincere public servants. But we want to remember that they won't be here perhaps five or ten years from now when this issue may present itself.

The question is: Should five men, the majority of the Council, out of a city of 70,000, have the power to grant public housing in any neighborhood in Portland without any recourse by the people of a referendum or appeal? Taking property by eminent domain, with no vote by the people and no appeal by the people, I feel is not a fair thing to do.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It is with a great deal of reluctance that I must oppose this maiden effort of the newly elected Senator from Cumberland County, Senator Cope, but I must perforce

move that Senate Amendment "A" be indefinitely postponed.

I listened with a great deal of interest to Senator Cope's remarks. Senator Cope is a man of significant experience in the fields wherein he now wanders. He not only has been a member of the city government, he has appeared before the appeals board and, I am sure, all the various municipal boards in his close association with private housing construction in the City of Portland.

I would hasten to assure Senator Sproul that we are not taking any privileges away from the good people of the City of Portland. I know of no city government that is more sensitive in its elections to the record of the council members than is Portland. If you open your mouth on the City Council in Portland on the wrong subject, and it is not a popular stand that you take, you are not re-elected, and this is about the best safety valve I can think of.

I think that a wrong interpretation could be put on the action to put this referendum requirement through. We could be accused of delaying or throwing up road blocks to progress. I remind you that the City of Portland has the enviable position of being selected as one of the model cities in the United States. There weren't many, and this is a tribute to its city government. The federal people have suggested that this is highly in order to keep moving, and some of our members of Congress in the State have said it is highly desirable to make our appeals to Washington more effective. This is the way to do it. I hope you would support my motion.

The PRESIDENT: The pending question is now the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This seems to boil down to the point of whether the people of the City of Portland are going to decide whether or not they want the referendum. I agree heartily

with the position taken by Senator Sproul of Lincoln; I don't see why they should not be allowed to decide this themselves.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: My interest in this matter is basically from the point of view that it might be subject to amendments later on and cover quite a few other communities. I do feel that where the State has stipulated there is a right of referendum, if that right is to be taken away, there should be one last referendum to decide whether referendums will be eliminated or not. Therefore, I do support the amendment and Report "B" with Senator Cope and Senator Sproul.

The PRESIDENT: The pending question is on the motion of the Senator from Cumberland, Senator Berry, that we indefinitely postpone Senate Amendment "A." The Senator from Cumberland, Senator Cope, has requested a division. As many as are in favor of the indefinite postponement of Senate Amendment "A" will now stand and remain standing in their places until counted. Those opposed?

A division was had. 11 Senators having voted in the affirmative, and 21 Senators having voted in the negative, the motion to indefinitely postpone Senate Amendment "A" did not prevail.

Thereupon, a viva voce vote being taken, Senate Amendment "A" was adopted and the bill, as Amended, tomorrow assigned for Second Reading.

On motion by Mr. Johnson of Somerset,

Recessed until two o'clock this afternoon.

After Recess

Called to order by the President.

On motion by Mr. Mills of Franklin, the Senate voted to reconsider its action of earlier today whereby Bill, "An Act Relating to Referendum Under Maine

Housing Authorities Act" (H. P. 1333) (L. D. 1878), was tomorrow assigned for Second Reading.

On further motion by the same Senator, and under suspension of the rules, the bill, as Amended, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for concurrence.

The President laid before the Senate the third tabled and today assigned matter,

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 1259) (L. D. 1765)

Tabled—January 22, 1968 by Senator MacLeod of Penobscot.

Pending—Motion to reconsider Engrossment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for Wednesday, January 24, pending Motion to reconsider Engrossment.

Papers From The House

Out of order and under suspension of the rules, the President laid before the Senate the following additional papers from the House:

Non-concurrent matter

Bill, An Act Establishing a State Planning Office. (S. P. 772) (L. D. 1844)

In Senate, January 18. Passed to be Engrossed.

In House, Passed to be Engrossed As Amended by House Amendment "A" (H-532) in non-concurrence.

In Senate, voted to recede and concur.

Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing Joint Rule 11, as follows:

11. Co-sponsorship. With the approval of the Committee on Reference of Bills a bill or Resolve may be presented jointly by not more than two members of the same house. (H. P. 1343)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

Reports of Committees

House

Ought to Pass in New Draft

The Committee on Inland Fisheries and Game on Bill, "An Act Increasing Resident Hunting and Fishing Licenses." (H. P. 1304) (L. D. 1833) reported that the same Ought to Pass in New Draft (H. P. 1327) (L. D. 1872).

Comes from the House, Report Read and Accepted and the Bill—in New Draft Indefinitely Postponed.

Which was Read and, on motion by Mr. Hoffses of Knox, the Ought to Pass in New Draft Report of the Committee was Accepted and the Bill in New Draft Read Once.

Thereupon, under suspension of the rules, the bill was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

**Ought to Pass in New Draft
New Title**

The Committee on State Government on Bill, "An Act to Preserve, Protect and Stimulate Research in the Production and Commercial Uses of Irish Moss." (H. P. 1319) (L. D. 1862) reported that the same Ought to Pass in New Draft under a new title: "An Act to Allow Research in Irish Moss." (H. P. 1329) (L. D. 1874).

Comes from the House, report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "B" (H-530)

Which report was Read and Accepted and the bill in New Draft Read Once. House Amendment "B" was Read and Adopted and, under suspension of the rules, the bill, as Amended, was given its Second Reading and Passed to be Engrossed in concurrence.

**Ought to Pass in New Draft
Under New Title**

The Committee on State Government on Bill, "An Act Providing a Major Medical Insurance Program for State Employees." (H. P. 1296) (L. D. 1802) reported that the same Ought to Pass in New Draft under New Title: "Providing Accident and Health Insurance Program for

State Employees." (H. P. 1342) (L. D. 1884)

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

Which report was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President, I would like to inquire through the Chair of any member of the State Government Committee why staff members of the Maine State Credit Union, of the Maine State Employees Association, or Council 74 of the American Federation of State, County and Municipal Employees, why the staff employees of these organizations should be members of a State group insurance policy?

I would also like to inquire about Section 5, where it talks about "Purchase of Policies," why it says "the Board of Trustees is authorized to purchase by competitive bidding, and are not compelled to purchase by competitive bidding, a policy that is going to run into hundreds of thousands of dollars a year in premiums? It would seem that, with this amount of money involved, competitive bidding should be compulsory, and I was just wondering what the reasons are.

The PRESIDENT: The Senator from Penobscot, Senator MacLeod, has posed questions to any member of the Committee on State Government, any one of whom may answer or not, as he sees fit.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: That was rather a complicated bill. I think it was acted rather hastily upon, as all legislation in this special session is. There seemed to be a problem of getting the various factions to agree and, insofar as I know, they did agree and this bill as it is written is satisfactory to them. Now, I am sure there must be bugs in it because I think that, in a bill as com-

plicated as that, there could well be.

The PRESIDENT: The pending question is the acceptance of the Ought to Pass in New Draft Report of the Committee. As many as are in favor of accepting the report will say "Yes." Those opposed, "No."

A viva voce vote being taken, the report was Accepted and the bill in New Draft Read Once. Thereupon, under suspension of the rules, the bill was given its Second Reading.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed in concurrence?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I thought from the remarks we have heard that we could well pause perhaps and consider amendments or certainly one amendment perhaps, that could clear up something that was described as being a "bug" by the good Senator from Washington, Senator Wyman. On this hundred thousand dollar premium business going out without any bidding situation, I thought there was an admission from the Committee that this was hastily done. I would certainly go along with Senator MacLeod, if he wanted to table this, and assist in preparing an amendment. We have to clear up these bugs that have been admitted by the Committee.

Thereupon, on motion by Mr. Wyman of Washington, tabled and specially assigned for Wednesday, January 24, pending Passage to be Engrossed.

Enactor

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

Emergency

Bill, An Act Amending the Maine Sanitary District Enabling Act. (H. P. 1318) (L. D. 1861)

This being an emergency measure and, having received the affirmative vote of 34 Senators, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the first matter tabled earlier in today's session.

Bill, "An Act Relating to Hearings Before Water and Air Environmental Improvement Commission." (H. P. 1322) (L. D. 1868)

Having been recalled from the Governor's office, now comes from the House Passed to be Engrossed as Amended by House Amendment "A" (H-529) in non-concurrence.

Tabled by Mr. Sewall of Penobscot.

On motion by the same Senator, the Senate voted to Recede.

House Amendment "A" was Read and, on motion by the same Senator, was indefinitely postponed.

The same Senator then presented Senate Amendment "A", Filing No. S-355, and moved its adoption. Senate Amendment "A" was Read and Adopted and the bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second matter tabled earlier in today's session.

ORDERED, the Senate concurring, that the joint rules be amended by adding a new Joint Rule 18-A, to read as follows:

18-A. Debate and amendment. No debate or amendment shall be permitted on any bill or resolve until such bill or resolve is before the Senate in the second reading or before the House in the third reading, provided the favorable report of the committee to which the bill or resolve has been referred has been accepted. (H. P. 1341)

Comes from the House Read and Passed.

Tabled by Mr. Lund of Kennebec.

On motion by Mr. Hildreth of Cumberland, the Order was Passed in concurrence.

The President laid before the Senate the third matter tabled earlier in today's session.

The Committee on State Government on Bill, "An Act Proposing a Salary Plan for Certain Unclassified State Officials." (H. P. 1311)

(L. D. 1840) reported that the same Ought to Pass in New Draft (H. P. 1336) (L. D. 1880)

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

Tabled by Mr. Wyman of Washington.

Which report was Read and Accepted and the bill in New Draft Read Once.

Mr. Wyman of Washington presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-356, was Read and Adopted

and, under suspension of the rules, the bill, as Amended, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Mr. Harding of Aroostook was granted unanimous consent to address the Senate off the record.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.