

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh  
Legislature*

OF THE

STATE OF MAINE

1975

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they are really in favor of this mandatory posting. Thank you.

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

Mr. CURTIS: Mr. President, I would like to pose a question through the Chair to anybody who might care to answer. From the debate I have heard I am a little confused. As I understand it, there is a proposal to permit drug advertising in newspapers but not on television. If that is correct, I would like somebody to explain the reason that we are authorizing in one media and are not going to permit advertising in another media.

The PRESIDENT: The Senator from Penobscot, Senator Curtis, has posed a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe it is because of the Food and Drug Administration, which prohibits certain advertising of drugs on television.

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

Mr. COLLINS: Mr. President, I have the same question in mind with respect to radio. I certainly would agree with the idea of prohibiting advertising on television, but I wonder why it should not also be extended to a prohibition against advertising drug prices on the radio. Could someone answer that?

The PRESIDENT: The Senator from Knox, Senator Collins, poses a question through the Chair to any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, the newspaper advertising was the main issue that was brought to us by proponents and opponents of the bill. And as the good Senator from Cumberland, Senator Conley, has said, there are regulations by the Drug Commission. Now, as to whether that includes radio or not, I think it is on all broadcasting, whether it is television or radio.

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

Mr. CARBONNEAU of Androscoggin then moved that the bill be tabled and Specially Assigned for May 1, 1975, pending the motion by Mr. Hichens of York to Accept the Minority Ought to Pass in New Draft Report of the Committee.

Mr. Speers of Kennebec requested a division on the motion.

Thereupon, Mr. Carbonneau of Androscoggin withdrew his tabling motion.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those in favor of a roll call please stand in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass in New Draft Report of the Committee. A "Yes" vote will be in favor of accepting the Minority Report; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Cianchette, Cummings, Yahagan, Graffam, Greeley, Hichens, Jackson, McNally, Wyman.

NAYS: Senator Berry. E.; Berry, R.; Carbonneau, Clifford, Collins, Conley, Corson, Curtis, Cyr, Danton, Graham, Huber, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas.

ABSENT: Senator Trotzky.

A roll call was had. Mrs. Cummings of Penobscot was granted leave to change her vote from "Yea" to "Nay". Eight Senators having voted in the affirmative, and 23 Senators having voted in the negative, with one Senator being absent, the motion did not prevail.

Thereupon, the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

Bill, "An Act Relating to the Location of Town Meetings." (H. P. 1532) (L. D. 1848)

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

Bill, "An Act Amending the Lead Poisoning Control Act." (H. P. 1531) (L. D. 1847)

Which was Read a Second Time.

Mr. Berry of Androscoggin then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment 'A', Filing No. S-101, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down or concurrence.

Bill, "An Act to Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments." (H. P. 1500) (L. D. 1823)

Which was Read a Second Time and Passed to be Engrossed, in non-concurrence.

Sent down for concurrence.

Bill, "An Act to Increase the Minimum Wage to \$2.30 an Hour." (H. P. 1521) (L. D. 1834)

Which was Read a Second Time.

Mr. Pray of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-97, was Read.

Mr. Speers of Kennebec then moved that Senate Amendment "A" be Indefinitely Postponed.

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

Mr. MERRILL: Mr. President, I would ask that when the vote is taken it be taken by a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Androscoggin, Senator Carbonneau.

Mr. CARBONNEAU: Mr. President, could we have the Secretary read Senate

Amendment "A"? We don't have a copy of it here.

The PRESIDENT: The Secretary will read Senate Amendment "A".

Senate Amendment "A" was Read by the Secretary.

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

Mr. SPEERS: Mr. President, I will be very brief this morning because the arguments and the comments that were made on this bill and the various amendments that are being presented here this morning were made yesterday, and because if comments were made on every single one of these amendments we could be here until late this afternoon.

I would point out a progression or a regression, however it may be termed, in the order in which these amendments presumably are to be presented, and would simply like to ask the leader of the minority party as to why the order in which these are presented is not upward rather than downward, and why perhaps the amendments that are being offered do not go above the \$2.50 rather than below the \$2.50. I don't want to presume that this body or any positions that are taken in this body can state with certainty that we have arrived at an ideal, and as we get closer and closer to the \$2.30 an hour are we really acting responsibly or are we playing games?

Now, the federal minimum wage will go to \$2.30 an hour January 1. We are proposing to advance the effective date in the State of Maine to \$2.30 an hour, hopefully not putting ourselves in a non-competitive position with rest of this nation.

As I said, the arguments and the comments were made yesterday that if we are not playing games, obviously the minority party believes that the ideal would be \$2.50, and perhaps anything under that they could get would be all for the good. If they don't believe the \$2.50 is the ideal, and if they truly believe that they are not simply playing games here this morning, then I would ask why they have not offered what they do consider to be the ideal, whether it be \$2.50 or even more.

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

Mr. CONLEY: Mr. President and Members of the Senate: This is a bread and oleo issue with the Democratic Party, and it is a matter of history within this state that the Democratic Party has tried to protect the working man with the minimum wage. Prior to the session this morning I told the good majority floor leader that perhaps this would be one of the few issues this session that would be categorized as being partisan. It is partisan, and I wish it weren't.

The reason the amendments are before you in the order in which they occur is because we are willing, we are willing, to allow the majority party to support the \$2.50, the \$2.45, the \$2.40, or the \$2.35. As it was stated yesterday, \$100 a week. And as the good Senator from Cumberland, Senator Merrill, said, we pick up in three days of expenses what we are asking here on this bill.

I would hope that the Senate could adopt Senate Amendment "A", as presented by the good Senator from Penobscot, Senator Pray, and we wouldn't have to offer these other amendments. But the working people and the working class in this state have to have some sort of purchasing power, and

you and I know exactly what it costs day by day to exist. We are trying to give them just a little additional purchasing power. When you get down to \$2.35 an hour, imagine it, that is only \$2 a week.

I hope the Senate would adopt Senate Amendment "A".

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

Mr. PRAY: Mr. President and Members of the Senate: I wasn't going to speak, but after the comments by the majority leader, and seeing how I am the sponsor of Senate Amendment "A" raising it to \$2.50, I did this yesterday and I was not aware of the other amendments at that time.

The reason I went this route is because I heard some of the fears expressed yesterday of the immediate impact of Report "A" by the committee of the emergency action calling for a minimum wage to be raised to \$2.30 in the first week of May. I have heard it said by both sides, by both parties, here yesterday that there is a need for an increase.

Report "B", as it comes out, calls for a 20 cent increase over what the federal government offers now because it was felt that there is a need for this increase. I know the cost of living has gone up roughly, it has been estimated, 12 percent in the last year. This increase will only take the minimum wage up an estimate of around 10 percent. The man on the bottom of the pole is still being left down there and not being watched, not being taken care of, and I feel in many instances not being represented.

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

Mr. KATZ: Mr. President, it was my pleasure during the 106th to sit in this seat day after day and hear roll calls requested by the minority party, roll calls which had only one purpose, to put the members of the majority party on record in as disadvantageous a light as possible, and we had dozens of them. The minority leader is correct, I think this is the first time this has occurred this session, with no hope of success for the amendment, but purely and simply to get roll call evidence of the fact that the minority party are the protectors of the working man.

If another roll call is necessary, let's have it, but I would hope that this is indeed a unique case because we have been singularly free of this kind of partisan shenanigan this session. I know that within the majority party caucus there has been significant encouragement to our leadership to avoid partisan confrontations just for the sake of getting people on the record.

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

Mr. MERRILL: Mr. President, I am surprised at the Senator from Kennebec, Senator Katz, in referring to asking for a roll call on an issue that affects Maine people as being a partisan shenanigan. This is a public body. We are elected by the public. And if it is a partisan shenanigan to ask that the members of this body stand up and be counted and that what they do be clear to the public, and where they stand on where the minimum wage should be, if that is partisan, then I am glad to promote that partisan effort. I think everyone here ought to be brave enough and proud enough of his own position on the issue, and because I think the members of this Senate arrive at their positions honestly, so that they would be more than willing to spell

out exactly where they stand on an issue as important as the minimum wage.

When the Majority Leader, the Senator from Kennebec, Senator Speers, refers to this as a game, with some suggestion that if we were to raise the minimum wage only five cents above the \$2.30 that that would be unimportant, I am reminded of the testimony that we had just a little while ago when we were considering a possible increase in the gas tax, which would have a very minor effect on the average worker in terms of the number of cents that it would take out of his paycheck per week, and we had testimony before our committee from a lobbyist and a noted Republican who was testifying against that bill. He talked about some wage earner plan work that he is doing as a lawyer now and the situations where he is finding people that are steadily going into debt at the rate of about \$1.30 a week. And he has gone over the paychecks of those people and worked out with their bills and their situation, the living cost situation, and he testified before us, and I believe him, that it was impossible even to find a way to save \$1.30 a week for that guy so that that guy could start meeting his bills. That is how hard put some people are in this state.

If any of us tried to live on the money we are, talking about here we would know what it meant. We would know it is not a game to talk about \$2 to some of these people, it is not a game at all. Maybe it puts meat on the table once in a week. If that is what is a game, if that is a partisan shenanigan, then I am glad to play the game and I am glad to be a member of the party that I am.

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

Mr. KATZ: Mr. President, that was an excellent speech, right to the gut of the issue. The point that I was making is that we had a series of excellent speeches for about an hour yesterday which put each one of us who wished to speak right on record as to how we are going to vote. And the concern that I have is that we are on record already, the issue has been drawn, the proponents and the opponents have spoken, and this is what I refer to as shenanigans, not the importance of the issue, because I share the opinion of the Senator from Cumberland with respect to the importance of the issue.

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

Mr. CYR: Mr. President and Members of the Senate: I may be ostracized from the Democratic Party for the action that I am going to take here this morning, but I am going to support the \$2.30 all the way.

In my opinion, we are trying to solve a problem with the wrong tool. It has been debated here that those that will bear the brunt and will be affected by this will be the small businesses. Well, the small businesses have no more control over their power, they have no more control over their taxes, they have no more control over the telephone and the heating. The only control they have is on their labor. And if we bring this minimum wage too high, they are going to bake a good hard second look at their labor and, as was stated yesterday, in many cases where they have six people they may cut it down to four.

So to me, I can see two detrimental effects. First, raising costs when inflation is a factor will have a detrimental effect. Second, raising labor costs when unemployment is rampant. I have no objection to going to \$2.50, to \$2.75 or \$3.00,

if the federal government goes to it. What I would like to see attached to this minimum wage bill is a clause whereby if the federal government goes above \$2.30 then we will follow. But I certainly don't believe that a state that is 45th in the economic picture can afford to take the leadership in this field.

For those reasons I will support defeat of all the amendments that will come along that ask for more than \$2.30. \$2.30 is a 10 per cent increase over last year. It has been stated that the inflation is about 12 percent, 10 to 12 per cent in many cases. Now, if \$2.30 is not satisfactory this year then \$2.10 was not satisfactory last year.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "A" be indefinitely postponed. A roll call has been ordered. A "Yes" vote will be in favor of the indefinite postponement of Senate Amendment "A"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, R. N.; Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas and Wyman.

NAYS: Senators Berry, E. F., Jr.; Cianchette, Clifford, Conley, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray and Reeves.

ABSENT: Senator Trotzky.

A roll call was had. 19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, Senate Amendment "A" was Indefinitely Postponed.

Mr. Cianchette of Somerset then presented Senate Amendment "B" and moved its Adoption.

Senate Amendment "B", Filing No. S-98, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CIANCHETTE: Mr. President and Members of the Senate: I would like you to notice that this amendment does allow for increases up to \$3 an hour, coupled with the possible federal increases. But I need to say a word about playing games, roll calls, and a little consistency here in the Senate.

Yesterday we debated this issue at length and a \$2.50 increase was defeated. All that needed to be done at that point was for the Senate to adopt \$2.30 and it could have gone under the hammer. But who asked for the roll call? It was the majority leader who asked for the roll call to put the Republicans on record here in the Senate of voting for a \$2.30 minimum increase. Now, if that is playing games, then I suggest that the floor leader has started the game, he asked for the game.

I agree very much with the Senator from Cumberland, Senator Merrill, that personally I don't think this is any game, and I don't take it as such. I take it as very serious business, and I object a little bit to the inference here in this Senate that there are some of us playing games because, if that is so, then the game started yesterday.

I sincerely hope that this Senate will adopt \$2.45 an hour minimum starting January 1, 1976, and then allowing for increases up to \$3 combined with federal legislation.

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

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. Speers of Kennebec then moved that Senate Amendment "B" be Indefinitely Postponed.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion by the Senator from Kennebec, Senator Speers, that Senate Amendment "B" be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators R. Berry, Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Gahagan, Graffam, Greeley, Hichens, Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Wyman.

NAYS: Senators E. Berry, Cianchette, Clifford, Conley, Danton, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves, Trotzky.

ABSENT: Senator Trotzky.

A roll call was had. 19 Senators having voted in the affirmative, and 12 Senators having voted in the negative, with one Senator being absent, Senate Amendment "B" was Indefinitely Postponed.

Mr. Johnston of Aroostook then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-99, was Read.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSTON: Mr. President and Members of the Senate: In the last political campaign in Aroostook County in the district in which I campaigned a former member of this body made it clear where his stand was on this issue. There was no confusion in that particular campaign. In another campaign which bordered on the district in which I campaigned there was a considerable amount of confusion as to who voted for what. I would hope that these roll calls morning would prohibit that sort of confusion in the campaigns here around in 1976.

My second point is that one of the reasons we have not had a great many partisan issues in this body is because we have compromised. And I would remind the members of this body in the majority party that this is a dead center compromise at \$2.40 between the \$2.50 and the \$2.30, and I would urge acceptance of this amendment.

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

Mr. CURTIS: Mr. President and Members of the Senate: I would like to speak just briefly. I guess what concerns me is the same thing I mentioned yesterday, and that is that we are politicizing and we are polarizing on this particular issue. Reference has been made to forthcoming campaigns, and I am sure

all of us think about that. But, in addition to thinking about that, perhaps we ought to think about some of the specific situations which we face.

Last night I was in a business, a small business, and in talking to the proprietor of this business, who has about six employees, and discussing the minimum wage, he was trying to figure out what effect the action we seemed about to take would have on his business. He pays about three of his employees the minimum wage and he pays about three of his employees at higher than the minimum wage. When the minimum wage goes up, obviously he has to increase the amount of pay being provided to those who are receiving the minimum wage. At the same time he feels obligated, and I would understand that, to raise the people who are higher.

Now, his is a marginal business, and at some point it is going to be more sensible economically for him to eliminate one of the people to whom he has to pay the minimum wage and do a little more work himself and ask the other people to do a little more work for him.

Now, I only mention this because each of us have similar situations and we are dealing with a very delicate compromise that has been put together at \$2.30. Although all of the amendments that seem to be before us here are higher than \$2.30, it is quite possible that at some time we might see an amendment lower than \$2.30. This fellow said, "Ted, why isn't the legislature considering \$2.15, \$2.20 or \$2.25?" It is very hard to determine the effect of unemployment that will result from any of these amendments, I appreciate that, but the longer we spend and the more partisan sort of debate that occurs on this issue, the more likely it is that there might not be any increase at all.

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

Mr. CONLEY: Mr. President, I move when the vote is taken that it be taken by the "Yeas" and "Nays".

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I would urge the members of the Senate to vote against the motion.

The PRESIDENT: The pending motion is the motion of the Senator from Aroostook, Senator Johnston, that the Senate adopt Senate Amendment "C". A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending motion before the Senate is the motion of the Senator from Aroostook, Senator Johnston, that the Senate adopt Senate Amendment "C". A "Yes" vote will be in favor of adopting Senate Amendment "C"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Cianchette, Clifford, Conley, Danton, Gahagan, Graham, Johnston, Marcotte, Merrill, O'Leary, Pray, Reeves.

NAYS: Senators Berry, R.; Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Graffam, Greeley, Hichens,

Huber, Jackson, Katz, McNally, Roberts, Speers, Thomas, Wyman.

ABSENT: Senator Trotzky.

A roll call was had. 13 Senators having voted in the affirmative, and 18 Senators having voted in the negative, with one Senator being absent, the motion to Adopt Senate Amendment "C" did not prevail.

Mr. Conley of Cumberland then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-100, was Read.

The PRESIDENT: The Senator has the floor.

Mr. CONLEY: Mr. President and Members of the Senate: This is the last amendment that the Democrats intend to offer on this bill this morning, and what it does precisely is give the Maine working people an additional \$2 a week, if the amendment is adopted, effective January 1, 1976.

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

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, as I stated at outset of this great debate, none of us in this great body have the answers to what the ideal may or may not be, and I am sure that to many \$2 an hour or \$2 a week is not very much. I am sure that if the members of either party were to express an ideal, we would be very much hard pressed to say that \$100 a week is an ideal wage, and yet that seems to be what the members of the minority party are saying when they offer these amendments and haven't gone beyond that.

If they are really concerned about the working men and women of this state, as they say, and if they really feel that this is the approach that should be taken in order to provide prosperity for all, then why have they not offered an amendment which would do just that, and raise the minimum wage so that it is beyond \$100 a week.

I really don't want to question any more than I have the motives of the minority party here this morning, and would simply move to indefinitely postpone Senate Amendment "D".

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

Mr. KATZ: Mr. President, on a bright note, I would like to express to the minority leader, on behalf of the Kennebec Journal, which are my constituents, who print the roll calls and the legislative record, a degree of satisfaction that we have helped create employment in Augusta.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "D" be indefinitely postponed. A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Speers, that Senate Amendment "D" be indefinitely postponed. A "Yes" vote will be in favor of the indefinite postponement

of Senate Amendment "D"; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry R.; Carbonneau, Collins, Corson, Cummings, Curtis, Cyr, Graffam, Greeley, Hichens, Huber, Jackson, McNally, Roberts, Speers, Thomas, Wyman.

NAYS: Senators Berry, E.; Cianchette, Clifford, Conley, Danton, Gahagan, Graham, Johnston, Katz, Marcotte, Merrill, O'Leary, Pray, Reeves.

ABSENT — Senator Troztky.

A roll call was had. Mr. Katz of Kennebec was granted leave to change his vote from "Nay" to "Yea". 18 Senators having voted in the affirmative, and 13 Senators having voted in the negative, with one Senator being absent, Senate Amendment "D" was Indefinitely Postponed.

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

Mr. SPEERS: Mr. President, much has been said about going on record and about making positions very clear for any future comments that may be made regarding these positions, and to satisfy the desires of everyone in the body who wish to make the positions very clear, I ask for a roll call.

The PRESIDENT: The Senator from Kennebec, Senator Speers, has requested a roll call on the pending motion before the Senate, which is the passage to be engrossed of L. D. 1834 in non-concurrence.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I believe that the people will read in the paper tomorrow morning that everything is very, very clear here in the Senate, and I would move that the members of the minority party go on record as supporting the \$2.30 an hour.

The PRESIDENT: A roll call has been requested. In order for the Chair to order roll call, it must be the expressed desire of more than one-fifth of those Senators present and voting. Will all those Senators in favor of a roll call please rise in their places until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is passage to be engrossed of L. D. 1834. A "Yes" vote will be in favor of engrossment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Berry, E.; Berry, R.; Carbonneau, Cianchette, Clifford, Collins, Conley, Corson, Cummings, Curtis, Cyr, Danton, Gahagan, Graffam, Graham, Greeley, Hichens, Huber, Jackson, Johnston, Katz, Marcotte, McNally, Merrill, O'Leary, Pray, Reeves, Roberts, Speers, Thomas, Wyman.

ABSENT: Senator Troztky.

A roll call was had. 31 Senators having voted in the affirmative, with one Senator being absent, the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

#### Senate

Bill, "An Act Relating to Minimum Finance Charges Under the Maine Consumer Credit Code." (S. P. 219) (L. D. 718)

Bill, "An Act to Provide for a Deputy Chief Judge of the District Court." (S. P. 410) (L. D. 1309)

Bill, "An Act to Provide for a Licensed

Practical Nurse on the State Board of Nursing." (S. P. 410) (L. D. 1309)

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

Sent down for concurrence.

Bill, "An Act to Prevent Hunting in Areas Near Dumps in Unorganized Territories and Plantations of the State." (S. P. 205) (L. D. 695)

Which was Read a Second Time.

Mr. Hichens of York then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-102, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Bill, "An Act Relating to Hunting Bear with Dogs." (S. P. 311) (L. D. 1059)

Which was Read a Second Time.

Mr. Pray of Penobscot then moved that the Bill and accompanying papers be Indefinitely Postponed.

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

Mr. GRAHAM: Mr. President and Members of the Senate: This bill would limit the hunting of bear with dogs to three months of the year, and four dogs per hunting party; surely a very modest proposal.

Bear hunting with dogs is a brutal sport, if you can call it a sport. Having been baited with food, the bear is chased through the woods by half starved dogs. They finally tree the bear or surround him. The sportsmen then come up and shoot the bear. At present the season for this sport begins on June 1st and lasts until the deer season.

These hunting parties with their high-powered rifles and their packs of dogs go rampaging through the woods at the time when the deer are cropping their fawns, game birds are raising their young, and the area is full of summer people and their children trying to enjoy Maine nature.

It seems to me that the least we can do is to limit the season for this awful sport and cut down the number of half-famished dogs that are turned loose during the height of our tourist season. No wonder Mr. Marsh, Commissioner of Inland Fish and Game, personally favors not only this bill but eliminating the hunting of bear with dogs altogether. I hope you will join me in defeating this motion to indefinitely postpone the bill.

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

Mr. McNALLY: Mr. President and Members of the Senate: I am only going to state what we heard in the hearing. It was sort of an unusual thing that probably the best bear hunter in the state comes from Eustis, and he is the one they employ when the bears are killing the sheep. He only has two dogs. I never knew how they operated, a successful one, but he has one dog that he lets out and the other dog is in the cage on the truck. This other dog runs along side the road until he finds the bear tracks, and then he lets the one out of the cage and they immediately proceed to go for the bear, and eventually he gets the bear. Now, there were two other bear hunters that make a business of it that told me that four dogs would be enough probably. Another one suggested that perhaps five would be a better number to hunt the bear.

There also was testimony about where two bear hunting parties get together. One party will have ten dogs and start out in a location, and the other party will have ten dogs and start out in another direction, but they must have some sort of ESP because eventually the two parties converge and the dogs you have are not ten anymore, they are 20. Now, I understand there are one or two good dogs in either one of the packs, and the rest of them are all learners, they all spoke of them as learners.

I am simply stating to you folks here the testimony we had in committee because I didn't know too much about the bear hunting, except that I was building a school up in Aurora and one day there was an awful lot of noise from dogs barking, and pretty soon a bear comes down crossed above the school, perhaps a quarter of a mile. You could just see him up in the blueberries crossing. By and by, down come the dogs down below the school, down the road, hunting for the bear tracks. I don't know if that bear was successful or the dogs were successful that day but they sure was a good pack of dogs.

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

Mr. PRAY: Mr. President and Members of the Senate: I really had hoped to avoid this. I myself am not a bear hunter. I really find no sport in it personally. But I have a number of constituents and people through the state that do hunt bear, and I would like to clear up a few statements that have been made here, both by Senator Graham and by Senator McNally.

First of all I will talk about the committee. The committee report which has been accepted is a report of one. That one stated he felt no way on the bill but he said that he would sign out at least as one individual so that it could be debated, thus, he had no strong feelings on it.

Second of all, in the committee we had two individuals that testified as proponents, and I lost count of the opponents, but I would say close to two dozen or more.

As to the number of dogs, presently the law says ten. It was testified at the hearing, and I am aware of this myself, the strength and the speed of a bear — a lot of people might not know this, but a bear is perhaps the fastest animal in the Maine woods. A bear can run a deer down. A bear can run a pack of dogs into the ground. A bear is usually caught when he trees himself; that is when the dogs catch up with him. But besides that, the fact of training the dogs to a sport, which the Commissioner says personally he doesn't favor, as Senator Graham stated, but I talked to him this morning officially and asked him how he would stand on it as the Commissioner of the Inland Fish and Game Department responsible for management of our game, and he said he would have to take a stand in favor of the sport because it is not detrimental to the management of the game.

Back to the ten dogs, you have got to train your pack. If you have a couple of good dogs or three good dogs, and you bring in your younger pups, then you will be able to continue on in this sport. So that is the reason for the ten dogs. I myself did not hear any testimony saying that they could get by with four, six, or five.

As to shortening the season, myself, in my type of business, I am well aware of why the individual, the majority of the