

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, January 16, 1969
Senate called to order by the President.

Prayer by the Rev. William A. Chamberlain of Winthrop.

Reading of the Journal of yesterday.

Out of order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 21, at 10 o'clock in the morning. (S. P. 61)

Which was Read and Passed.

Sent down forthwith for concurrence.

House Papers

Bills and Resolves today received from the House requiring reference to committees were acted upon in concurrence.

Communications

STATE OF MAINE

Senate Chamber

Augusta, Maine

January 15, 1969

Mr. Jerrold B. Speers
Secretary of the Senate
Augusta, Maine

Dear Mr. Speers:

Pursuant to Title 3, Section 201 of Chapter 9, I hereby appoint the following to the Commission on Interstate Cooperation:

Senator Albert W. Hoffses of Knox

Senator George H. Barnes of Aroostook

Senator Gerard P. Conley of Cumberland.

Respectfully yours,
KENNETH P. MacLEOD
President of the Senate

Which was Read and Ordered Placed on File.

Senate Papers

Appropriations and

Financial Affairs

Mr. Berry of Cumberland presented Bill, "An Act Increasing Salaries of Official Court Reporters." (S. P. 62) (L. D. 185)

Mr. Violette of Aroostook presented Bill, "An Act Relating

to Law Clerks for the Judiciary." (S. P. 63) (L. D. 184)

The same Senator presented Bill, "An Act Providing for an Additional District Court Judge at Large." (S. P. 64) (L. D. 186)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Education

Mr. Moore of Cumberland presented Bill, "An Act Requiring that 1966 State Valuations be Used in Computing Foundation Program Subsidies for Administrative Units." (Emergency) (S. P. 65) (L. D. 187)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Election Laws

Mr. Berry of Cumberland presented Bill, "An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Dates." (S. P. 66) (L. D. 188)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Inland Fisheries and Game

Mr. Hanson of Kennebec presented Bill, "An Act Regulating Atlantic Salmon Fishing in Maine Rivers." (S. P. 67) (L. D. 189)

Which was referred to the Committee on Inland Fisheries and Game and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Violette of Aroostook presented Bill, "An Act Permitting Acceptance of Personal Recognizances by Allagash Wilderness Waterway Rangers." (S. P. 68) (L. D. 191)

Mr. Anderson of Hancock presented Bill, "An Act Providing for Sessions of the District Court for Central Hancock at Bucksport." (S. P. 69) (L. D. 190)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Anderson of Hancock presented Bill, "An Act Relating to Enclosing Storage Tanks and Reservoirs for Water Treated for Domestic Use." (S. P. 70) (L. D. 192)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Hanson of Kennebec presented Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries." (S. P. 71) (L. D. 193)

Which was referred to the Committee on Sea and Shore Fisheries and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Berry of Cumberland presented Bill, "An Act Relating to Interest on Certain State Bond Issues." (Emergency) (S. P. 72) (L. D. 194)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Towns and Counties

Mr. Anderson of Hancock presented Bill, "An Act Relating to Deputy Clerk of Courts at Hancock County." (S. P. 73) (L. D. 196)

The same Senator presented Bill, "An Act Increasing Salaries of County Officials of Hancock County." (S. P. 74) (L. D. 195)

Which were referred to the Committee on Towns and Counties and Ordered Printed.

Sent down for concurrence.

The PRESIDENT: The Chair at this time would like to have the Senate take note of two notable events. One is the sixtieth birthday of a member of the Senate staff, and also it is his fortieth year in continuous State service; forty years of continuous State service here in the Senate Chamber.

He started at the age of 19 as a doorkeeper, and went from there to what they call the "folder," Assistant Sergeant at Arms, Ser-

geant at Arms, Assistant Secretary to the Secretary of the Senate, to the job he now holds, Secretary to the Secretary of the Senate. Forty years is a long time, particularly when it involves an individual such as Waldo Clark, who has been the epitomy of loyalty, devotion to duty, and dedication to doing a good job in this body.

I would like at this time to ask the Senate to rise and pay tribute to this man. (Applause, members rising.)

I am sure the Senate joins me in wishing you a very happy birthday.

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, (H. P. 118) (L. D. 134) Bill, "An Act to Clarify the Watercraft Registration and Safety Law."

Tabled—January 15, 1969 by Senator Hoffses of Knox.

Pending—Reference.

Thereupon, on motion by Mr. Hoffses of Knox, referred to the Committee on Legal Affairs and Ordered Printed in nonconcurrence. Sent down for concurrence.

The President laid before the Senate the second tabled and today assigned matter, (H. P. 94) (L. D. 103) Bill, "An Act to Amend the Charter of the Fryeburg Water Company by Granting Certain Additional Powers and Ratifying and Confirming Certain Acts of Said Corporation."

Tabled—January 15, 1969 by Senator Quinn of Penobscot.

Pending—Reference.

Thereupon, on motion by Mr. Dunn of Oxford, referred to the Committee on Public Utilities and Ordered Printed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the first tabled and unassigned matter, (H. P. 84) Joint Order—Relative to Amendment to Joint Rule 17-B.

Tabled—January 9, 1969 by Senator Katz of Kennebec.

Pending—Passage.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ: Mr. President, I understand there is an amendment about to be offered on this, but I will move the pending question.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the pending question. The pending question is the passage of this joint order in concurrence with the House.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, I would like to present Senate Amendment A to House Paper 84 and move its passage, and I would just like to speak briefly on the amendment.

Senate Amendment "A", Filing No. S-1, was read by the Secretary.

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

Mr. REED: Mr. President and Members of the Senate: I believe that the amendment is somewhat self-explanatory. This order originated from the Legislative Research Committee. I understand that it has the support of the leadership of both branches and in both bodies for both parties, however, I must also admit at one time I thought that was reason enough to vote against anything. But I feel as if the amendment is necessary.

What the amendment does is report the unanimous Ought Not to Pass Report to both branches and it also gives either branch the opportunity to breathe life back into the bill. I would also say that I personally do not feel that this is legislation which is very pertinent to this branch, this august body; I feel as if it may not be needed. But there is a strong feeling that it would be helpful in the other end of the corridor, therefore, I would hope that it would pass.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It is rather a formidable task to be in opposition to the distinguished leadership of both

political parties and to the gentlemen who have indicated on the floor here that they are in favor of this, but I think that it is a very, very revolutionary step in our procedure and it should be undertaken with a conservative approach, I think, and a cautious approach.

This certainly would limit and curtail and curb the power of the two branches of the Legislature. It would increase greatly the power of the committees of the Legislature, and it would give much greater potency, of course, to the unanimous reports out of the committees. That is, under this amended order, in order for a measure to be acted upon progressively, after having been reported out by a committee unanimously Ought Not to Pass, it wouldn't see the light of day, and in order for it to be acted on at all for the Reference of Bills Committee would have to be petitioned, as I understand it, by a majority of the membership of either body. As it stood before the good Senator's amendment it would have been the body of origin. Now either body could reach into the files of the Reference of Bills Committee, get the Committee discharged, and get the bill before the body, but it would take half the membership to do it; it would take the majority of the membership in order to do it.

Heretofore, I believe years ago, quite a few years ago, we had a rule where if a bill came out of committee unanimously Ought Not to Pass, it would go to the body where it originated, as the bills always do, and then it would stop there if it were acted upon favorably to the committee report, and wouldn't go to the other branch. At first blush, I thought that is what this order was, but this is a great deal stronger than that. This order, as I understand it from the sagacious gentlemen and ladies that served on the Research Committee, is designed to shorten up the legislative session. Well, in this order it looked a great deal like the rule in effect in Congress, and I submit to you, gentlemen, that if there is any example in the world of perpetual motion,

it is the United States Congress. They are in session all the time. They haven't cut off their sessions by being able to pigeonhole measures in committee. I don't think that it would have that effect here. I don't think that you will see the legislative process expedited to any great extent if we adopt this order. But you will find that those of us functioning on committees will have a great deal more power in regard to some bills.

I think also that in the delaying factor you will notice that fair-minded members of committees who feel that a measure may not be properly handled if it is given this pigeonholing will be signing minority reports just to get the bill back where the whole body can act on it. We have had quite a number of examples last session where committees that all of us, I think, have served on have had their unanimous reports upset, and perhaps in the long run properly so.

I don't think this order will accomplish what its designers wish. It will give committees greater power. It will curtail the power of the various bodies to act fully on the measures before them. For that reason I hope that the motion of the good Senator from Sagadahoc will fail.

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

Mr. KATZ of Kennebec: Mr. President and gentlemen: I am heartened by the introduction of this amendment, and it makes it very palatable as far as I am concerned. It means that if a bill does indeed have the support of the majority of either house that it has its day in court. It is awfully hard to pass any legislation here without majority support.

So I don't think we are giving up very much. I do not share the pessimism as to the results of this, and it is an exciting enough approach that I would hope that we try this on for size and that you do indeed support the motion to accept the amendment and the report.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I have listened to these distinguished gentlemen and I kind of feel the way the good Senator from Franklin County feels, that of necessity this might not slow up the process of legislation here. I feel that if a bill comes back un-animously Ought Not to Pass from the committee that the sponsor of that bill in either branch ought to be able to get up and explain his bill before it is destroyed so that the members of his branch could see what he was driving at. He may not have put his point over to the committee but he may have a point that should be put over, and I think that he should be given his day in court and explain his bill in the branch in which it was submitted and, if they go along with him, all right.

So, I hope that the order will not pass so that any sponsor of a bill will be able to get up and defend his bill in his branch in spite of a unanimous Ought Not to Pass committee report.

The PRESIDENT: Is the Senate ready for the question.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, may I ask that when the vote is taken it be taken by a division?

The PRESIDENT: The Senator from Kennebec, Senator Katz, has requested a division.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I can't get too excited about this proposal. I don't believe it is going to be an earth-shattering change for the better or for the worse. A similar proposal was defeated when it was brought up for discussion at the last session.

I can see from an administrative standpoint, actual day-to-day working here, that this body might well be the target of these petitions which are mentioned. In other words, it will be a lot easier to get 17 names on a piece of paper than it will be to get 76 names. So I think that perhaps this body

might end up finding itself solicited, if this were to go through, to bring this out.

I think that the good Senator from Sagadahoc, Senator Reed, indicated that perhaps he too felt that this wasn't the biggest item that will come before us. I do feel, as Senator Quinn says, that it does in a certain way inhibit free discussion of the bill, and particularly the right of the sponsor to discuss his bill before the body. We have all been connected with committee work, and I could see easily where a strong personality in a small committee, at a poorly attended committee meeting, might be in a position to exert considerable influence for the better or for the worse.

I quite frankly feel that it isn't the most important bill, but I don't believe we would make any mistake by defeating it. I would move it be indefinitely postponed.

The PRESIDENT: The question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Joint Order and its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I move that the vote be taken by division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that when the vote is taken it be taken by division. Is the Senate ready for the question?

The question is on the motion of the Senator from Cumberland, Senator Berry, that House Paper 84, the Joint Order, and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President, I move that this order lay upon the table until the next legislative day.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that House Paper 84 lie on the table until the next legislative day. Is this the pleasure of the Senate.

For what purpose does the Senator rise.

Mr. ANDERSON of Hancock: Mr. President, I would like to make a statement.

The PRESIDENT: The Chair would remind the Senator that on a tabling motion there is no debate.

Is it the pleasure of the Senate that this item lie on the table until the next legislative day?

The motion prevailed and the Joint Order was tabled and tomorrow assigned, pending the motion by Senator Berry of Cumberland that the Joint Order and all accompanying papers be indefinitely postponed.

On motion by Mr. Barnes of Aroostook, the Senate voted to take from the table the second tabled and unassigned matter,

(H. P. 60) (L. D. 62) Bill, "An Act Relating to the Authority to Regulate Motor Vehicle Speeds."

Tabled — January 14, 1969 by Senator Barnes of Aroostook.

Pending — Reference.

On further motion by the same Senator, the Bill was referred to the Committee on Highways and Ordered Printed in concurrence.

(Off Record Remarks)

The Adjournment Order having been received from the House, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, January 21, at 10 o'clock in the morning.