

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

Thursday, January 25, 1968

Senate called to order by the President.

Prayer by Rev. Donald Kroah of Augusta.

Reading of the Journal of yesterday.

**Paper From The House
Conference Committee Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, An Act to Correct Errors and Inconsistencies in the Education Laws. (H. P. 1259) (L. D. 1765) have had the same under consideration, and ask leave to report: that the House Recede from Passage to be Engrossed, Adopt Senate Amendment "D" (S-360), and Pass the Bill to be Engrossed as Amended by Committee Amendment "A", House Amendment "B", House Amendment "D", and Senate Amendment "D"; that the Senate Recede from Passage to be Engrossed; that the Senate Recede from its action whereby it Indefinitely Postponed House Amendment "B"; that it Adopt House Amendment "B"; that it Recede from its action whereby it Adopted Senate Amendment "C"; that it Indefinitely Postpone Senate Amendment "C"; that it Pass the Bill to be Engrossed As Amended by Committee Amendment "A", House Amendment "B", House Amendment "D", and Senate Amendment "D" in concurrence.

(Signed)

Representatives:

HICHENS
BAKER
RICHARDSON

Senators:

KATZ
BOISVERT
MacLEOD

Comes from the House, report Read and Accepted and the bill, as Amended, Passed to be Engrossed.

Which report was Read and Accepted.

Thereupon, the Senate voted to recede from its former action whereby the bill was Passed to

be Engrossed and, further, voted to recede from its former action whereby it indefinitely postponed House Amendment "B". House Amendment "B" was then Adopted.

The Senate then voted to recede from its former action whereby it adopted Senate Amendment "C", and Senate Amendment "C" was indefinitely postponed.

Thereupon, the bill, as amended by Committee Amendment "A", House Amendment "B", House Amendment "D" and Senate Amendment "D", was Passed to be Engrossed in concurrence.

Sent forthwith to the Engrossing Department.

Orders

On motion by Mr. Ferguson of Oxford,

WHEREAS, David H. Stevens, Chairman of the Maine Highway Commission, has been elected Chairman of the Highway Research Board's policy-making executive committee for 1968; and

WHEREAS, the Highway Research Board, which serves both the National Academy of Sciences and the National Academy of Engineering was created in 1920 to stimulate research in all aspects of highway transportation, technology, administration and operation; and

WHEREAS, David H. Stevens is Maine's first full-time Chairman of the State Highway Commission and is currently serving his second seven-year term; and

WHEREAS, David H. Stevens has been a devoted and conscientious state official for many years; now, therefore, be it

ORDERED, the House concurring, the David H. Stevens be extended the warmest congratulations and best wishes by members of both the Senate and House of Representatives of the 103rd Legislature in its Second Special Session; and be it further

ORDERED, that a duly attested copy of this Joint Order be transmitted to David H. Stevens in honor of this occasion. (S. P. 814)

Which was Read and Passed.

Sent forthwith to the House for concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that there is created an Interim Joint Committee to consist of 2 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House to study the dedicated revenues for the operation of the Department of Inland Fisheries and Game and to study the desirability and feasibility of allocating general fund revenues to haid dedicated funds for general services rendered by the department to the public, which services are not normally a function of the department; the Commissioner of Inland Fisheries and Game and the Commissioner of Finance and Administration to be ex officio members of the committee; and be it further

ORDERED, that the legislative members of the committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the committee shall make its report to the 104th Legislature in regular session with any necessary legislation or suggestions; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this Order. (S. P. 817)

Which was Read and Passed.

Sent forthwith to the House for concurrence.

On motion by Mr. Johnson of Somerset,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

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:

Conference Committee Report

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

Bill, "An Act Relating to Referendum under Maine Housing Authorities Act." (H. P. 1308) (L. D. 1837) ask leave to report: that the House Recede from its action whereby New Draft "A" (H. P. 1332) (L. D. 1877) was Passed to be Engrossed; Adopt Conference Committee Amendment "A" submitted herewith, and Pass the Bill to be Engrossed as amended by Conference Committee Amendment "A"; that the Senate Recede from its action whereby it Accepted Report "B"; Recede from its action whereby New Draft "B" (H. P. 1333) (L. D. 1878) was Passed to be Engrossed As Amended by Senate Amendment "A"; concur with the House in Accepting Report "A"; Adopt Conference Committee Amendment "A" and Pass the Bill (H. P. 1332) (L. D. 1877) to be Engrossed As amended by Conference Committee Amndment "A" in concurrence.

(signed)

Representatives:

CONLEY
MORRELL
CARSWELL

Senators:

SEWALL
KATZ
REED

Comes from the House, report Read and Accepted.

Which report was Read and Accepted.

Thereupon, the Senate voted to recede from its former action whereby it accepted Report "B", and further voted to recede from its former action whereby New Draft "B" as Amended by Senate Amendment "A", was Passed to be Engrossed.

The Senate then voted to concur with the House in Accepting Report "A".

Thereupon, Conference Committee Amendment "A" was Adopted and the bill, as Amended, Passed to be Engrossed in concurrence.

Sent forthwith to the Engrossing Department.

Enactors

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

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, placed on the Special Appropriations Table.)

An Act Establishing the Bureau of Mental Retardation. (H. P. 1312) (L. D. 1841)

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

An Act Relating to Appeals on Questions of Law in Criminal Cases. (H. P. 1331) (L. D. 1876)

(On motion by Mr. Mills of Franklin, temporarily tabled.)

An Act Proposing a Salary Plan for Certain Unclassified State Officials. (H. P. 1336) (L. D. 1880)

An Act Providing Accident and Health Insurance Program for State Employees. (H. P. 1342) (L. D. 1884)

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

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

Mr. MILLS of Franklin: Mr. President, I move that, on "An Act Relating to Appeals on Questions of Law in Criminal Cases," (H. P. 1331) (L. D. 1876), the Senate reconsider its former action whereby this matter was passed to be engrossed.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate now reconsider its action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, I would ask for a division.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, has requested a division. The pending question is on the reconsideration of passage to be engrossed.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I would like to speak to this motion, if I might?

The PRESIDENT: The Senator may proceed.

Mr. HARDING: Mr. President and Members of the Senate: This matter slipped through and it did not come to my attention at the time when apparently an inconsistent action by the House had been taken, so I would like at this time to call your attention to what I feel is quite an oversight in this bill as it now appears.

I would mention that the Majority Leader of the House, who was the sponsor of this bill, appeared before the Committee, Representative Richardson, and the Attorney General appeared before the Committee in relation to this bill. Upon inquiry to both, they agreed that the same rights could be granted to the defendant in relation to appeal as could be granted to the State. More than that, I inquired if the Attorney General would like to review the bill, the suggested draft of this bill as a compromise, and he said that he would. So, I took the bill of this compromise, when the Attorney General was before the Committee a second time, and he read the bill from beginning to end as the compromise suggestion. I think that the good Senator from Cumberland, Senator Hildreth, handed it to him, and he read it very, very carefully. He took time to read it line by line and compared it with the original bill. He said that this was good and that it was acceptable to him and, thereupon, the Judiciary Committee unanimously reported the bill out as Ought to Pass. Now, for some reason — and this I don't understand; it hasn't been explained here — the effect of this House Amendment H-533 puts the bill right back the way it was when it was originally presented, so that it is not the compromise which the Attorney General agreed to, which its sponsor agreed to, and which all ten members of the Judiciary agreed to. And this bill went through both branches up to the point of engrossment and they agreed to it.

Now, I object to the bill in its present form for a very good reason, and that is that a very unfair advantage is given to the State in that the State may appeal on a District Court Judge's ruling direct to the Supreme Court, but the defendant may not so appeal, under the bill as it is written. You can see the practical effect of this: If a judge were to rule in a defendant's favor, his ruling could go to the Law Court and he could be overturned, but he could rule against the defendant as often as he wanted to and this would not go to the Supreme Court. Some will say eventually it would get there because he could go through District Court and then to the Superior Court, and what have you. But that is not the point. The defendant should be granted the same rights as the State because if he is right on these matters preliminary to trial there would be no need of trial. The way this bill would present it is that the defendant would have to go through the trial when actually, if these matters were not admissible and should have been suppressed, then he would not have been subjected to the trial.

So, all we have suggested in this compromise, which all of these people have agreed to, is that the same right be granted the defendant as is granted the State. How much fairer shake can you ask? Therefore, I would hope that the Senate would go along so that we might have a vote on what I feel is this oversight, as a matter of courtesy, because we do rush things along here, and I know that you want a bill reported out, finally passed, if it is going to be enacted, so that it is in the best interests of all the people of Maine. I hope that this courtesy would be extended.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: The Minority Floor Leader is correct in saying that the so-called compromise draft, which he mentioned, was given to the Attorney General. The Attorney General did look at it. The At-

torney General did say that it appeared to be perfectly satisfactory to him. The draft was given to him at a time when he was appearing before the Judiciary Committee while other testimony was going on. He apparently looked it over rather hastily because after he had a chance to look at it again he discovered that the bill was not satisfactory. He and the sponsor, Representative Richardson, who had never seen the compromise bill until after it had appeared on the floor of the House, where it has been amended to its present form, got together with Professor Glassman of the University of Maine Law School and decided that they could not accept the compromise bill as it was drafted. It was, therefore, amended on the floor of the House, with no opposition from the members of the Judiciary Committee after debate and explanation.

This bill does not foreclose rights of the defendant to appeal. It gives the State certain rights of appeal which the State has never had on matters relating to the court suppressing evidence prior to trial, allowing motions to dismiss an indictment and quashing an arrest or search warrant or suppressing a confession or admission. The State has never been able to appeal from these matters. These are strictly legal matters and it should have this right to appeal.

The defendant, on the other hand, has a perfect and complete right of review. If a ruling is erroneous in the Municipal or District Court, he can get a new trial de novo in the Superior Court, and carries with him all the way to the Law Court complete rights of appeal.

This bill has been fully debated in the other body, and I would hope that the motion to reconsider would not prevail.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I think the good Senator, Senator Hildreth, realizes that he is in error when he represents to the Senate that there is an equality of rights that would exist if this

bill, this law, were enacted as amended in its present form. He, of course, realizes that the defendant, under the amendment of the House, does not have the power of the State to take these matters at that point to the Supreme Court for adjudication, which right is being conferred here upon the State.

Now, the great inequality would exist in that the only appeal that the defendant has is after the whole thing has been gone through to final conviction, and then, after the expense of a long trial possibly he might get a reversal on that error, whereas the State is given this shortcut on a question in the very preliminary proceedings. Now, the State is given a right which is not accorded the defendant, and in our system of justice, which encompasses, in short, fair play, the Committee felt and feels now, I am sure, with the exception of Senator Hildreth, that this is the fair thing for the State of Maine to do. If you are going to accord this right to the State of Maine, which has all of the resources that it does in investigatory things and prosecutive matters, with many attorneys available to it and all of the police forces, that you should at least give those same rights to a defendant who is on trial for his liberty to appeal in this same manner that the State might.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: It seems lately I have been getting involved in these legal matters which I don't understand, but I do understand certain things. The redraft, as reported out by the Committee on Judiciary unanimously, but now some members of Judiciary have changed their minds, is not equal either because it gives to the criminal defendant the right of appeal from the District Court to the Law Court on spurious, silly or stupid motions made by the defense attorney right to the Law Court, and he doesn't have to get the written approval of the Attorney General. On the other hand, the prosecution cannot

go to the Law Court on appeal without the written approval of the Attorney General under the amendment as sponsored by the Majority Floor Leader of the House.

There are small towns in this State that are now almost under the control of a group of young hoods from time to time, who have terrorized citizens of those small communities because of inadequate personnel of the law to enforce the law. These young hoods can get in court and, if they have the right defense attorney, the defense attorney can make some spurious motion which is turned down by the District Court Judge, and then he can appeal directly to the Law Court and, meanwhile, that young hood is free to roam the streets and terrorize the public. I think this tool is needed, and the amendment that was put on in the house, to amend Section 215 115-A of the Redraft is a good amendment. I hope the bill goes along.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: There are two things I would like to say in regard to my good friend and the good Senator from Penobscot, Senator MacLeod. Any appeal which would be taken would have to be taken through an attorney, and I would advise my good friend that attorneys do not make spurious or nonsensical motions which are going to be carried to the Supreme Court of the State of Maine. They don't do this for several reasons. One is that this is a matter of record which is on the Law Court records and part of the Maine Reports. Second, we are governed by certain ethics and pride in our practice. While this might occur on rare occasions, I can assure the members of the Senate that it would be rare, rare indeed.

Of course, the attorney for the defendant never has to get approval by the prosecuting officer to take some particular action to protect his client's rights. This would not be justice at all because, quite naturally, the State is the prosecutor and you have a diversity of interest, and you can't ex-

pect a prosecutor to agree to give some benefit to the defense. I mean, this is just not the way that it is handled.

Now, as far as the good Senator from Cumberland, Senator Hildreth, is concerned, I do want to assure him, and I want to assure all the members of this Senate, that I am speaking on this matter as a member of the Judiciary Committee. And I want to assure all members of this Senate that this redraft was very carefully considered by the Senator from Cumberland, Senator Hildreth, and that it also was considered by the Attorney General. Now, I asked the Attorney General myself, before the Committee, about the proposition of giving the same rights to the State as to the Defendant in the matter of these appeals. He agreed to that proposition. Then after that we presented the redraft to him, the new draft. Now, he did not, I suggest to you, hurriedly look this over. He compared this line by line with the original bill and he said that it was satisfactory.

I don't think that this Senate and the Bar of Maine have to concur with a professor of some law school as to whether these things are approved by him. I understand that after it was satisfactory to all these people that it was not satisfactory to Professor Glassman, and that this is the source of our problem. Well, I think that we can decide here what is fair, and all we are asking for is that both parties get the same fair shake. They do not get it under this bill, and this is the purpose of my objection.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Franklin, Senator Mills, that the Senate reconsider its action whereby this bill was passed to be engrossed. As many as are in favor of the motion to reconsider will stand and remain standing in their places until counted.

Those opposed to the motion?

A division was had.

The PRESIDENT: 19, and the Chair wants to be recorded as No. 20.

12 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion did not prevail.

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

Resolve, Providing for a Retirement Allowance for Lois Blackwell Goodwin. (H. P. 1280) (L. D. 1786)

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

Emergency

An Act Relating to Tax on Real Estate Transfers. (H. P. 1335) (L. D. 1879)

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

Mr. MILLS of Franklin: Mr. President, I move that the Senate reconsider its action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that we reconsider our action whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, through the Chair may I inquire of Senator Mills the reason for his request?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question to the Senator from Franklin, Senator Mills, who may answer if he so desires.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It has been brought to my attention that in the language of the bill it was not clear that the ten percent which would be retained on the sale of these stamps would be for the use of the counties. I have forgotten just exactly who it was, but it was someone very much interested in County Government, I assure you, who felt that this should be here, and this was concurred in by the leadership, that the language should be in-

served "and when such stamps are sold by the Registers of Deeds the said ten percent shall be for the use of the counties, and the said sums shall be turned over by the Registers of Deeds to the County Treasurers only monthly." Now, if this language were not in there, there could very well be a question that this was a prerequisite of the office of the Register of Deeds, and the Register of Deeds might retain it as the Registers of Deeds have had in the past some fees going to them rather than to the county. This would just make it very clear. I recall now that it was, I think, the Executive Secretary of the County Commissioners' Association, Mr. Charles from Portland, who brought this to our attention.

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

Mr. JOHNSON of Somerset: Mr. President, I would like to ask a question through the Chair of the good Senator from Franklin, Senator Mills. What difference does it make whether the fees go to the register or the county? Indirectly or directly, they all wind up in the same county treasury.

The PRESIDENT: The Senator from Somerset, Senator Johnson, has posed a question to the Senator from Franklin, Senator Mills, who may answer if he so desires.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I may say that it certainly was the intent of the Committee in acting on this legislation that any fees would not be personal fees; that they would not be personal to the office holder; that they would not be in addition to the salary of the Register of Deeds; that they would go into the county treasury. It was pointed out by the full-time person representing the county governments of the State that there very well could be a question here, although it certainly had been our intention that there not be, and that this language would be clarifying, and which was drafted in conjunction with the Reviser of Statutes, the Director of Legislative Research.

There is no gimmick here at all. It just says that when these fees come in they shall go to the counties. It very clearly states it. It is quite immaterial to me personally whether you adopt this or not, but it was felt to be a clarifying measure.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I have before me here the expenditure and the income for the Registry of Deeds in Oxford County, and I see that they had an income of \$19,934 for 1967. I really don't feel that this should be another credit to the Registry of Deeds.

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

Mr. BERRY of Cumberland: Mr. President, I would support the position of Senator Mills, and urge that we reconsider our action and pass this. I think that this is very good bookkeeping.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Franklin, Senator Mills, that we reconsider our action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

Mr. Mills of Franklin presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-369, was Read and Adopted and the bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for concurrence.

Orders of the Day

The President laid before the Senate the following tabled and today assigned matter:

Senate Reports — from the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for State Advances to Municipalities for Pollution Control." (S. P. 774) (L. D. 1846)

Majority Report, Ought to Pass in New Draft and New Title;

Minority Report, Ought Not to Pass.

Tabled — January 24, 1968 by Senator Johnson of Somerset.

Pending — Acceptance of Either Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I would move that the Senate accept the Majority Ought to Pass Report, and I would speak briefly to my motion.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: The redraft of the bill before you takes care, legally and fiscally, of a problem which actually is facing our State right now. The bill, in essence, would legalize the State of Maine, acting through the Water Improvement Commission, advancing or prepaying the federal share of federally and State approved pollution abatement facilities. It in no way affects the State's portion of such approved projects which are taken care of and there is no problem.

The problem has arisen in that the Federal Government finds itself currently short of cash to pay its share of projects which it, the Federal Government, has approved for construction. The Federal Government is continuing to provide its share of federal support, but in insufficient quantities to keep pace with projects which are planned and are about to start. The nub of the problem would be that, unless enabling legislation is passed, that current projects in these stages of planning and about to start construction would be held up.

The State of Maine is really just getting into high gear. It seems a long time ago that we passed the original bond issue for \$25,000,000, to finance sewerage construction projects and, amazingly enough, up to this minute only a million and a half

of this amount has actually been used. However, under the projects which are planned and will be under construction, if this legislation passes, by the next biennium the bond issue will be reduced down to somewhere in the vicinity of six or seven million dollars. This gives you an idea of the impetus which is being given to this program just now.

Now, if we are unable to find the means to prepay the federal share, construction in this field will grind to a halt for those communities finding themselves just ready to proceed. If the State pre-pays, or advances is a better work, the federal share, the Federal Government has stated that it will repay to the State these figures. Now, we have no guaranty that a future congress would fail to appropriate the money, but the likelihood of such an event occurring seems slim indeed. The Federal Government is not saying "We want you to stop. We can't afford to do this, so stop construction." They are saying "If you will advance our share, we will repay you as soon as federal cash is available." The Federal Government will continue to approve projects submitted to it which are in order and have been approved by the Water Improvement Commission.

The question of what will we do if the Federal Government does not provide the cash eventually to repay the State, it seems, can be answered in two ways. Either the Federal Government at some time in the future will renege on its statements and it will fail to appropriate the cash, or it will do what it says it will do now and it will appropriate the cash. Time will prove which way the Federal Government goes. Your Appropriations Committee, in part, believes that if this legislation were to pass, and be in effect until June 30, 1969, a period of some seventeen months, that by that time we will know what the Federal Government plans to do. The 104th Legislature could at that time say, "O.K., the Federal Government is continuing to act in good faith and is repaying this," or there is evi-

dence that they are not, and then they can make the decision.

The consequences of our pollution abatement construction program grinding to a halt are almost appalling. It has taken a long time to get this program moving, the dedicated effort of many, many people and leadership both at the State and community level. I would call your attention merely to a recent newspaper release that one of our major river polluters and one of our major industries is spending ten million dollars of corporate money — this is not matching money or anything — ten million dollars of corporate money to do their part of the program.

The bill has been prepared in cooperation with the Attorney General's Office and the people who are familiar with the requirements of bond counsel, the Legislative Finance Office and the Water Improvement Commission. We believe the bill is constitutional and practical. At the proper time I shall offer a small amendment which is merely technical. I hope you would go along with the acceptance of the report and the enactment of the bill.

The PRESIDENT: The pending question is the motion of the Senator from Cumberland, Senator Berry, that we accept the Majority Ought to Pass in New Draft Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Viles.

Mr. VILES of Somerset: Mr. President and Members of the Senate: I want to concur with some of the remarks of the Senator from Cumberland, and I would state for the record that I endorsed the pollution program 100 percent as it was put forth in the enabling, and that is the 40-30-30 basis. But I honestly feel that the Federal Government has acted very wisely in its decision to cut back on these funds. As I see it, the federal picture is not a rosy one, and I would like to quote from an article in today's paper by one of the national columnists, and it says: "About 1963 the Kennedy Administration had gold stock of twenty-one billion. He and President Johnson turned the gold problem into a gold crises, despite all the warn-

ings given over the years. The gold stock now is 11.9 billion, and the deficit alone exceeds the entire remaining gold supply and represents sixteen times the amount legally available or, by law, 10.6 billion of the 11.9 left is required to cover 25 percent of the federal reserve notes in circulation as of January 1st. The legal margin left is only 1.3 billion. Douglas Dillon, glowing like a 150-watt bulb, testified on June 12, 1961 that a statutory limit of 298 billion would give us sufficient elbow room for maximum efficiency of operations. The debt now is 340 billion. For 1967 we have a 20 billion dollar deficit, again financed by monies we haven't got." Personally, I don't call that a rosy picture.

I think we, along with the Federal Government, should temper our generosity with the ability to pay, and perhaps we should be setting some priorities along all these lines. That is my honest opinion, and I would like to have it stated for the record that I will vote against the measure.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: It is very distressing to me when the Federal Government enacts laws and tells us that we must clean up our various waterways in the State and, in fact, sets a time limit, and then does not make the money available. This is really one of the foremost programs in the United States.

Serving on the Natural Resources Committee, excepting two years, since 1953 I have always supported the clean water bills of the State. At that time we were assured that the Federal Government would give us matching funds, dollar for dollar, or whatever State matching funds were available. In discussing again our Public Works Department in Washington, they did appropriate 4 billion dollars for more or less, 80 per cent of them, purely pork barrels. As far as renegeing, I wouldn't be so sure, under the present conditions, but that they would renege. They renege on the Indians, and I don't

know but what they would renege on the State of Maine. I certainly will have to vote against this measure.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I am not in favor of picking up the tab for the Federal Government, and I am going to vote against this bill. When the vote is taken I ask for a division.

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

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I support Senator Berry's motion to accept the Ought to Pass Report of the Committee. I feel that the explanation that the State will finance this for the next seventeen months is fair, and I have faith in the Federal Government that this money will be forthcoming because it has been a problem over the many years, and we have finally faced up to something which should have been done 25 or 30 years ago. I would certainly hope that we have faith and will supply this dollar need for these towns that have set their plans and are ready to go, and let's get this off the ground or we never will.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in support of the position which the Senator from Cumberland, Senator Berry, has taken, and the Senator from Somerset, Senator Johnson. These problems are certainly not going to get any better. They are going to cost us more to do them later and, as far as the Federal Government is concerned, I think that we have to have faith in some things, and I believe that we have faith in our Federal Government, and these monies are certainly going to be returned to us as soon as the Vietnam War is over; we can depend upon that. So, I think we have every good reason to go along

with this very much needed program.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I too rise in support of the position of the gentleman from Cumberland, Senator Berry. Augusta has long since instituted a modern sewerage treatment plant to take care of our waste going into the Kennebec. I am sorry to say that the Kennebec today is not clean. Other communities have not taken such steps, and I suspect that some of the waste that comes by Augusta may come from Somerset. I think it would be very, very important to keep this program rolling to keep faith with the people who have already taken some leadership in cleaning up our rivers.

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

Mr. CURTIS of Penobscot: Mr. President and Members of the Senate: I would like to quote from a letter that I received from a civil engineer, Otis Sproul, and I quote:

"I wish to present my views regarding a bill currently being considered by the legislature and your committee, L. D. 1846, Prepayment for Sewerage Facilities. I am in charge of the University of Maine's graduate and research program in sanitary engineering. I have in the past, and am at present, serving as a consultant to industries, municipalities and state government in the United States and Canada. I am also Chairman of Orono's Water Pollution Abatement Advisory Committee.

"I have given serious consideration to the dilemma presently posed by the lack of federal funds for their sewerage construction grants program. This lack of funds is seriously affecting Maine's pollution abatement program. It will be virtually impossible to adhere to the legislature's time schedule for pollution control construction unless additional funding sources for the federal share becomes available. Failure to adhere to this will result in a continued and increas-

ing economic loss to the state from, among others, decreased shellfish revenues, depressed property values and losses from tourist revenue. Additionally there are communities, such as Orono, who have final construction plans but who cannot proceed because of the lack of federal funds."

I might say I have been serving for several years on the Orono Planning Board, and we have a rather unique situation, being on the Penobscot and on the Stillwater, where formerly we used to be able to swim, fish and so forth, the pollution there now is serious. We have recently heard of the hopeful future by the cleaning up of that situation, but this Orono Planning Board had a big situation to face. The University of Maine is coming in on the Orono situation, Orono has been willing to cooperate with the Stillwater area in their sewerage program for the future to help them out in their problems as well as being a part of ours. This would be a serious thing, after several years of hard work and planning, and serious consideration, if we couldn't get this assistance at this time. I personally am in favor of this bill and have many constituents who have shown their interest in it. I, for one, know the situation, I am on the Orono Planning Board, and I would like to favor this bill.

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

Mr. VILES of Somerset: Mr. President and Members of the Senate: I am sure that the good Senator from Kennebec is right when he says that some of this comes from Somerset County. In this brown envelope here I have some information from Mr. MacDonald, the Executive Secretary, and he tells us it is going to cost us about \$300,000. to clean up the south end of the town.

Publicly, I support this program. I think it is a good one, and I would like to see the funds implemented in Washington to carry out their share of this, but to say to the State of Maine "You are better off than we are," sometimes I wonder if we are. So, for the record, Mr. President, I support this

right down the line, except that I would like to see the Federal Government come across with their share of the money as they said in the enabling act.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: Recently I have become very much interested in the plight of the towns in northern Aroostook County, and I notice and two of them are on this list of those that will benefit from this bill and, I understand, through one of the Senators from up there, that in one instance the sewerage flows right into a lake, so naturally I support this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I ask that when the vote is taken it be by the "Yeas" and "Nays."

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

A sufficient number obviously having arisen, a roll call will be ordered.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I had a few reservations on this this morning and I took them up with the Senator from Cumberland County. As a former member of the Pollution Committee for three terms, when we put a law through that had a lot of teeth in it, I think I can clearly understand what pollution means because we have had a lot of pros, and we have had a lot of opposition to it, in the Pollution Committee. As I say, I had reservations this morning when I read this, but true to the spirit of those on the Pollution Committee, I think it is no

more than reasonable that I should vote along with the Senator from Cumberland County.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I will try not to prolong this discussion, however, since the vote is going to be taken by the "Yeas" and "Nays," I would like to express just a few of my thoughts in regards to this piece of legislation and possibly pollution in general.

I support and certainly will vote for this bill, but possibly for different reasons than others. I think it might be worthwhile, at least it will give me some satisfaction, to read into the record that, as far as I am concerned, the reason and the need for this type of thing is primarily for public relations, in a sense. It has been mentioned here that the City of Augusta went ahead and before in this Senate I commended them for doing it, and yet I would point to the fact that the Kennebec River is in worse condition today than it has ever been. To say that we are moving ahead as far as pollution abatement is concerned, I can only say we are getting ahead like a lobster and that, as far as I am concerned, is backwards.

I would also like to point out that I again believe that the cities and the towns are being forced into this thing and, ultimately, we are going to find that we haven't solved our problem. But until this is done, until these cities and towns have built their sewerage disposal plants, and then find out that the river is not clean, only then are they going to really follow their God-given senses of their noses and their eyes to find out where the real problem is.

Now, it has been mentioned here that industry, and I believe he is referring to the Great Northern, is spending some ten million dollars in trying to help clean up pollution. I have not gone over this particular program, but now that it is mentioned, and now that I am speaking on it, I will say this: that I shall make that effort and shall do it, because I have heard

these same things in the past, and I have been in on discussions and on panels with people from these companies. The people, the industry leaders in this State, I believe, are interested and realize that something will have to be done, but until public pressure forces their stockholders, who meet in New York City and are interested in the scorecard of profit and losses, until that time, until public opinion in this State forces them to do this, our rivers, our streams and our lakes and so on are going to remain pretty much in their same condition.

As far as the Federal Government is concerned, and whether or not they should pay their share, I agree that they should. But at the same time, I have always been a strong proponent — and as I get older, and I don't mind saying it, I guess I have become more conservative in my ways — but I feel as if the States have an obligation, and if the Federal Government doesn't do this job, I feel that the states have got to do it, and I believe that we can do it. I believe that we can do it as well without their help, if we have to, as if we had it. Certainly, I think, if they are providing the matching funds it is a wonderful thing to push us forward, but I would much rather see the controls and really the initiative for this thing come from the State level. I believe that we all know that when you have a large amount of federal money coming into any project it just follows naturally that you have a lot of controls. Sometimes these are costly and not in the best interest of the State. So, for this reason, and many others which I will not go into now, I certainly would hope this legislative document is passed.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Berry, that we accept the Ought to Pass in New Draft Report of the Committee. As many as are in favor of accepting the Committee Report will answer "Yes" when their name is called. Those opposed to accepting the Report

will answer "No." The Secretary will call the roll.

ROLL CALL

YEAS — Senators Albair, Anderson, Barnes, Beckett, Berry, Boisvert, Cope, Couturier, Curtis, Duquette, Farley, Girard, Good, Harding, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Reed, Reny, Ross, Sewall, Sproul, Stern, Wyman, Young, and President Campbell.

NAYS — Senators Ferguson, Greeley, Norris and Viles.

A roll call was had. 30 Senators having voted in the affirmative, and four Senators having voted in the negative, 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.

Mr. Berry of Cumberland presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-368, was Read and Adopted and the bill, as Amended, Passed to be Engrossed.

Sent forthwith to the House for concurrence.

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:

Enactors

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

Emergency

An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969. (S. P. 815) (L. D. 1885)

Which was Read.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This appropriation bill now before us, being a redraft of 1856, is to provide monies for the opera-

tion of State Government for the remainder of the biennium. I am in favor of passage of the bill. I think that the contents therein are a bipartisan effort.

I am pleased to see that there has been an additional grant for the University of Maine. I am not entirely happy with the method proposed to finance the appropriations, but it apparently is the only method we can use at this time since the Legislature has been unable to pass a tax to provide for additional educational subsidies, and something which would have taken care of this bill.

Section A of the New Draft, Legislative Document 1885, carries a total appropriation of \$3,989,419. That is somewhat in excess of the original Legislative Document 1856. The method proposed to finance this is to increase again the estimates by \$4,000,000. In fact, it is my understanding that they have already been increased. As I have previously stated, this is the only method apparently that we can arrive at for financing this bill, so therefore I go along with that method of financing it. However, I would like to point out that actual receipts for the first six months of this biennium exceeded estimates to the general fund by only .86 of 1 per cent, or \$460,713.78. Yet we are raising the estimates \$4,000,000. However, there are some extenuating circumstances. The sales tax receipts always run a month behind, and those for December are not in as yet. So, I hope that speculation as to the excess of sales tax receipts for that month does materialize. However, for four of the last six months sales tax receipts have fallen behind estimates.

Now, Section D of the bill before us, Legislative Document 1885, proposes to be financed from surplus. I have no quarrel with this since the budgetary surplus on hand as of January 15, 1968 was \$853,787. The Legislative Document now only calls for \$800,000. from surplus, so that will leave something over there, although the original document was for \$1,073,400. from surplus.

There may be other extenuating circumstances. I think there are some credits in L. D. 1885. However, no matter how you look at it, it is close budgeting, to say the least.

This Legislature has measured up to its responsibility to some extent in providing finances for its expenditures. It has increased the price of liquor to bring in an estimated \$5,886,000, it has increased the price of cigarettes to bring in an estimated \$4,560,000, and it has increased the sales tax to bring in an estimated \$11,550,000, for a total of \$21,996,000. This compares with the only \$8,500,000 provided by taxation by the previous legislature. As I say, I am in favor of the bill and am going along with the method of financing it. Perhaps if we had passed a tax it would be a better method, and we could use the surplus for Section D, and leave the estimates at the present level. If we had done that, this action would reduce substantially the deficit gap we are passing on to the next session of the Legislature. Thank you.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I realize that compromise is the essence of legislation; that is how we get anything done. I feel that there has been a lot of give and take to get this document before us. I share in some respects the concern of the Senator from Cumberland, Senator Good. It may be that we are running quite close, but I take comfort from the fact that the good Senator was concerned at the regular session of the 103rd with whether or not we would break out even for that biennium, and you will recall that we did have over a \$9,000,000 surplus. So, I hope that the good fortune will continue, and I think that we have reason to believe that that would be so because, with a budget this large, you do run into a lot of lapsing balances. This is something which was very substantial the last time, and the budget for this biennium is almost \$50,000,000 larger than the budget which was proposed by the 102nd

Legislature. So, I think we have reason to believe that the lapsing funds will be substantially greater. I feel that this is a reasonable risk that we are taking in this regard and my prediction is that we will end this year with a surplus.

I do, however, wish to call attention to one phase of this bill which troubles me greatly, and this is the fact that the scholarship program has been cut back some \$70,000 and, as I read the bill which comes as a surprise to me, there is inserted in this that "It is the intent of the Legislature that these funds are to implement those scholarships for the students presently involved in the program for the remainder of the '67-'69 biennium." This does change, I would call to your attention, the vote which was taken as far as repealing the scholarship program is concerned. This was rejected and, so far as the will of the Legislature up to this point, it was that the scholarship program would stay in effect.

I would also mention, Members of the Senate, that I suppose each of us views life from our own experiences, and I know that I would not now be an attorney if I had not had the benefit of a scholarship program. It may seem to some that \$400 is a small amount of money. Some others may say "Well, you can borrow a thousand dollars." But there are many students in Maine who need not only the thousand dollars but the \$400 which this would provide. There are many, many worthy students all over Maine, some over a thousand, who have made application for these 151 scholarships.

The point of my remarks is this: I suppose we have to cut somewhere, and I note that a great deal has been made of the fact that we have provided additional monies, for instance, to the University of Maine. Of course, it cheers me that we have been able to do that, but I think that people had ought to know that it has been at a sacrifice to others that this has been made. It has been a sacrifice to some 151 young boys and girls all over this State whose dream would be that they would

be able to attend school, and this might very well make the difference as to whether they would or they would not. So, I will be viewing with a great deal of interest the other money bills which will be proposed to be passed because, to me, this represents the highest priority, and I can think of no other thing which I would be able to view that would be more important than providing these scholarships for these young boys and girls throughout Maine.

So, I do go along with this in the spirit of compromise, but I say to you that it is with the deepest reluctance and the deepest concern that this particular cut has been made.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I think it may come as a surprise to have the Chairman of Education, who voted in favor of continuing the scholarship in Committee, say that I do not share the deep concern of the Senator from Aroostook, Senator Harding, with respect to the cut of the scholarship program.

The scholarship program was one that we could be proud of, and it would be dandy if we could keep it, but I want to stand here and reassure the good Senator from Aroostook, and reassure the rest of the Senate, that as a result of steps which this Legislature has taken, that there is not a single solitary Maine youth with the ability and with the motivation who will be cheated from the opportunity to go on to higher education after high school. I mean this absolutely literally, and I will document it. It would be nice if the pockets of the State were so deep that we not only could maintain the scholarship program but expand it. Tuition at State Colleges is \$100, at the University \$400. If you take a look at the map of Maine and draw a circle around the eight campuses that I have mentioned you find that, unless you happen to live unfortunately in Greenville or in the unorganized territories, that there is convenient to your home a State institution

which, by the aid of a summertime job and perhaps the implementation of a personal loan, you can afford to attend and get your education. It is going to require ability and it is going to require motivation.

I think perhaps the biggest job that this Senate can do after we adjourn is to go out and merchandise the opportunities that we have made available to these young people. There are presently 25,000 youngsters in Maine attending post high school education. Every indication is that this figure will increase in ten years to 50,000, and in twenty years to 75,000. I think that this Legislature can look with great pride on the accomplishments that we have made in the field of higher education, and let's get out and sell these opportunities to our kids.

Thereupon, 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.

"An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 756) (L. D. 1867)

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

On motion by Mr. Johnson of Somerset, the Senate voted to take from the Legislative Research Committee Table, Joint Order — Relative to Legislative Research study of flammable children's clothing. (S. P. 804)

Tabled — January 15, 1968 by Senator Johnson of Somerset.

Pending — Passage.

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

Mr. JOHNSON of Somerset: Mr. President, I move that this Joint Order be indefinitely postponed.

The PRESIDENT: The same Senator moves that this Joint Order be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Good.

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This bill came before the Legal Affairs Committee, I believe, of which I am a member, and our unanimous report was that it Ought Not to Pass. Therefore, I concur with the motion of Senator Johnson, that we indefinitely postpone the Joint Order.

The PRESIDENT: The pending question is the motion of the Senator from Somerset, Senator Johnson, that this Joint Order be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the Joint Order was indefinitely postponed.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the Legislative Research Committee Table, Joint Order — Relative to Legislative Research Committee Study of Municipal public employees' (including teachers) labor relations. (S. P. 808)

Tabled — January 17, 1968 by Senator Johnson of Somerset.
Pending — Passage.

On motion by Mr. Johnson of Somerset, the Joint Order received Passage.

Sent forthwith to the House for concurrence.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the Legislative Research Committee Table, Joint Order — Relative to Legislative Research Committee to Study Feasibility of Removing Tolls from Chamberlain Bridge in Bangor. (S. P. 812)

Tabled — January 23, 1968 by Senator Johnson of Somerset.
Pending — Passage.

On motion by Mr. Johnson of Somerset, the Joint Order received Passage.

Sent forthwith to the House for concurrence.

On motion by Mr. Ross of Piscataquis,

Recessed until two o'clock this afternoon.

After Recess

Called to order by the President.

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:

Divided Report

Five members of the Committee on Judiciary on Bill, "An Act Relating to Highway Safety" (H. P. 1306) (L. D. 1835) report in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A".

(signed)

Senators:

HILDRETH

of Cumberland

MILLS of Franklin

HARDING of Aroostook

Representatives:

HEWES of Cape Elizabeth

DAREY of Livermore Falls

Four members of the same Committee on the same subject matter report in report "B" that the same Ought to Pass in New Draft under New Title (H. P. 1330) (L. D. 1875).

(signed)

Representatives:

BERMAN of Houlton

DANTON of Old Orchard

BRENNAN of Portland

QUINN of Bangor

Comes from the House, Report "B" Read and Accepted, and the Bill in New Draft Passed to be Engrossed as Amended by House Amendment "B" (H-537).

Which reports were Read. Report "A" was Accepted and the bill Read Once.

Committee Amendment "A", Filing No. H-526, was Read.

Thereupon, on motion by Mr. Harding of Aroostook, tabled until later in today's session, pending adoption of Committee Amendment "A".

Non-concurrent Matter Joint Order

Ordered, the House concurring, that there is created an Interim Joint Committee to consist of 2 Senators to be appointed by the President of the Senate and 3

Representatives to be appointed by the Speaker of the House to study the dedicated revenues for the operation of the Department of Inland Fisheries and Game and to study the desirability and feasibility of allocating general fund revenues to said dedicated funds for general services rendered by the department to the public, which services are not normally a function of the department; the Commissioner of Inland Fisheries and Game and the Commissioner of Finance and Administration to be ex-officio members of the committee; and be it further

ORDERED, that the legislative members of the committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; and be it further

ORDERED, that the committee shall make its report to the 104th Legislature in regular session with any necessary legislation or suggestions; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this Order.

In Senate, January 25, Read and Passed.

Comes from the House Indefinitely Postponed in non-concurrence.

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

Order

Out of order and under suspension of the rules, on motion by Mr. Curtis of Penobscot:

WHEREAS, the Legislature desires to assist those responsible for directing, for those serving, and for those being served in our State Mental Hospitals; and

WHEREAS, in the past and present it has been difficult to secure the necessary number of dedicated and properly trained employees; and

WHEREAS, the net salary and working hours for these employees for several years and at present may not be serving the best interest of all concerned; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee study working conditions, wages, and management practices concerning the present conditions at Pineland Hospital and Training Center and the Augusta and Bangor State Hospital and report back to the next special or regular legislative session. (S. P. 818)

Which was Read.

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

Senate

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles." (S. P. 766) (L. D. 1823) ask leave to report: that the House Recede and Concur with the Senate.

(Signed)

Senators:

LUND
MacLEOD
HARDING

Representatives:

RICHARDSON
BRENNAN
BERMAN

Which report was Read and Accepted.

Sent forthwith to the House for concurrence.

On motion by Mr. Johnson of Somerset,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mr. Harding of Aroostook, the Senate voted to take from the table Bill, "An Act Relating to Highway Safety" (H. P. 1306) (L. D. 1835), tabled earlier in today's session by the same Senator, pending adoption of Committee Amendment "A".

Thereupon, on motion by Mr. Johnson of Somerset, the Senate voted to reconsider its action whereby Report "A" of the

Committee, Ought to Pass as Amended, was accepted.

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

Mr. COUTURIER of Androscoggin: Mr. President, could the Committee or a member of the Committee please give us an explanation of this New Draft?

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As you will recall, in the Highway Safety Bill, under Report "A", this provided for removal of the signs in the case of checking speed by radar in one section. In the second section it provided for implied consent. Now, we are in the waning hours here of this Legislature, and it appears that it is not possible to pass implied consent in the other branch. However, it does appear that we will be able to pass the part of the highway safety measure which relates to removing the signs in the case of radar. Therefore, Report "B", which we propose be accepted, and which can be passed in the House, we believe, pertains only to the removal of signs in the case of radar, and implied consent is not in that report.

So, if you accept Report "B", in effect, what you are passing is that, in so far as checking speed radar, it will not be necessary that signs be posted at least one mile within the distance of the place where the defendant is apprehended. This does have the endorsement of Maine State Highway Safety Committee. It does have the endorsement of Colonel Hennessey of Maine State Police. It is the judgment of all of the members of the Judiciary Committee that this would be a very worthwhile provision in our laws.

I am regretful that implied consent cannot be passed. I assure you that we expended every effort to get it passed in the House, but we cannot do it. I hope that at least we can do this part.

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

Mr. STERN of Penobscot: Mr. President, a point of information: Do I understand that this will remove the signs completely?

The PRESIDENT: The Senator from Penobscot, Senator Stern, poses a question through the Chair to the Senator from Aroostook, Senator Harding, who may answer or not, as he desires.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: That is correct. The signs will not be required to be posted specially. Of course, there will be general signs throughout the State, as there are in relation to passing a stopped schoolbus or the general speed insofar as our laws are concerned. However, it will not be necessary, as the law now is, that you have a sign within not more than one mile and not less than a quarter of a mile of the distance wherein the defendant is apprehended. With the new electronic devices it makes it very difficult to apprehend a person under this provision. This is a recommendation which the Maine State Police feel very, very strongly about and also, as I mentioned, the Maine State Highway Safety Committee.

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

Mr. STERN of Penobscot: Mr. President, I don't know whether this is the proper time to speak about this measure or not. I don't know whether it is pending or whether it has been moved for adoption or what.

The PRESIDENT: The pending question is the acceptance of Report "B", Ought to Pass in New Draft.

Mr. STERN: I would like to speak in opposition.

The PRESIDENT: The Senator may proceed.

Mr. STERN: Mr. President and Members of the Senate: I don't want anyone to get the impression that I am against public safety on the highways, but we had this situation when it came up in the 102nd Legislature, and now it is cropping up again. I am one that

does not believe in the principles of entrapment.

I have had many of these cases where people have been arrested and brought to the bar of justice for violating the speed laws, and I can't recall any particular case, or any case that I have ever won, I don't know of any case that created more suspicion and bad feeling among the citizens — and I am talking about reputable citizens — the only thing that bothered them is that when they were arrested for a speed violation they would complain to me — what we can't understand is, they are aware that the law is that there must be signs posted for radar, and of course they will come to me several days after the signs have been removed, and there will be no way of proving that the signs were up there. But it goes against the grain of most citizens, in my humble opinion, that if they know they are being arrested by radar, and that there are no warning signs, I don't think the citizens of our State are going to be too happy.

Now, you will say "Well, what is the sense in putting up these signs?" Because I realize, as many of you realize, that those who are speeding and do speed go so darn fast that they don't see those signs. That isn't what bothers them, so what harm could there possibly be in putting the signs up so there would not be any entrapment, and you will still have the benefit of whatever benefit or whatever radar will do, and it has plenty of benefit, because I still have yet to win a case when a client has been arrested on it.

So, I am against the principle of abolishing only the warning signs and, believe me, a speeder will not see those warning signs. I feel that I have had contact with a great many of these cases, a lot of people are going to be a lot happier about it, and it isn't going to affect the violations or the prosecution of any of these cases. So I feel, because of my contacts, that I must speak in opposition to it.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: As a member of the Highway Safety Committee, I have to speak in favor of this bill. As Senator Harding from Aroostook told you, we lost the implied consent bill. This is what we have got left, and I might as well explain it to you.

The State Police have got a new gismo out called "Vascar." That is the trade name of it, and I want you to know it is out of this world. I am frank to stand up here and confess that I go a little faster than the law allows, but so far I have been fortunate because I can look in my mirror and I can see that blue "bubble gum machine" coming behind me and I slow down, or I can see a radar machine and I will slow down. This is going to be a great deterrent because this Vascar machine, they can have it in a police car, they can be going one way and you can be going the other, and they can tell you, without any chance of failure, just how fast you are going, and they have got you dead to rights. And I am frank to tell you I am going to be one of first ones caught, but I do think it is going to be a great deterrent because it is going to slow me down.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I don't want to prolong this debate, but I think the chief purpose of this radar warning is to deter people from speeding. You know, it is just like a person driving on the turnpike, he sometimes gets lulled into a sense of false security, he has a heavy foot on that accelerator, and he doesn't realize that he is going too fast. Most people don't speed. I am sure Brother Ross and myself don't speed, but we might get lulled into a sense of false security if we did not see signs occasionally. We who do not speed see these signs and they awaken us to the responsibility that we should not speed, that there is radar ahead, and this serves as a warning and deters most people from speeding,

whether it is conscious or unconscious. So, I am saying that by abolishing these radar warning signs you are not deterring speeders; you are encouraging them, whether it is subconscious or consciously.

Now, you see, I am for public safety, but for another reason. I want those warning signs so they will warn people from speeding; so that they will know that they have got to keep within the speed limits.

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

Mr. ROSS of Piscataquis: Mr. President, unless I misunderstood the good Senator, Senator Stern from Penobscot, he said that the speeders couldn't see those signs anyway, that they were going too fast. So, how could they be a deterrent?

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I see that my argument went over the head of my good friend, Brother Ross. What I am trying to say is that the speeder is one who does not see the signs because he is going too fast to see them.

I am trying to promote public safety. You see, I am for the same thing that you are. But for people who do not speed, who are within the speed limit, they will be prone, they will be apt to see these signs, and it will keep them on guard and it will warn them that they must keep within the speed limits. For this reason, I would say this would promote public safety more by keeping the warning signs than by eliminating them.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I think that those of you who read the Bangor Daily News this morning noticed that the biggest cause of highway fatalities in Maine, one of the biggest causes, is speed. Now, there are posted all over the State of Maine these speeding signs. They are all over

Maine now, so you know the speed you are supposed to comply with. Now, as far as this "halo" effect, which it is sometimes called, of having the radar signs posted within one mile, this has its effect only during that one mile and, sure, the fellow slows down during that one mile. But they are very seldom posted and in very limited areas of the State. This would encourage motorists to obey these speed limit signs which they see posted periodically all over the State of Maine, because they know that their speed is being checked, perhaps, even know there is not a State Trooper behind them.

I fail to follow the logic of this position. The good Senator from Penobscot, Senator Stern, would not require that before an officer picked somebody up for speeding that you have a sign in advance, "There is an officer waiting down the road half a mile; he may pick you up." Now, this is the same kind of a thing which you have in regard to radar, and it makes it a very useless weapon in reducing the speed of the speeding public. This is one of the causes that we have for this high death rate. We had this year thirty more people killed on our highways than were killed last year, and last year was the highest record in the history of Maine. There were more young men killed on the highways of Maine last year than there were young men killed in Vietnam. This is an atrocious death rate that we have, and we have the responsibility to do something about it. This is the opinion of people who are in the field and have the experience in it.

Now, some people may say "I hang on my constitutional rights and I want to know these things." I suppose that when the speeder is lying beside the road, bleeding to death from an accident, he may say "Well, I died with my constitutional rights." But it is time that we took some action on this and did something and, Lord knows, this is little enough for this Legislature to do to try to cut down on this horrible death rate which we have on our highways. I would hope that you would support the Maine Highway Safety Committee

on this and all the other responsible people in the State who have tried to get this protective legislation passed.

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

Mr. ROSS of Piscataquis: Mr. President, I request the vote be taken by a division.

The PRESIDENT: The Senator from Piscataquis, Senator Ross, requests that the vote be taken by a division.

Thereupon, Senator Stern of Penobscot was granted unanimous consent to address the Senate the fourth time.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: You know, I appreciate the courtesy and opportunity to speak for the fourth time. As time grows short, this probably will be the last speech I will ever make in the Senate, and I certainly don't want to miss this opportunity. To me, given an opportunity to speak, you know, sometimes you get intoxicated by your own verbosity and you don't know when to stop. I guess I am like that. But, you know, every argument that somebody else makes aggravates me and precipitates me to argue against what has been said.

My good friend, Brother Harding, has made a few other remarks that I feel that if I didn't answer someone would think that I was deteriorating or, certainly, that I didn't have an answer to what he has to say. But I do want to say this: I don't know where people get the idea that if you speak against implied consent, or if you speak against this bill here, radar, that you are against public safety, and that you are for people getting killed on the highways. This has never been so much further from the truth. I think that Brother Harding and most of the people who want to vote for this, and why the papers write up these arguments that we have got to pass some bill that will protect the public, they don't realize that the radar signs that give you warning are not going to prevent that speeder from running over and killing somebody. This is where I have

to differ, because the radar signs will do nothing about that except give warning. You must have the police officers on the road, they must be trained, and they must be able to catch the speeder before he does his serious damage and he kills other people or causes serious property damage.

I am always for proper law enforcement, and I think this is the trouble with our laws: You know we have laws against robbery, murder, arson and all the other crimes you can speak of, but we have more crimes today than we ever had before. Is it the laws? It is not the laws; it is the enforcement of the laws. It is getting more police, it is getting proper officials to enforce the laws, and this is the same thing. We can make all the laws we want, and it all comes down to one thing: it is enforcement. If we don't have enforcement, regardless of all the laws in our books, it is not going to help one bit.

Now, the purpose of having those radar signs up there, as I said before, is to deter people and to stop people. With the lesser number of people that speed on our highways we are doing something to help with public safety. Eliminating radar signs is certainly not going to prevent or help in any way to prevent the destruction and deaths on our highways.

So, no one should get the wrong idea that because I am an attorney that I am against public safety. Believe me, I speak with all sincerity, that the press and the people who argue against this, they have the right idea — we all want to avoid and limit death and destruction on the highways — but there is only one way that I know of to do it, and that is to have proper enforcement, train more officials. It is better to spend more money perhaps to do this than to pass some of these bills which, in my humble opinion, will not in any way serve the purpose for which they are passed.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I have a letter, dated

January 12, 1968, from the Highway Commission which states that this sort of notice, posting on the highways and so forth, would cost the Highway Commission the sum of around \$400,000. I see that under the amendment, House Amendment H-537, it would cut this down, not every mile, but in ten mile lengths. I was wondering if somebody on the Judiciary Committee would give me some information on whether this tremendous cost would still apply to the electronically posted signs?

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In answering the Senator, I think I should say that the whole of the Judiciary Committee — this may not be a particular recommendation today — but the whole of the Judiciary Committee were united on this proposition that there needed to be an alteration in the law in regard to these radar signs. The proposal is to take off the wraps from law enforcement officials in the use of radar so this new device can properly be used.

There has been no mention of the constitution, thank heaven, in this argument, and there isn't any chance for it because the public, you and I, just don't have a vested right in being told when a police officer is around. We are supposed to be law-abiding, of course, and to anticipate checking on our actions if they happen to be in violation of the law.

I believe the history of this radar sign practice, as it has been, is that several years ago, in a much more conservative legislature than ours, it was determined to institute radar by law. The only way it could be gotten through, I am told, was to provide for these signs. Now we have seen that this new device has been developed and signs are impractical and economically impossible to be installed on the highways and byways of the State in many areas where the speed laws need to be enforced. If we have the radar signs we are going to be saying to the State Police and others who enforce the

law in regard to speed that "You may not use this device in great large areas and mileages of the State." So it was unanimously determined by our Committee that this should be eliminated.

Five of us on the Committee, of course, would have preferred to have seen this further step taken in regard to implied consent but, as Senator Harding has pointed out, we recognized the impossibility at this late time of getting it through the whole legislature because of adverse action in another area.

I think it is too bad that Senator Stern in his valedictory here today is going to be in rather magnificent isolation, but I think it is the sense of this Senate that this action be taken.

The PRESIDENT: Is the Senate ready for the question? The pending question is that of accepting the Ought to Pass in New Draft Report "B" of the Committee. Those in favor of accepting Report "B" will stand and remain standing until counted. Those opposed?

A division was had. 25 Senators having voted in the affirmative, and seven Senators having voted in the negative, Report "B" was Accepted and the Bill in New Draft, H. P. 1330, L. D. 1875, Read Once.

House Amendment "B", Filing No. H-537, 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.

Sent forthwith to the Engrossing Department.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Resolve, Providing Moneys for Cerebral Palsy Clinics for Home Care Programs (H. P. 1251) (L. D. 1757).

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropria-

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

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, 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).

The same Senator moved that the bill be passed to be enacted.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the passage of this particular measure. I do so with a great deal of reluctance but, as I mentioned this morning, I think we have a matter of priorities to consider, and it was the judgment, apparently, of this Legislature that we did not have sufficient funds to have the amount of money necessary to fund the scholarships for 151 worthy children. I accept that judgment. But I cannot accept the judgment of doing that and passing this rebate out to a few distributors in this State. So, I do object very strongly to the passage of this particular measure, not on its own merits, let me say, but having this as a priority item over scholarships for worthy kids throughout the State of Maine. I would ask for a division when the vote is taken.

Thereupon, a division was had. 21 Senators having voted in the affirmative, and 12 Senators having voted in the negative, this bill, being an emergency measure, and not having received the required two-thirds affirmative vote of the membership of the Senate, failed of enactment.

Thereupon, on motion by Mr. Johnson of Somerset, tabled until later in today's session.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act to Create the Posts of Assistant County Attorney in Oxford County and in Somerset County, (S. P. 755) (L. D. 1813).

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, 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 further motion by the same Senator, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act Providing a Bond Issue in the Amount of One Hundred and Eighty Thousand Dollars for Constructing a Residential Facility for Mentally Retarded Children in Aroostook County, (S. P. 762) (L. D. 1819)

On further motion by the same Senator, this being a Bond Authorization Act, 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.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act Continuing the Committee on Aging, (H. P. 1301) (L. D. 1830).

On further motion by the same Senator, 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.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act Relating to Housing and Meals Expenses for Legislators, (H. P. 1326) (L. D. 1871).

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1968 and June 30, 1969, (H. P. 1302) (L. D. 1831).

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act Establishing a State Planning Office, (S. P. 772) (L. D. 1844).

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Resolve, Reimbursing Certain Municipalities for the Control of Dutch Elm Disease, (S. P. 776) (L. D. 1848).

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

On motion by Mr. Berry of Cumberland, the Senate voted to

take from the Special Appropriations Table Bill, An Act Relating to Coordination of Public Higher Education, (S. P. 777) (L. D. 1849).

The same Senator moved that the bill be passed to be enacted.

On motion by Mrs. Sproul of Lincoln, a division was had, 28 Senators having voted in the affirmative, and five Senators having voted in the negative, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act to Authorize Bond Issue in the Amount of \$850,000 for Dormitory Facilities at Maine Maritime Academy and Bond Issue in the Amount of \$955,000. for Self-Liquidating Dormitory Facilities at Farmington State College, (H. P. 1314) (L. D. 1857).

On further motion by the same Senator, this being a Bond Authorization Act, 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.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act to Authorize Bond Issue in the Amount of \$384,000. for Development of Education, Sewerage and Water Facilities at Indian Reservations, (H. P. 1315) (L. D. 1858).

On further motion by the same Senator, this being a Bond Authorization Act, 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.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Resolve, Proposing a Constitutional Amendment to

Correct Inconsistency in Election of Judges of Probate, (S. P. 780) (L. D. 1852).

The same Senator moved that the Resolve be finally passed.

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

Mr. BECKETT of Washington: Mr. President, I rise to oppose the motion of the Senator from Cumberland, and would like to speak briefly as to my reasons.

The PRESIDENT: The Senator may proceed.

Mr. BECKETT: Mr. President and Members of the Senate: On November 19, 1863 a great American, I believe one of the greatest Presidents this country has ever had, delivered his famous Gettysburg Address. This stirring address has no doubt been quoted as much or more than any other speech. Students have recited it. No doubt many in this room have learned and recited it in school. I believe possibly maybe I have but, being out of school now for more than half a century, my mind is somewhat hazy. You all know the Gettysburg Address, I am sure. I am not going to read it to you, but you will well remember that it starts off with "Fourscore and seven years ago," and so forth. The part of this address that I think applies to this bill we are considering today is the final closing lines in which President Lincoln said: "That this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth." I think this is exactly what this bill is attempting to do, to take away these rights of the people.

Even at an earlier date than 1863, a portion of the Maine State Constitution was added in 1855, eight years before this speech, which provides that the offices of local officials be filled by a vote of the people.

A few years ago there were a very few professors in this State who presented a theory, that was a theory of their own, I believe, which would completely reverse the way we have conducted the government for this past 125 years

or more. No doubt these persons, who were educated and dedicated, meant well, but I think in parts of their theories they were either uninformed or misinformed. I think they only looked at one side of the coin. They didn't flip it over to see that on the other side they were taking away the individual rights of the citizens. This theory has caught a little fire. There are a few of us still expounding these theories. I think maybe one of our honorable professions has picked it up and by these bills they keep chipping away at the individual rights of our citizens. So what happens? If these bills are passed, and the subsequent bill that will have to take place, we will remove two offices; they will be appointed by one person or a small group of persons. Although I dislike the words, I think that is a start toward "centralized government." Some one person or a group of persons will dictate to the people in the various communities as to who is going to run their affairs. When I say "dictate" it brings another word to my mind, "dictators." I don't think centralized government nor dictators have any place in the government of the State of Maine.

There is a political angle to this, and not a partisan one either, that when you take candidates off a ballot you lose interest. The voters lose interest in voting. Thereby they lose interest in their government. What creates an interest in our government? I contend it is the candidates who, in the primaries, there may be four or five of the same party running for the same office. They go up and down the State, ringing doorbells and advertising, telling the people their views. After the primaries are over we get into the democratic action of the two-party system and they get up and tell their stories. This is what creates the interest. Without this we would not have any interest, I don't believe, or nearly as much in our elections.

I think I might quote a recent happening when a seat was filled as a membership in this Legislature. There were just two people running. Those two people couldn't

create any interest; they couldn't generate any enthusiasm. As a result, in one of the largest areas of the State of Maine, I am told, less than ten percent of the registered voters voted. This is what will happen, and it is only the beginning. It isn't the beginning because it began before. But if this one is successful, and if this one goes through in the next Legislature, then in the following Legislature they will chip away at another office or two. Then finally, in the course of a very few years, you will have a ballot about as big as a penny postcard. There will be no interest. There will be nothing for the people to go and vote for, and you will lose the interest in your local government. I contend this is a very sad situation.

I am not going to bore you; I am not going to speak but very little. There was a question asked me, that they understood, this party understood, that if this vote did not prevail that, in the case of the death of a judge of probate, or a vacancy, it couldn't be filled. I find out from very good authority that this is not so. This action has no place until another Legislature and district probate court system is set up so, in the meantime, we still are acting under Article 6, Section 6 of the Constitution, which provides for this very thing.

If you agree with me, from these brief remarks, I would urge you to vote with me to defeat the motion of the Senator from Cumberland. If the Senator's motion prevailed, I am sure other bills will appear, taking away more of the constitutional rights of the individual.

I was quite interested in the Senator from Aroostook, Senator Harding, in debating with his brother attorney, the Senator from Penobscot, Senator Stern, when he said that if these signs are not removed, and a party is laying on the road bleeding to death, dying, they can say they died with their constitutional rights. I tell you, if these bills continue, if this type of legislation continues to pass, these people will be dying, but they won't have any constitutional rights; they will be all taken away.

And as for this democratic form of government which we have enjoyed for so many years, I believe that the passage of this will place it in a very dangerous position.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: At the present time our probate judges alone among our judges in Maine are elected. We do not elect our Superior Court or our Supreme Court. We did not elect our Municipal Court Judges nor the District Court Judges who replaced them. Throughout our country the system of electing judges is becoming abandoned and is considered, both by practical people in the field and by students of government, as not being the best way of selecting people who have the professional skills that are required in carrying out the duties of the courts.

At the regular session we passed a resolve which at the time, we thought, took care of this problem by removing the provisions in our constitution so that the Legislature at its next regular session would be in a position to provide for a new probate court system. The only reason that we have this bill before us today is that in preparing the bill a minor provision or two of the constitution referring to probate judges was overlooked. However, in its form, as passed by this Legislature at the last session, the people of Maine voted in favor of taking the provisions with regard to probate judges and registers out of the constitution. The effective date of this resolve was delayed until such time as this Legislature should act to establish a new system of probate court.

This provision, incidentally, was embodied in the platform of the Democrat Party and in the platform of the Republican Party and was adopted at the conventions of each. So, we now have a provision which was acted upon by this Legislature, has been voted upon by the people favorably, and which now we seek to obstruct. It would seem to me that we are mistaken

in doing this. I have run on the county ticket for some time, not as many years as many of the older persons here, of course, but as I remember it, in many cases when it was time to campaign the probate judge was embarrassed about going out on the circuit because what could he say? Was it professional for a judge to go about, or a person who was an attorney to go about touting his professional qualifications? Hardly not. Could he promise that he would be more generous or be better than the incumbent or his opponent? This is impractical too. The result has been that the judges, who find themselves compelled to run for office, have been embarrassed to do so, and particularly when they find that in some cases they have to go among the attorneys who appear before them and ask if they would support them. This, I think, is obviously an unfortunate situation.

In addition to this, we have a serious problem in the State. In our smaller counties the work is not sufficient to occupy the full time of a judge, and even in the larger counties the positions are not fulltime. So that, in order to take the position of a judge, the individual has to give up his probate practice. In the smaller counties that probate practice may mean more in income to the judge, which he is giving up, than the pay he will receive. So, particularly in our smaller counties, the problem is becoming difficult to find qualified and competent people to fill these positions, and those that do often do so at their own personal expense and do it as a public service.

If the effort to defeat the passage of this resolve succeeds, and I hope it will not, it will simply mean that we will be postponing for two years the ability of this Legislature to deal with the problem itself because this Legislature cannot pass any kind of a full-time probate court system until such time as this omission from our constitutional provision has been corrected.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in support of the motion of the Senator from Cumberland, Senator Berry, and also support the remarks which have been very ably made by the Senator from Kennebec, Senator Lund. I would add only this to what has already been said: One of the weaknesses of the old municipal Court System was that attorneys would have to appear before the part-time judge in the morning as a judge, argue their cases, and in the afternoon they would have negotiations with that judge, who then became a lawyer, on the matter of a civil case which they might have pending.

This is the same situation in regard to the probate judges. The pay is not sufficient for them to be full-time, depending upon the pay, to support them, and so you do this very thing as attorneys, you appear before the probate judge to hear a contested matter, or a matter on which he has to pass upon, and then in the afternoon you may have something in contest with that same person.

I think it is hard for the public to understand this, that the judge can be perfectly impartial. I am not suggesting that they are not, but yet it is an unhealthy situation which this Legislature in its wisdom saw need to do away with in regard to the municipal court judges.

Throughout our land there are very few judges who now run for election. I would mention, however, that the constitution will remain as it is until the Legislature, in its wisdom, devises a full-time probate judge system, or a probate court system, I should say. Now, this does not necessarily rule out that this Legislature, in its wisdom, might feel that probate judges should run for election and be full-time. This would be possible for a Legislature to decide. But we do, I feel, have a mandate before us. This issue was in both party platforms, it has gone out to the people, and the people have approved this change in our constitution.

I have heard before discussed here of what would be a slap in

the face of the people of this State. It seems to me that this would be a very cruel slap in the face; that they have given this mandate in both party platforms, we have been elected here on those party platforms, in response to those mandates we have put it out to the people and they have approved it and then, on a technicality, we refuse to carry out what the people wanted. So, on that basis, I think it is very important that we meet our responsibilities here.

Mr. President, when the vote is taken, I would ask that it be taken by the "Yeas" and "Nays."

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

Mr. BECKETT of Washington: Mr. President and Members of the Senate: I would like to only make one or two comments on the remarks of Senator Lund of Kennebec. I believe he said that this system would give better judges of probate. All the judges of probate at the present time, I think, except one are members of the Bar Association, and I don't believe that Senator Lund meant to say that any member of this Bar Association wasn't qualified to be a judge of probate. It would appear that that was what he meant.

There is another thing that has been omitted here, and that is this other office that is affected, the register. I understand that the register shall be selected by the judge. That is a nice, cozy little situation. You can have a register of probate in there with many, many years of experience and, because she might be of a different political faith than the judge who is appointed, he might decide that he should make an opening for one of his own, thereby not improving the probate court but seriously tearing it down.

Under the constitutional amendment that was presented, I know, it did receive the approval of the people. It was a small vote. But I believe everyone in this room, every Senator here, at some time during the November 7th election, or maybe before when the other amendments were on the ballot, people asked you to explain what those meant. It was quite a job.

There was nothing on the ballot that said what they meant; millions of dollars or something like that; that is all it said on the ballot. And on this constitutional amendment to change this probate court, it didn't explain anything. If this had been spelled out in language that the ordinary citizen could have understood, and if that had read, "Do you want your right to elect your officials taken away from you"? There would have been a resounding "No" vote.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: The very persuasive and good Senator from Washington who has just spoken has mentioned the language situation. I say to you that the language of the Republican Platform, which was adopted by him and by all of us Republicans at the last Republican Convention, was very clear on this point; that there be adopted a district court system in the probate courts. There wasn't any equivocation about it and there wasn't anything very hard to understand.

I had hoped that the Republican Floor Leader would support the platform this afternoon and that the Republicans here would support the platform. I hoped that the persuasiveness of the distinguished gentleman who has had so much experience in county government would not scuttle that platform here today, despite the quotations from Abraham Lincoln which seem to be quite far afield, and despite the reference to constitutional rights which have just about nothing to do with this issue before us in the appointment of probate court judges.

I doubt if there is more than one practicing lawyer or so in the Senate who doesn't agree that this system of probate courts, such as we have, is indeed a thing of the past and is something that needs to be corrected. This Legislature has already spoken on the subject, the people of the State of Maine have spoken on the subject, the Republican Platform, at least, has

spoken on the subject, and I think I heard the Democratic Floor Leader say that the Democratic Platform had spoken on the subject. This is a correctional amendment which needs to be put before the people because of an ambiguity in the amendment which was put out by us at the regular session.

We have a probate judge in our county who perforce has little time to give to the office. In many of the other counties that is the situation, because of the low salary and the limited amount of work. It is an ideal situation for joining counties together in a district manner. Several of these counties could easily function under the work of one probate judge. And if that probate judge should choose to have his office run by someone upon whom he felt that he could rely, what could be greater in the promotion of efficiency than that? I know many of you have held positions of trust and confidence, and if you had had your subordinates dictated by someone else you would have had a very difficult time of performing efficiently.

I realize that through the diligent efforts of the Washington County delegation here this matter probably is not going to achieve the number of votes that it needs for passage. But I think it is a sad commentary that the platform of both parties and the pronouncements of the regular session should be thus scuttled this afternoon.

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

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I would support the motion of the Senator from Washington, Senator Beckett, and I am glad we are going to have a division on this motion.

It is true that it has been in the platform. I opposed this in the platform and I still oppose it. I don't see why, as individuals, we can't once in a while take a stand and vote the way that we feel, in spite of party platforms.

The Senator from Franklin speaks about his own judge. I remember his very eloquent pleas

before the Towns and Counties Committee about why his particular judge should have a raise in salary.

I speak so many times about how things are going in Lincoln County. We are making out all right. The lawyers are satisfied. The remark was made about practicing attorneys. I don't claim to be a practicing attorney of any merit with the other lawyers here in the Senate, but I do know something about probate and I do some probate practice, and we do make out all right, as I say. I support the motion of the Senator from Washington.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: I was going to speak in support of my good friend, Senator Beckett, even before I knew that it was on the Republican Platform. It may come as a shock to many of my brother attorneys when I get up to support Senator Beckett because I have changed my position since the last time when I decided to go for it. The fact that we have appointments of judges to the District Court and the Supreme Court doesn't make the system perfect, but I do think for those positions it worked out satisfactorily.

This is my only chance to advertise. I have perhaps as much probate work as I have other types of work, and all the years that I have been practicing I have never run into a situation where there seemed to be any particular problem in handling matters before the probate courts such as exists today. I think the Republican Party will need in the future to have some of these registers of probate and judges of probate running on their ticket to help support their programs. But I will say this: we don't have to fear in the event that a judge of probate makes a mistake, because we do have a right to appeal, and in 34 years I never had to appeal from a decision of the probate court.

I will say further, and I think perhaps this is in the Gettysburg Address, "The world will little

remember what we say here, but will always remember what we do here." You know, words are cheap and easy to go by. I think there is something like that contained in the address. But, you know, we are spending an awful lot of money for things that we don't need like Super Maine, this particular act, but on some programs for which I feel there is a need we can't get the Appropriations Committee to go along with.

Now, I am anticipating — perhaps I have an ulterior motive in supporting this, because I don't think we have to change the probate court system in the State of Maine. It is going to cost a lot of money and there isn't going to be that much improvement. Besides, I hope this doesn't get into print — this is off the record — you don't have to know too much to be a probate judge, and I may want to run for probate judge. Seriously, I don't think that this is the time for it; there are so many other things that we need and the money for them.

Now, when I speak in behalf of Senator Beckett's motion, in support of him, I have an ulterior motive too, because I am anticipating that Senator Berry in the next few moments will come up in opposition to a bill which passed in the regular session and which passed in the special session, and I am not going to say what the bill is because he could shock me and surprise me and move for its passage. But, in the event he gets up and he opposes the passage of that bill, which will be the second time, I say to you ladies and gentlemen of the Senate, I am reminded of a story — I hope my wife isn't here. Obviously she is not so I will tell it. When my wife wants a hat or a dress I usually say the usual thing that you say, "I haven't got the money for it." But when I buy a colored TV set for my office, "Where did you get the money?" You can always get the money for something that you want. You see, when I am speaking in support of Senator Beckett, I am speaking indirectly in behalf of this bill on which I know the Appropriations Committee is not

going to give me a trifling amount of \$3,000.

We don't need the change in the probate court system. Judges don't have to go around and campaign. If they are known by reputation people will elect them. I never campaigned; this is probably why I was elected. But I never campaigned. It is the people who go before the probate courts. Sometime in life or in death, especially in death, you have to go to probate court. There is nothing intricate about being a probate court judge. Who does all the work? The register of probate. As I understand it, he doesn't have to be a lawyer. He has to be able to add and subtract. Your Appropriations Committee does a pretty good job at it, and they are not all lawyers.

Now, I say to you, ladies and gentlemen of the Senate, that it is high time that we put a stop to unnecessary spending. It has worked satisfactorily in the past; it will work satisfactorily in the future. If it doesn't, then if we have a lot of money to spend we can spend it then. So I want to speak in support of Senator Beckett. I am sure my good friends, my brother attorneys perhaps won't let me live it down, but I also am speaking in behalf of this particular bill which I am sure that Senator Berry will oppose. So, I am trying to kill two birds with one stone, and I hope that my brother attorneys will forgive me.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I rise to support completely the stand taken by my colleague from Penobscot, Senator Stern, and I would further say that, if he should in fact decide to run for Judge of Probate, I would do all that I could to see that he is elected.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: Many a true word is often spoken in jest. Senator MacLeod isn't kidding. It so happens that, under the Reapportionment Act,

my good friends, Senator Curtis and Senator MacLeod and myself are in one particular area. So, he is not kidding; I may have to run for judge of probate.

The PRESIDENT: Is the Senate ready for the question? The pending question is passage of the resolve. This is a constitutional amendment and requires the affirmative vote of two-thirds of those present for passage. A request has been made that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the members present. Those who favor the taking of the vote by the "Yeas" and "Nays" will now stand and remain standing until counted.

Obviously a sufficient number have arisen, a roll call is ordered. The pending question is on the final passage of the resolve. Those in favor of the passage of the resolve will reply "Yes" when their name is called. Those opposed to the passage of the resolve will reply "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Berry, Boisvert, Couturier, Duquette, Farley, Good, Harding, Hildreth, Katz, Lund, Mills, Norris, and President Campbell.

NAYS: Senators Anderson, Barnes, Beckett, Cope, Curtis, Ferguson, Girard, Greeley, Hoffses, Johnson, MacLeod, Reed, Reny, Ross, Sewall, Sproul, Stern, Viles, Wyman and Young.

A roll call was had. 14 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the resolve failed of passage.

Sent forthwith to the House for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, An Act to Authorize the Construction of a Bridge Across the Androscoggin River Between the Cities of Auburn and Lewiston, (H. P. 1305) (L. D. 1834).

The same Senator moved that the bill be passed to be enacted.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate:

I rise in objection to this motion and I would like to speak briefly to it.

Mr. PRESIDENT: The Senator may proceed.

Mr. HOFFSES: Mr. President and Members of the Senate: It was some four months and thirteen days ago that we had a referendum on several issues that went before the people. Some of those referendum questions were passed in the affirmative and some were passed in the negative. This bill, L. D. 1834, relative to a bond issue across the Androscoggin River between the cities of Auburn and Lewiston, was one of those referendum questions, number three, which was defeated. At a caucus earlier, the good Senator from Kennebec, in discussing another bill, and having heard the remark here from the floor this afternoon, that remark, "that the people have spoken," I believe, aptly applies to this particular L. D.

I would call your attention to the result of the vote on this particular referendum. There was 36,444 yes; 65,434 nay, for a difference of 18,990 votes. Now, it might be said that this was not a true cross-section of the vote of the State. If that is so, these other referendums applying to the Regional Care Facilities, \$3,000,000.00 bond issues and so forth, which were passed, for the University of Maine, were likewise were not a true cross-section of the will of the people of this State. I would call your attention to the vote: fifteen of the sixteen counties in this State voted "no" on this particular measure. Aroostook County, the County, voted by a vote of five to one in opposition to this bill. Another county, Waldo, down on the coast, voted five to one in opposition. The County of Sagadahoc voted four to one in opposition to this measure. There are two counties which voted by

a small margin in opposition to this measure, and only one county, that of Androscoggin, which voted overwhelmingly in favor of it. I can understand quite clearly why Androscoggin County voted in favor of this bill.

Ladies and Gentlemen of the Senate: we are drawing to a close this session, and I am going back to my county and face my people. I cannot in good conscience go back and tell them that I voted for this measure which they, by a vote of three and a half to one, voted in opposition to it. I must not, to keep good faith with the majority of the people in my county and the majority of the people in the State of Maine, vote in favor of this bond issue.

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

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: As a signer of the Minority Ought Not to Pass Report, I feel that I should oppose this bill. I supported it thoroughly in the regular session, both in committee and with my vote here, and also with my vote in the referendum at home. I oppose it now for two reasons: (1) I think it is too soon to send it back to the people, as the good Senator Hoffses has just told you. It was overwhelmingly turned down before. I think it is too soon to ask them to vote on it again at the present time. Furthermore, you are going to have a bond issue, the regular highway bond issue, in the amount of \$12,800,000. That is going to be on the ballot. I feel in my own mind that this bridge bond issue could jeopardize the passage of the highway bond issue, approximately fifty per cent of which would be federal matching funds. I don't mean that the fifty per cent would be federal money; I mean that our share of the federal matching funds would be included in the twelve million. I hope I make myself clear on that. You know some of our money is ninety-ten coming from the federal govern-

ment, but just about six million dollars in the twelve-eight would be our share to match federal money, and I don't want to take any chance on jeopardizing it at this time.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I must support the motion of the Senator from Cumberland, Senator Berry, that this bill be passed to be enacted. I can only say that the accepted practice for capital building is bonding and, certainly with the hearings, the two hearings that we had on this bill, we had people not only from Androscoggin County, but people from other counties who appeared before the Committee in support of this bill.

I think we can discount the remarks made by some of the Senators that it is too soon, because less than sixty days after some of the other bonds, item eight, the last time we voted on the bond issues, they submitted to the voters again, and they accepted and passed them.

This bridge is badly needed, not only for Androscoggin County, but certainly we are going to feel the effects of it in other parts of the State. It came out unanimously Ought to Pass at one hearing, and the other hearing was seven to three Ought to Pass. I would urge that you give it very serious consideration. Give consideration to the amount of taxes that we get from that area from the highway use, and the very, very little demand for highway money in that area. We have very little money that we put into town road improvements, very little money we put into Special State Aid, and very little money we put into other programs. Now when you consider the amount of tax money which that area generates, I think really the people in that area are entitled to this bridge, and, I hope you will go along with the majority of the committee in giving this your favorable vote.

The PRESIDENT: Is the Senate ready for the Question:

The Chair recognizes the Senator from Androscoggin, Senator Boisvert.

Mr. BOISVERT of Androscoggin: Mr. President and Members of the Senate: I have listened to the arguments against this measure. For all of fifteen years surveys have been made concerning a third bridge across the Androscoggin River. Eight or nine years ago Edwards and Kelsey made a survey, and they reported that a bridge was badly needed at that time. Approximately two years ago Wilbur Smith and Co. made a thorough survey, and reported that there was an urgent need for a third bridge.

A few minutes ago in this chamber we heard debate on safety on the highways. For a few minutes, I would like to speak to you about the safety of people residing in the area of Lewiston and Auburn; safety for the children, safety for the adults. Unfortunately, we have no record to prove how safety is needed and how this bridge will provide it. As you well know, this is the fastest growing area in the State of Maine, and we are still with the same two bridges we had fifty years ago, although one has been replaced, but we are still with two bridges. At certain hours of the day it is almost impossible for an ambulance on an emergency call to cross to Auburn, or to cross from Auburn, coming from as far as thirty, forty or fifty miles away, in order to take a patient, or going to an accident, taking a patient to the hospitals, and with both hospitals serving an area of more than 100,000 population. As I said, in certain hours of the day it is almost impossible for them, without delay, to cross into Lewiston or to cross into Auburn. Take, for instance, in case of fire, we have been fortunate, but we have seen times that the fire department of Auburn was delayed when they were coming over to help our own fire department. The same thing happened when they had need of our own fire department across the river.

For these reasons alone I do believe that this body should consider returning this measure to the peo-

ple, because I do believe that, with the proper information, the people of the State of Maine will certainly endorse a third bridge across the Androscoggin River. We have seen it happen before. Question Eight was also defeated in September, and two months later it was adopted by the people of the State of Maine. Now, it was mentioned it is too soon; well, let me ask you, how soon is too soon? This was before the people in September of last year. If you vote favorably on this measure, it will not be before the people until November of this year. More than a year will have passed when it goes before the people. Now, how soon is too soon? Two years, four years, six years; I would like someone to give me the answer. There is an emergency, and you are well aware of it.

The Highway Committee has supported this measure, and the last regular session has passed the measure. The Highway Commission has supported this measure, and we have surveys that support a third bridge across the Androscoggin River. So, when the vote is taken, Mr. President and Members of the Senate, I hope that you will support the Senate from Cumberland, Senator Berry.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This is the first time in three Legislative sessions that I have spoken on any highway bill, and I feel like an imposter, except the situation in Lewiston is so close to that in Augusta. I can't explain to you, to those of you who don't live in this type of community, how absolutely essential it is for a community on a river, divided in two by a geographic obstruction such as a river, to depend so very, very much on transportation to make it a single unit. My mind is very clear that this bridge is needed, and my mind is very clear that when I get elected to the Legislature I get a power of attorney from my constituents. They send me down here to vote for what I think is right. I think this

is right and I will support it.

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

Mr. GIRARD of Androscoggin: Mr. President and Members of the Senate: I would like to add to my able colleague here, Senator Boisvert, a few words about the industries that we have in Lewiston-Auburn, which is the industrial heart of Maine, and they are still developing. We have two more large industries in Auburn which will start this Spring. It makes it very hard for transportation, for the workers from these different cities all over the county, to get across the bridge. So, in reality, if we want to help and promote new industries in Lewiston-Auburn we have to give them more traffic routes, and that would be a bridge. We have another one in Lisbon that will start this Spring, which will have people from Auburn working in Lisbon and who will have a hard time to get across the bridge. So, these industries bring a lot of tax money to our cities and to our State.

Now, concerning the referendum being too soon, it is not too soon, and being voted on in a regular voting day, like in November, it won't cost the State too much money in having this referendum included in the regular November election. So, I hope you will vote in favor of this measure.

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: You may have heard throughout the past, and this may have colored some of the thought processes of some individuals here, that there was some disagreement in Lewiston-Auburn over a bridge. Well, I must say that it is true, there has been some disagreement. However, the disagreement has been on the matter of location, and not on the matter of the need for a third bridge. In fact, I would say, this bridge might not even be called the third bridge; it should be called the needed bridge, because there is a very great need to eliminate

the hazards caused by the lack of ability for vehicles to move from Lewiston to Auburn and Auburn to Lewiston. We must remember that the bridges, both bridges connecting Lewiston and Auburn and crossing the Androscoggin, serve over 100,000 people, and at four o'clock, when many people leave their work in Lewiston or Auburn and cross to their home, which is usually on the other side of the river, there is a veritable traffic jam. Now, if you consider that there could be fires in Lewiston and in Auburn, such as there have been in other communities in the State, Fort Fairfield, for instance, we can realize that fire trucks could never get across the Androscoggin, and perhaps the only solution would be for the trucks to stay on either side of the bridge and watch the cities burn.

The same applies for the ambulance. There are two ambulance services serving Androscoggin County and serving the communities of Lewiston and Auburn, and they are both located in the City of Lewiston, as are both hospitals. Now, let's suppose that someone is very, very sick in Auburn or in Turner, or in Mechanic Falls, and the ambulance has to get across; my God, the people have time to die on the way to the hospital. This is really an emergency. I, myself, have had to wait on the Auburn side of the river for sometimes over half an hour before being able to cross.

We have been told here that the vote last Fall defeated this bond issue and that only one single county, Androscoggin, passed it. Am I to infer from that vote, Members of the Senate, that the people of Androscoggin County are the most generous people in the State? Because the people of Androscoggin, consistently vote in favor of bond issues serving Aroostook County or York County. The area of the State doesn't matter; it is just a question of need. When need is proven, the people of Androscoggin County are very easily convinced to vote for these matters.

I can also say another reason why the people of Androscoggin probably were the ones to vote overwhelmingly for it is that they

are the ones closest to the situation, and they're the ones who know what the problem is. The people up north or in the southern part of the State have never faced this situation of waiting on one side of the river and not being able to cross to get to their homes, or for an ambulance to wait on one side of the river and not being able to cross with a very sick patient to get to the hospital. They have never faced the situation of being on one side of the river seeing a house burned while firemen are battling the blaze and just hoping that the fire department on the other side of the river will be able to get across to give them some of the help that they need.

Will it jeopardize the other bond issues? I don't think so. I will say this: if this is on the ballot, it will surely assure a very great turnout in Androscoggin County and, as I have said before, the other bond issues having merit are assured of an overwhelming vote from Androscoggin County. I think that, as a matter of justice in considering these matters, we have a duty here to send this out to the voters for a second time. I certainly urge each and every single one of you to ponder the arguments of Senators Boisvert and Girard and to think of what I have said. If you do so, I am convinced that you will vote "Yes" for the enactment of this bill.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I am going to support Senator Berry from Cumberland County. I also heartily agree with Senator Hoffses and Senator Ross in their remarks. As I came here I had the same feeling. I am not supporting it because it happens to be a Democratic city. I think, if you will remember, in the regular session I stood here, along with Senator Berry, to allow the people in the State of Maine to vote on whether or not they should abolish the referendum and allow the Legislative Body to stand here and vote for these bonds one way or

the other. I said it bothered me the same as it has Senator Ross and Senator Hoffses, but as long as the bill holds the wording "Referendum", and I have never voted against a referendum in all my terms here, I am going to vote for it in the interest of the citizens of Androscoggin County to give them an opportunity, which I think possibly will be ill-advised, but give them a right to vote and let the people of the State of Maine vote on it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My motion for enactment was far more than a technical gesture on my part. I am very much interested in this bridge, and I would like to very briefly speak on the subject.

I am very familiar with the fact that the opposition to this is opposition to this method of financing primarily. I think several of the good Senators who have spoken in opposition are not saying that the area doesn't need the bridge; they are saying that they don't believe this is the method to finance it. Of course, indirectly connected with this was the rejection by the voters of this issue. Relative to the method of financing, this is an accepted method of bridge construction. We presently have outstanding some \$44,000,000. worth of highway and bridge bonds, so we are not pioneering in a new field.

Some of the opposition, of course, is outside this 103rd Legislature, and I think most of such opposition stems from the Maine Good Roads Association, an organization which I have chidingly referred to in the past as "Dave Stevens' Chowder and Marching Society." Their opposition, however, isn't quite so funny. Their opposition to bridge bonds is based on their belief that the interest expense on such bonds depletes the highway cash available for road and bridge contracts. If I were a road and bridge contractor, I think I would be personally, from a selfish standpoint, very much in favor of bond issues, because it gets more business for me. But what

their opposition stems from is that the money that is paid in the form of interest decreases the amount of money that they will get in contracts; highly selfish.

Let's briefly look at the election. I can think of no better time nor place to pay tribute to the people of Androscoggin County for their votes on all the referendum questions. As has been stated, there are some issues which would not have passed if the people of Androscoggin County had not got out and worked. They know no parochial viewpoint, as has been previously said; they are interested in the entire State of Maine. I would point out to some members of the Senate from certain sections of the State that these people worked very hard to get some bills through, and some of the people who are opposing this bond issue were people who solicited their support.

From a practical standpoint, it has been pointed out that the traffic situation in the Lewiston-Auburn area is terrible, and this is an understatement too. It is not confined to four, five and six o'clock in the evening; it is all day. The main bridge that connects these two cities is disgraceful. Senator Couturier was speaking about the time involved. It is rather distressing to realize that if this is voted on next November it probably would be a minimum of three years, and probably four, before the bridge came to realization. That is four to five years from now. This is a long time to wait for a needed piece of construction.

I think that we should look at this problem from the several standpoints. The election standpoint is another important point. The electorate of the State of Maine at a general election, to my knowledge, have never turned down an item of this nature. We have seen turned down bond issues that probably by design had been put out to the people at other than general elections. The vote on this particular issue was cast by approximately one-quarter of the people who voted for Governor the last time. That is not a cross-section of Maine people voting. Such

an issue should be voted on at the general election; not at the primary. The bill provides here that it will be voted on at the general election. I would hope that you would support my motion which, I assure you, is far more than in my capacity as Chairman of the Committee.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: It is my opinion that the people should be given another opportunity to vote on this bond issue. I think the bridge is necessary, and it will be economically beneficial to the entire State.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I am going to make a few more remarks. My reasons for supporting this are very, very strong. First, it is on the basis of information developed by the Planning and Traffic Division of the Highway Department and, also, on the report of the very able consultants, the Wilbur Smith Co., on which we had a report here at the regular session. Another thing, which has been pointed out here once already, is the safety factor. When you get west of the Androscoggin River in Maine you don't have any large hospitals in this area, and we up in Oxford County, particularly in the Rumford area, many, many times we must rush emergency patients to the Central Maine General Hospital in Lewiston where they have very good facilities and the only facilities. On highway accidents in many, many cases we have an ambulance taking patients into the Rumford Hospital, and we have to rush them into Lewiston. We have been stuck there in several cases, and traffic is not getting any lighter.

We have a problem of chlorine storage in the Rumford area, and there are many of these things that could develop into a real serious accident where perhaps we couldn't get people to the hospital. This is one of the reasons that I am

supporting this, along with many others.

Again, I might repeat, there is the amount of revenue we get from that area. Certainly we are only giving our constituents, the people of the State of Maine, the right to vote on this. We are not passing this; we are not saying here today that we have got to build this bridge; we are only giving them the right to vote on this bond issue. So, I hope you will go along with the good Senator from Cumberland, Senator Berry, and let the people vote on this issue.

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

Mr. ROSS of Piscataquis: Mr. President and Members of the Senate: Just to clear the record, I know that they need this bridge and I know they need it badly, otherwise, I would not have supported it wholeheartedly in the regular session. The good Senator from Cumberland, Senator Berry, mentioned the Maine Good Roads Association, and I assure you that they have no influence with me. As far as I am concerned, it is a dirty name, just the name, "Maine Good Roads Association," after the clobbering they gave our Route 6.

The PRESIDENT: Is the Senate ready for the question? This is a Bond Authorization Act and, in accordance with Section 14 of Article 9 of the Constitution, requires the affirmative vote of two-thirds of those present for passage. The Senator from Knox, Senator Hoffses, has requested that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the Senators present. Those who favor the taking of the vote by the "Yeas" and "Nays" will now rise and stand in their places until counted.

Obviously a sufficient number having arisen, a roll call is ordered. Those in favor of the passage of the bill will say "Yes" when their name is called. Those opposed to the passage of the bill will answer "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators Albair, Barnes, Beckett, Berry, Boisvert, Cope, Couturier, Curtis, Duquette, Farley, Ferguson, Girard, Good, Harding, Hildreth, Johnson, Katz, Lund, MacLeod, Mills, Norris, Reed, Reny, Sewall, Sproul, Stern, Viles, Wyman and President Campbell.

NAYS: Senators Greeley, Hoffses, Ross and Young.

ABSENT: Senator Anderson.

A roll call was had, 29 Senators having voted in the affirmative, and four Senators having voted in the negative, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Papers from the House

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

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to review dedicated revenues within the State Department of Inland Fisheries and Game; and be it further

ORDERED, that the Committee report the results of its findings and recommendations, with implementing legislation if necessary, to the 104th Legislature. (H. P. 1345)

Comes from the House Read and Passed.

Which was Read.

On motion by Mr. Hoffses of Knox, indefinitely postponed in non-concurrence.

Sent forthwith to the House for concurrence.

On motion by Mr. Johnson of Somerset,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mr. Johnson of Somerset, the Senate voted to take

from the Legislative Research Committee Table Joint Order Relative to the Study of the State Mental Hospitals by Legislative Research Committee. (S. P. (818)

On further motion by the same Senator, the Joint Order was indefinitely postponed.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table Bill, 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), tabled earlier in today's session by Mr. Johnson of Somerset.

On further motion by the same Senator, placed on file.

On motion by Mr. Albair of Aroostook, the Senate voted to take from the Special Appropriations Table Bill, An Act to Provide Funds for Blind Children's Education, Inc., (H. P. 1299) (L. D. 1828).

The same Senator then moved that the bill be indefinitely postponed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: To begin with, I would like to emphasize that I am speaking not as Chairman of the Appropriations Committee, but as a Senator from Cumberland County, and I am speaking in opposition to the motion of Senator Albair.

The Blind Children Resource Center in Portland is a demonstrated answer to the problem of making progress in the field of helping blind people. In one way, through its braille book distinction, it is the only place in the State of Maine where braille books are made, it is of Statewide interest.

I would hope, if the motion of Senator Albair is defeated, that I might possibly present an amendment. I realize full well that there is no money available for this worthwhile project as well as for some other worthwhile projects. My proposed solution to this problem would be to put the matter

out as a bond issue next November. I would urge you to vote against the motion of Senator Albair.

The PRESIDENT: The pending motion is the motion of the Senator from Aroostook, Senator Albair, that L. D. 1828 be indefinitely postponed.

The chair recognizes the Senator from Cumberland, Senator Cope.

Mr. COPE of Cumberland: Mr. President and Members of the Senate: I also speak in opposition to the motion, and I will speak briefly on it. This facility is supported by the United Community Services of Portland, and I am certain it is also supported by the people of Portland. I believe the funds should be provided for this well deserving and needed facility to benefit the Blind Children's Resource Center in Portland under the guidance of Sister McGill and her leadership.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I realize this does not affect my county, but it does affect some blind children who have been given a lot of help over the years. This institution has been run by Sister McGill at no expense of the State, but the contributions of the State have been great because, rather than have these people be on welfare for the rest of their life, many of them are made useful and productive citizens. So what we would do in this regard, I think, would be money very well invested as far as the State of Maine is concerned.

Now, I have had distributed an amendment which I would propose. There are two ways which we could do this. One is under the bond issue which the good Senator from Cumberland, Senator Berry, has suggested. Another method would be that we would only have this effective if there were \$200,000 in unappropriated surplus on June 30, 1969. If the money were not available then there would be no act. So, there are several ways we could do this. I don't think this needs to go down the drain at this time, and I think that we have an obligation to help this very

worthy project which means so much to these very unfortunate people. So, Mr. President, I would ask for a division on the motion of the Senator from Aroostook, Senator Albair.

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

Mr. MacLeod of Penobscot: Mr. President and Members of the Senate: This is a very difficult bill to oppose, particularly when you read the title, "An Act to Provide Funds for Blind Children's Education Inc.," but let us, for the first time in the regular session and the special session, get a few facts on the table regarding the background of this bill and what the bill would actually be doing.

The Senator from Aroostook, Senator Harding, mentioned earlier in today's session about priorities and priorities for spending. This \$200,000 does not come within any of the priorities, however far you look for them, in the State Government. The State Department of Health and Welfare does pay approximately \$18,000 a year now in tuition fees, consultive services and so forth to this Blind Children's Center in Portland, but it is not a function of the State Government. And there are many worthwhile projects that are our responsibilities that we have been unable to fund this session. There are about forty blind children in the Portland area. Around twenty of these are retarded and not educable. There are twelve that are educable and are attending classes now at Sister McGill's Room for Special Tutoring. The Department of Health and Welfare has informed us that the methods that are used in this school are outmoded, and that there are better methods available that aren't being used. There now is a study going on in rehabilitation of handicapped children, whether they be blind, whether they be deformed, or whether they have a disease that renders it difficult to have them educated, or whatever handicap they may suffer, there is a two-year study now going on as how best to serve these people.

I remember receiving a two-page letter from the U.C.S. of Portland

opposing this. We have not had any mention of where this building would go. One story that I have heard is that this is going on the third floor of an old outmoded school. If it doesn't go there, where is it going to go? I think we have a responsibility, when we spend \$200,000 for something that doesn't come within the purview of State Government, to have more information than we have had up to now. Therefore, I hope the motion of the Senator from Aroostook, Senator Albair, to indefinitely postpone this bill does prevail.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Aroostook, Senator Albair, that this bill, L. D. 1828, be indefinitely postponed. As many as are in favor of indefinite postponement will say "Yes," those opposed, "No."

A viva voce vote being taken, the motion prevailed and the bill was Indefinitely Postponed in concurrence.

Sent forthwith to the House for concurrence.

On motion by Mr. Albair of Aroostook, the Senate voted to take from the Special Appropriations Table Bill, An Act Reactivating the Governor's Committee on Children and Youth, (H. P. 1300) (L. D. 1829).

The same Senator then moved that the bill be indefinitely postponed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I rise in opposition to this motion of the good Senator from Aroostook, Senator Albair. I am the Senate representative on this Committee on Children and Youth. We have had over the past two years a number of meetings, and we had a seminar at the University of Maine which was very well-attended. The good lady Representative from Portland, Representative Kilroy, represents the House on this measure. She and I, I think I can truthfully say, are economy-minded, and she has

amended this bill so that it does not require any appropriation for this coming year, and there is only a limited amount for the following year.

We are all interested in children and youth. I now am interested in my grandchildren. I believe that this limited amount of money which is being asked for is not unreasonable. It is a sum of money which I am sure could be put to extremely good use, and we could help these young children in some of these various programs which this committee does assist in. I would hope, ladies and gentlemen of the Senate, that you look with very close care and scrutiny to this extremely small amount of money which we are asking for, and that you will vote against the motion of the Senator from Aroostook on this measure.

Thereupon, a viva voce vote being taken, the motion prevailed and the bill was Indefinitely Postponed in non-concurrence.

Sent forthwith to the House for concurrence.

On motion by Mr. Albair of Aroostook, the Senate voted to take from the Special Appropriations Table Bill, An Act Establishing the Maine Planning Committee on Criminal Law Administration, (H. P. 1307) (L. D. 1836).

The same Senator then moved that the bill be indefinitely postponed.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: During this session we heard some discussion about crime in Maine and what had ought to be done about it. I am sure this is a concern of all of us, and this Maine Planning Commission would be a matter which would receive subsidy as far as the federal government is concerned, and it would enable us to learn what is wrong with the present system and some of the things that we could do to improve it. Now, just to pass one or two bills is not going to cure the problem. If there is a problem, and I am not sure there

is, but, if there is a problem, it is one we ought to look into and develop constructive means to take care of it. I have got the feeling from the people of Maine that they do want these things taken care of and they do want us to address ourselves to these problems. I feel that this is an item of high priority and I do object to this being indefinitely postponed. I would ask for a division.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Aroostook, Senator Albair, that the bill be indefinitely postponed. The Senator from Aroostook, Senator Harding, has requested a division.

As many as are in favor of the motion for indefinite postponement will now rise and stand in their places until counted. Those opposed?

A division was had. 23 Senators having voted in the affirmative, and 11 Senators having voted in the negative, the motion prevailed and the bill was Indefinitely Postponed in non-concurrence.

Sent forthwith to the House for concurrence.

On motion by Mr. Albair of Aroostook, the Senate voted to take from the Special Appropriations Table Bill, An Act Establishing a State Employees Appeals Board, (S. P. 771) (L. D. 1843).

The same Senator then moved that the bill be indefinitely postponed.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: Without going into a long and boring argument at this late stage of the session, I just wanted to say that this was the bill. I was hoping that I would be pleasantly surprised and have the Appropriations Committee change their minds. But this is the bill that I was talking about, and this is the bill that was passed in the regular session, "An Act Establishing a State Employees Appeals Board." Now, this has been passed unanimously, I don't want to go through it, but I think it is a desir-

able and needed bill, apparently everyone else thought so, and the appropriated amount is only \$3,000.

Now, look at all the money we have saved, and are going to save in the future, in that Probate Bill we just turned down. We certainly should be able to have a little money to take care of this particular need of the State in having an appeals board.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This bill appeared before the Legal Affairs Committee in regular session, and was reported out unanimous Ought to Pass, and failed of enactment in the regular session due to the lack of money. This bill has been supported by the Maine State Employees Association, and they would like to have this appeals board. So the bill went back in the special session, this special session, virtually the same bill that was in the regular session, and was reported out again unanimously Ought to Pass. Perhaps there isn't money available to pass this bill. If there isn't, of course, we can't enact it. But, as pointed out by the Senator from Penobscot, Senator Stern, it only involves \$4800. There are a great many people involved, employees, who would like to see the passage of the bill. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Aroostook, Senator Albair, that this item be indefinitely postponed. As many as are in favor of indefinite postponement will say "Yes," those opposed, "No."

A viva voce vote being taken, the motion prevailed and the bill was Indefinitely Postponed in non-concurrence.

Sent forthwith to the House for concurrence.

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:

Enactors

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

An Act Providing for State Advances and Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities, (S. P. 816) (L. D. 1886).

The PRESIDENT: Is it now the pleasure of the Senate that the bill be passed to be enacted? As many as are in favor of passage of the bill to be enacted will say "Yes," those opposed, "No."

A viva voce vote being taken, the bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Relating to Referendum Under Maine Housing Authorities Act. (H. P. 1332) (L. D. 1877)

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

Mr. COPE of Cumberland: Mr. President and Members of the Senate: The bill of the Committee of Conference was a reasonable and meaningful compromise for it strengthens the lines of communication between the City of Portland and its people. The right of the people to initiate a petition for referendum is a basic ingredient of home rule. It protects the people by a method of appeal and redress that is compatible to our democratic society.

This will permit Portland to proceed with the Model Cities Project and other related Public Housing programs without delay. I wish it well.

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

Emergency

An Act Relating to Tax on Real Estate Transfers. (H. P. 1335) (L. D. 1879)

This being an emergency measure, and having received the affirmative vote of 33 Senators, was Passed to be Enacted and, having been signed by the Presi-

dent, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Johnson of Somerset,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mr. Johnson of Somerset, the Senate voted to reconsider it's action whereby Bill, 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), was placed on file.

On motion by Mr. Girard of Androscoggin, the Senate then voted to reconsider its former action whereby the bill failed of enactment.

Thereupon, the same Senator moved the pending question.

The PRESIDENT: The pending question is on the enactment of the bill.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to oppose the motion which has been made for the enactment of this. We have already seen what the order of priorities were, we have passed over a school for the blind, we passed over a small appropriation for the Committee for Children and Youth, and we passed by, because we didn't have money enough, the small appropriation for a very badly needed employees appeals board. We have also passed over a very necessary bill for a Committee on the Study of Criminal Law Administration. As far as I am concerned any one of those rates a great deal higher in priority than returning more subsidies to the cigarette dealers.

Some will say that they should be paid for collecting this tax. I suggest to you that this is a very unusual feature for people to be paid when they have to pay a tax. The gasoline dealers do not do this, and we don't do it on our withholding. As far as employers

are concerned, on the sales tax there is no such subsidy. So if these people want to make more money, I don't think they ought to be coming to the State of Maine to increase this subsidy; they can charge more for cigarettes, if that is what they wish to do. So I do oppose the motion, and when the vote is taken I would ask it be taken by the "Yeas" and "Nays". I would hope you vote against the motion.

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

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: As a member of the Taxation Committee that heard this bill, back a couple of weeks ago, it was a 9-1 report out of Committee, Ought to Pass. The argument presented was that in the special session of October we raised the tax on cigarettes, there was no public hearing, and at the same time the discount was cut from 2.50 to 2.25. All this is doing is restoring that to where it was before the tax was raised. It only means about fifteen cents more on a case from what it is at the present time. I would like to also state that the average for all of the states is \$1.99 discount. I will go along with the motion.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would like to support the motion of Senator Girard. I think, as most of you will recall, at the one-day special session in October we morally obligated ourselves to put this wholesale rebate on the cigarette tax bill but, due to the fact that it was such a complicated bill, and we wanted to get out of here early, we did not do it, but we did promise that we certainly would consider this bill at the next session. The reason that we did not put it on the tax bill, as it went through the House and the Senate in the previous short session, is that if we had tried to put it on we would have probably been here another three days for that one bill and it would

have cost the State, as I figure, about \$30,000 for our expenses and so forth. The amount here that started out has been cut down, and I would feel that we have a moral obligation and we should meet it.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would like to recognize moral obligations fully as much as the good Senator Johnson from Somerset, but I don't recognize one here. I don't recall any moral obligation. Maybe leadership, maybe Senator Johnson, made a moral commitment to the cigarette lobby to do something in this way, but I am sure he didn't commit me.

It seems to me that, with all the people that are dying in this country of lung cancer, the doctors that are giving up smoking cigarettes because of lung cancer, that it seems strange to me that the cigarette lobby has got sufficient muscle around here to command moral obligations from the good Senator from Somerset to do something to relieve them, when we can't even relieve the crying needs that we have in many other areas of the State.

I just resent having the leadership commit me in any way to a moral obligation to further subsidize the cigarette industry when the federal government is advertising the dangerous effect of cigarettes upon the public, people are dying all over the United States of lung cancer and the Bureau of Public Health, and the Maine Legislature held extended sessions to give concession to the distributors of cigarettes. I think this moral obligation thing is carrying this a little too far.

The PRESIDENT: The pending question is on the passage of the bill to be enacted.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: As a signer of the Minority Report, I never thought that the long range would be part of something that would be debated

here in the last evening. My reasons for signing as I did, as I said before, was the lost revenue. As a member of the Taxation Committee in the regular session, you all know that I voted for the Governor's program of two cents tax on the cigarettes. I did all of this in all honesty and sincerity. I have lobbied nobody, one way or the other in reference to the bill. I simply thought that you were taking revenue away that belonged in the Governor's Budget from the previous session. That is why I voted as I did, Ought Not to Pass.

The PRESIDENT: Is the Senate ready for the question? This being an emergency measure, under the Constitution it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the Senate. The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the members present. As many as are in favor of the roll call vote will now stand and remain standing until counted.

A sufficient number having arisen, the roll call is ordered. Those who favor the passage of the bill to be enacted will respond "Yes" when their name is called. Those who are opposed to enactment will answer "No." The Secretary will call the roll.

Roll Call

YEAS: Senators Albair, Barnes, Beckett, Berry, Curtis, Duquette, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Sproul, Stern, Viles, Wyman, Young and President Campbell.

NAYS: Senators Anderson, Boisvert, Cope, Couturier, Farley, Ferguson, Girard, Good, Harding, Mills, Norris, Reed and Reny.

A roll call was had. 21 Senators having voted in the affirmative, and 13 Senators having voted in the negative, 21 being less than two-thirds of the entire elected membership of the Senate, the bill failed of enactment.

Sent forthwith to the House for concurrence.

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 to Provide Funds for Blind Children's Education, Inc. (H. P. 1299) (L. D. 1828)

In House, January 23rd Passed to be Enacted

In Senate, January 25th Indefinitely Postponed in non-concurrence.

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

The Speaker appointed:

Mrs. CARSWELL of Portland
Mr. D'ALFONSO of Portland
Mr. EUSTIS of Dixfield

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

Mr. JOHNSON of Somerset: Mr. President, I move that we adhere.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that the Senate adhere.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to the motion, and when the vote is taken I ask that it be taken by the "Yeas" and the "Nays."

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

A sufficient number having arisen, the roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I move the Senate insist and join in a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate insist and join in a Committee of Conference.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I would ask for a division.

The PRESIDENT: The Senator from Somerset, Senator Johnson, has asked for a division. As many as are in favor of the Senate voting to insist and join in a Committee of Conference will rise and stand in their places until counted. Those opposed.

A division was had. Ten Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion to insist and join in a Committee of Conference did not prevail.

THE PRESIDENT: Is it now the pleasure of the Senate to adhere?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President, I rise in opposition to this motion again to adhere. I would hope that the Senators would vote "No," and I would ask that when the vote is taken it be taken by the "Yeas" and the "Nays."

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

A sufficient number having arisen, the roll call is ordered. The pending question is the motion of the Senator from Somerset, Senator Johnson, that the Senate adhere. Those who are in favor of the motion to adhere will answer "Yes" when their name is called; those opposed, "No." The Secretary will call the roll.

Roll Call

YEAS: Senators Albair, Anderson, Barnes, Beckett, Curtis, Ferguson, Good, Greeley, Hildreth,

Hoffses, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Sproul, Viles, Wyman, Young and President Campbell.

NAYS: Senators Berry, Boisvert, Cope, Couturier, Duquette, Farley, Girard, Harding, Mills, Norris, Reed, Reny and Stern.

A roll call was had. 21 Senators having voted in the affirmative, and 13 Senators having voted in the negative, the motion to adhere prevailed in non-concurrence.

Sent forthwith to the House for concurrence.

Joint Order

WHEREAS, the G. H. Bass Co. of Wilton, a Maine industry founded in 1876, represents three generations of shoemakers; and

WHEREAS, the Bass Co. provides a substantial contribution to the Maine economy through its \$6,000,000 payroll and annual production of two million pairs of footwear; and

WHEREAS, the G. H. Bass Co. has been recognized for its achievements and growth in the March issue of Down East Magazine; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the Senate and House of Representatives of the 103rd Legislature unite in commending the G. H. Bass Co. for their excellent record of achievement during the past 92 years and extend to them continued support and encouragement for the future; and be it further

ORDERED, that the Clerk of the House be directed to immediately transmit to the G. H. Bass Co. of Wilton, a duly attested copy of this order. (H. P. 1346)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Enactors

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

An Act Relating to Driving a Motor Vehicle While Impaired by Consumption of Intoxicating Liquor. (S. P. 813) (L. D. 1883)

An Act Relating to Speed of Motor Vehicles Measured Electronically. (H. P. 1330) (L. D. 1875)

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

Non-concurrent matter

Bill, An Act Reactivating the Governor's Committee on Children and Youth. (H. P. 1300) (L. D. 1829)

In House, January 16 Passed to be Engrossed as Amended by House Amendment "A".

In Senate, January 25, Indefinitely Postponed in non-concurrence.

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

The SPEAKER appointed:

Mrs. KILROY of Portland
Mr. LEVESQUE of Madawaska
Mr. HARVEY of Woolwich

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

Mr. JOHNSON of Somerset: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that the Senate now adhere.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to this motion. Through the frugality of this brave little group of people who voted against the subsidy to the cigarette industry, we now have the money to fund this bill.

Now, it is a very small amount that we are concerned with, as you know from reading the bill. This has received approval at the regular session, it has received approval at this session, it has the endorsement of labor, it has the endorsement of the Maine State Employees, it affects thousands of good people here in the State, and there is absolutely no reason why this bill could not be passed at this time.

I do stand in opposition to the motion which has been made because we are not killing this now on the basis that we don't have the money. We would be killing it on the basis that we don't want it, that it is not a worthy bill. I believe that that is not a fair statement of the facts. We have the money, we need the bill, and so we should pass it. So, on the motion which has been made, I would ask that when the vote is taken it be taken by the "Yeas" and "Nays," and would hope that you would vote "No".

The PRESIDENT: The pending question is the motion of the Senator from Somerset, Senator Johnson, that the Senate adhere. The Senator from Aroostook, Senator Harding, has moved that the vote be taken by the "Yeas" and the "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the members present. As many as are in favor of the vote being taken by the "Yeas" and "Nays" will stand and remain standing in their places until counted.

A sufficient number having arisen, a roll call is ordered.

The Chair recognizes the Senator from Penobscot, Senator Stern.

Mr. STERN of Penobscot: Mr. President and Members of the Senate: You know, they have been accusing me all afternoon of saying that this is my last speech, and I always get up to add a few more words. Now, fellow members of the Senate, this really is my last speech, and I am going to make it brief.

If ever a bill deserved your consideration and support, it is L. D. 1843. I am going to take a different approach than I usually take, and I am going to say "Fellows, you haven't done a thing for me this session. Please support L. D. 1843."

The PRESIDENT: The pending question is the motion of the Senator from Somerset, Senator Johnson, that the Senate adhere. A roll call has been ordered. Those who favor the motion to adhere will answer "Yes" when their name is called. Those opposed to the motion

to adhere will vote "No." The Secretary will call the roll.

Roll Call

YEAS: Senators Albair, Anderson, Barnes, Beckett, Berry, Hoffses, Johnson, Katz, Lund, MacLeod, Ross, Sewall, Viles and President Campbell.

NAYS: Senators Boisvert, Cope, Couturier, Curtis, Duquette, Farley, Ferguson, Girard, Good, Greeley, Harding, Hildreth, Mills, Norris, Reed, Reny, Sproul, Stern, Wyman and Young.

A roll call was had. 14 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to adhere did not prevail.

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

Mr. HARDING of Aroostook: Mr. President, a parliamentary inquiry: Would a motion to recede and concur take precedence?

The PRESIDENT: The Chair would rule that a motion to recede and concur would not be in order because the Senate would then be in a position of enacting a bill in concurrence without actually voting on the enactment.

The pending question is the motion that the Senate insist and join in a Committee of Conference. Is this the pleasure of the Senate?

The motion prevailed and the President appointed the following Conferees on the part of the Senate:

- Senators:
 ALBAIR of Aroostook
 VILES of Somerset
 YOUNG of Hancock

Enactor

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

Emergency

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

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.

Non-concurrent matter

Bill, An Act Establishing a State Employees Appeals Board. (S. P. 771) (L. D. 1843)

In House, Jan. 16 Passed to be Engrossed As Amended by Committee Amendment "A"

In Senate, Jan. 25 - Indefinitely Postponed in non-concurrence.

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

The Speaker appointed:

- Mr. EWER of Bangor
- Mr. MARTIN of Eagle Lake
- Mr. BEDARD of Saco

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: I am pleased to see that this bill is still alive. This is the bill that was reported out by the committee unanimously Ought to Pass in the regular session and failed of passage because of the lack of money. It was passed out again in this special session unanimously Ought to Pass and, as I understand now, the money is available. This is a very much wanted bill and a necessary bill for the State employees. Therefore, I move that the Senate insist and join in a Committee of Conference.

The PRESIDENT: The Senator from Cumberland, Senator Good, moves that the Senate now insist and join in a Committee of Conference. Is this the pleasure of the Senate?

The motion prevailed and the President appointed the following Conferees on the part of the Senate:

Senators:

- JOHNSON of Somerset
- ROSS of Piscataquis
- ALBAIR of Aroostook

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

Mr. HARDING of Aroostook: Mr. President, a point of parliamentary inquiry.

The PRESIDENT: The Senator may state his point of inquiry.

Mr. HARDING: Mr. President, this would refer to House Paper 1300, Legislative Document 1829: would the conferees on a Committee of Conference from the Senate be ones who voted on the prevailing side or those that voted on the other side?

The PRESIDENT: The Senate had voted to indefinitely postpone the bill, and the conferees on the part of the Senate would be chosen presumably as reflecting that action.

On motion by Mr. Johnson of Somerset,

Recessed until the sound of the bell.

After Recess

Called to order by the President.

On motion by Mr. Johnson of Somerset,

Adjourned until ten o'clock tomorrow morning.