

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

Wednesday, February 19, 1969

Senate called to order by the President.

Prayer by Rev. Roy W. Moody of Gardiner.

Reading of the Journal of yesterday.

House Papers

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

Communications

STATE OF MAINE
Office of the Governor
Augusta, Maine

February 19, 1969

The Honorable Jerrold B. Speers
Secretary of the Senate
104th Legislature
Augusta, Maine 04330

Dear Mr. Speers:

Today, in accordance with my Constitutional duty, I am submitting a message on Conservation and Economic Development.

It contains proposals which supplement those in my Budget Message delivered to the 104th Legislature on January 9, 1969.

Sincerely,

(Signed)

KENNETH M. CURTIS
Governor

Which was Read and with accompanying papers Ordered Placed on File.

STATE OF MAINE
Department of State
Augusta, Maine

February 15, 1969

To David J. Kennedy,
Speaker of the House of Representatives of the One Hundred and Fourth Legislature:

I have the honor to herewith transmit the budget estimates of expenses of the sixteen counties within the State for the years 1969 and 1970, the same having been filed in this office according to the provisions of Title 30, Sections 252

and 253 of the Revised Statutes of 1964.

(Signed)
JOSEPH T. EDGAR
Secretary of State
(H. P. 675)

Comes from the House referred to the Committee on Towns and Counties.

Which was referred to the Committee on Towns and Counties in concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Hoffses of Knox presented Bill, "An Act Relating to Public Assistance Payments in Boarding Homes." (S. P. 258) (L. D. 862)

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

Sent down for concurrence.

Education

Mr. Stuart of Cumberland presented Bill, "An Act Relating to Loans for Maine Students of Dental Hygiene." (S. P. 259) (L. D. 863)

Mr. Katz of Kennebec presented Bill, "An Act Relating to the Protection of Rights of Employees of the Unified University of Maine." (S. P. 260) (L. D. 864)

Mr. Stuart of Cumberland presented Resolve, Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding, at Any One Time Issued and Outstanding, Twenty-Five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities. (S. P. 261) (L. D. 865)

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

Sent down for concurrence.

Election Laws

Mr. Hoffses of Knox presented Bill, "An Act Relating to Duties of Municipal Clerks." (S. P. 262) (L. D. 866)

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

Sent down for concurrence.

Health and Institutional Services

Mr. Stuart of Cumberland presented Bill, "An Act Relating to Licensing of Ambulance Service, Vehicles and Personnel." (S. P. 263) (L. D. 867)

The same Senator presented Bill, "An Act Revising the Laws Relating to the Practice of Dentistry." (S. P. 264) (L. D. 868)

Mr. Violette of Aroostook presented Bill, "An Act Relating to Solicitation of Eye Services and Appliances." (S. P. 265) (L. D. 869)

Mr. Stuart of Cumberland presented Bill, "An Act Relating to Selling Certain Drugs." (S. P. 266) (L. D. 870)

Which were referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Quinn of Penobscot presented Bill, "An Act Relating to the Uniform Disposition of Unclaimed Property Act." (S. P. 267) (L. D. 905)

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

Sent down for concurrence.

Legal Affairs

Mr. Anderson of Hancock presented Resolve to Change the Name of Plantation 33, Hancock County, to Great Pond Plantation. (S. P. 268) (L. D. 906)

Mr. Conley of Cumberland presented Bill, "An Act Amending the Charter of the City of Portland Relating to Civil Service Commission." (S. P. 269) (L. D. 907)

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

Sent down for concurrence.

Natural Resources

Mr. Berry of Cumberland presented Bill, "An Act to Provide Certain State Level Land Use Controls." (S. P. 270) (L. D. 908)

The same Senator presented Bill, "An Act Relating to Issuance of Permits by the Water and Air Environmental Commission." (S. P. 271) (L. D. 909)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Levine of Kennebec presented Bill, "An Act Relating to Debt Limit of the Waterville Sewerage District." (S. P. 272) (L. D. 910)

Mr. Violette of Aroostook presented Bill, "An Act Relating to the Charter of the Van Buren Water District." (Emergency) (S. P. 273) (L. D. 911)

The same Senator presented Bill, "An Act Relating to the Charter of the Van Buren Light and Power District." (S. P. 274) (L. D. 912)

Mr. Berry of Cumberland presented Bill, "An Act Relating to Extension of Water Service." (S. P. 275) (L. D. 913)

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

Sent down for concurrence.

Retirements and Pensions

Mr. Hanson of Kennebec presented Bill, "An Act Relating to Death Benefits Under the State Retirement Law." (S. P. 276) (L. D. 871)

Which was referred to the Committee on Retirements and Pensions and Ordered Printed.

Sent down for concurrence.

Sea and Shore Fisheries

Mr. Anderson of Hancock presented Bill, "An Act to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where No Rights Have Been Granted to Others or Where Municipalities Fail to Act." (S. P. 277) (L. D. 872)

The same Senator presented Bill, "An Act Relating to Closed Season and Minimum Size of Atlantic Salmon." (S. P. 278) (L. D. 873)

Which were 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 Electrician's Licenses." (S. P. 279) (L. D. 874)

The same Senator presented Bill, "An Act to Revise the Architects' Registration Law." (S. P. 280) (L. D. 914)

The same Senator presented Bill, "An Act Establishing a Study Committee on Water Resources." (S. P. 281) (L. D. 928)

(On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Reference to Committee.)

Which, except for the tabled matter, were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Hanson of Kennebec presented Bill, "An Act Relating to Timely Mailing of Tax Reports and Returns." (S. P. 282) (L. D. 915)

Mr. Dunn of Oxford presented Bill, "An Act to Give Relief to Elderly Persons from the Increasing Property Tax." (S. P. 283) (L. D. 916)

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

Sent down for concurrence.

Transportation

Mr. Katz of Kennebec presented Bill, "An Act Relating to Towing of Golf Carts on Public Highways." (S. P. 284) (L. D. 917)

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

Sent down for concurrence.

Committee Reports

House

Change of Reference

The Committee on Legal Affairs on Bill, "An Act Relating to Building Liens." (H. P. 475) (L. D. 629)

Reported that the same be referred to the Committee on Judiciary.

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Canada Lynx." (H. P. 165) (L. D. 204)

Reported that the same be granted Leave to Withdraw.

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Legal Affairs on Bill, "An Act Relating to Eligibility for Membership on the Council and School Board of the Town of Falmouth." (H. P. 110) (L. D. 118)

Reported that the same Ought Not to Pass.

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Public Utilities on Bill, "An Act Relating to Cooperative Agreements by the Public Utilities Commission." (H. P. 175) (L. D. 214)

Reported that the same Ought to Pass.

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

The Committee on Public Utilities on Bill, "An Act Relating to the Registration of Interstate Motor Carriers." (H. P. 184) (L. D. 223)

Reported that the same Ought to Pass.

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

The Committee on Judiciary on Bill, "An Act Relating to Jurisdiction of Juvenile Courts Over Offenses in Operating Boats." (H. P. 193) (L. D. 233)

Reported that the same Ought to Pass.

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

Which reports were Read and Accepted in concurrence, the Bills Read Once and tomorrow assigned for Second Reading.

Ought to Pass — As Amended

The Committee on State Government on Bill, "An Act Relating to Appointment and Duties of Deputy Attorneys General and Assistant Attorneys General." (H. P. 180) (L. D. 219)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-31).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-31).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Conley for the Committee on Liquor Control on Bill, "An Act Relating to Permits for Certain Liquor Licensees Providing Entertainment." (S. P. 227) (L. D. 667)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Peabody for the Committee on Towns and Counties on Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Reported that the same Ought Not to Pass.

Which report was Read.

On motion by Mr. Wyman of Washington, tabled pending Acceptance of the Ought Not to Pass Report of the Committee.

Ought to Pass

Mr. Conley for the Committee on Liquor Control on Bill, "An Act

Relating to Jurisdiction of Administrative Hearing Commissioner of Violations of Liquor Laws." (S. P. 213) (L. D. 621)

Reported that the same Ought to Pass.

Mr. Reed for the Committee on Transportation on Bill, "An Act Relating to Application for New Motor Vehicle Registration Plates and Issuance of Temporary Facsimile Plates." (S. P. 154) (L. D. 437)

Reported that the same Ought to Pass.

Mr. Katz for the Committee on Election Laws on Bill, "An Act Relating to Ballots Cast by Presidential Electors." (S. P. 99) (L. D. 309)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Legal Affairs on Resolve, Authorizing Conveyance of State Land to the City of Bangor. (S. P. 147) (L. D. 428)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Legal Affairs on Bill, "An Act Ratifying Easement Conveyed by the State of Maine to the Bangor Water District." (S. P. 146) (L. D. 427)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills and Resolve Read Once and tomorrow assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Non-lapsing Funds for Armory Construction". (H. P. 2) (L. D. 2)

Bill, "An Act to Clarify Absentee Voting Under the Charter of the Town of Kittery." (H. P. 276) (L. D. 352)

Bill, "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics." (H. P. 280) (L. D. 356)

Bill, "An Act Appropriating Funds to Office of Chief Medical Examiner." (Emergency) (H. P. 403) (L. D. 514)

Resolve, Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation. (Emergency) (H. P. 589) (L. D. 731)

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

Senate

Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority. (S. P. 97) (L. D. 307)

Bill, "An Act Relating to Fulfillment of Contracts by Teachers About to Retire." (S. P. 98) (L. D. 308)

Bill, "An Act Appropriating Funds for Health Education." (S. P. 121) (L. D. 383)

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

Sent down for concurrence.

Enactors

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

An Act Amending the Election Laws. (H. P. 29) (L. D. 30)

An Act Relating to Fishing in Narraguagus River, Washington County. (S. P. 39) (L. D. 122)

An Act Increasing Entry Fee Under Small Claims Law. (S. P. 90) (L. D. 252)

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

An Act Relating to Use of Artificial Lights for Lighting Game. (H. P. 92) (L. D. 101)

An Act Relating to Violating the Laws Dealing with Certain Birds. (H. P. 120) (L. D. 136)

An Act Relating to Surrender of Motor Vehicle Instruction Permits. (H. P. 129) (L. D. 145)

An Act Designating Landlocked Salmon as the State of Maine Fish. (H. P. 150) (L. D. 176)

An Act Relating to Powers of Park and Recreation Commission. (H. P. 195) (L. D. 242)

An Act Relating to Poll Taxes Paid to Caswell Plantation. (H. P. 199) (L. D. 246)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Increasing Compensation of Examiners of Podiatrists. (H. P. 225) (L. D. 275)

An Act Increasing Fees Under State Nursing Law. (H. P. 228) (L. D. 284)

An Act Repealing Law Relating to Prohibiting Transportation of Certain Poultry. (H. P. 254) (L. D. 330)

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 and Members of the Senate: In regard to An Act Increasing Entry Fee Under Small Claims Law (S. P. 90) (L. D. 252), that is a bill that came out of our committee unanimously. It went into the committee — and I hesitate to hold it up at this point but I think I ought to, to some extent at least — it came into the committee as a very simple bill to increase the fee under the Small Claims Law from three dollars to five dollars. It came out of the committee, I think the record will show, with a committee amendment reducing that proposed five dollars to four dollars.

At the committee hearing, my recollection is that there was no opposition to the bill. The bill was sponsored and promoted by the District Court System, by the District Court Chief Judge and his colleagues.

I think, in reviewing the situation, on second thought, that the bill is more designed to cut down the traffic in the District Courts than it is to defray expenses. I don't think that it costs five dollars to handle those small claims. I don't think it costs four dollars to handle those small claims.

That Small Claim Law is a great convenience to merchants particularly, and to others who accumulate small items of debt against debtors, sums of less than a hundred dollars, and it is used very extensively. I am surprised that there hasn't been to this point any repercussions from the Maine Merchants Association or from the

rank and file citizens who use this court for that purpose faced with an increase in the fee from three dollars to four dollars.

I would like to possibly exert a privilege — I am not going to do it now — but I would like to possibly exert a privilege at a later date of changing my mind. This is a privilege that pertains to ladies, and we have no lady members so perhaps one or two of us could exert that privilege now and then of changing our minds about a bill. I may not, but I would like to have the Maine Merchants Association look into this. They missed it at our hearing, and I don't think the storekeepers in my area are going to like it very much next Fall when they find out that when they go to that District Court they have got to pay four dollars instead of three, and they go in there with batches of these bills.

It does take the burden off from us lawyers, I think, when a merchant comes in with a whole lot of bills that are difficult to handle and all; we can send them to that Small Claims Court. I think the Act was devised in the first place for their convenience and assistance, and I think that, unless it is really necessary to give them four dollars instead of three, I think we ought to leave it at the three dollars. I think we are going to have repercussions, all of us, if we let this act become enacted at this time. We are going to wake up next Fall and have quite a few complaints about it that they now have to pay four instead of three.

So, without fully changing my mind at this point, I would like to have it held up a little bit to see if the Maine Merchants Association really likes this bill as much as they appear to from their apathy in regard to it. I wondered if I could have the privilege of some seat mate or other friend possibly tabling this unassigned. I won't keep it there very long; I will get him to take it off after a few days.

Thereupon, on motion by Mr. Anderson of Hancock, the Bill was tabled, pending Enactment.

Resolve, Authorizing the State Tax Assessor to Convey by Sale

the Interest of the State in Certain Lands in the Unorganized Territory. (S. P. 34) (L. D. 92)

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

Resolve, Authorizing Germaine P. Guerette and Edmund Guerette to Bring Action Against the State of Maine. (S. P. 108) (L. D. 319)

(On motion by Mr. Katz of Kennebec, tabled, pending Enactment.)

Resolve, to Reimburse Bernard J. Kinney of Winthrop for Well Damage by Highway Maintenance. (H. P. 56) (L. D. 58)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

Emergency

An Act to Allocate Money from the General Highway Fund for State Aid Construction. (H. P. 232) (L. D. 288)

This being an emergency measure and having received the affirmative votes of 32 members of the Senate, 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 Election of Members of Board of Trustees of Ashland Water and Sewer District. (H. P. 294) (L. D. 370)

This being an emergency measure and having received the affirmative votes of 32 members of the Senate, 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 Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors. (H. P. 290) (L. D. 366)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

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. (H. P. 94) (L. D. 103)

Tabled—February 12, 1969 by Senator Moore of Cumberland.

Pending—Enactment.

On motion by Mr. Moore of Cumberland, retabled, pending Enactment.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Relating to Purchase of Parcels of Land by Forest Commissioner." (H. P. 45) (L. D. 46)

Tabled—February 18, 1969 by Senator Sewall of Penobscot.

Pending—Passage to be Engrossed.

On motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending Passage to be Engrossed.

The President laid before the Senate the third tabled and specially assigned matter:

HOUSE REPORTS—from the Committee on State Government on Bill, "An Act Increasing Compensation of Directors of the Maine Port Authority." (H. P. 8) (L. D. 8) Majority Report, Ought to Pass as Amended by Committee Amendment "A" Filing H-21; Minority Report, Ought Not to Pass.

Tabled—February 18, 1969 by Senator Berry of Cumberland.

Pending—Motion by Senator Wyman of Washington to accept the Minority Ought Not to Pass Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, reminded me yesterday that I was remiss in not explaining this bill. It is a bill to increase the salary for the Commissioners of

the Port of Portland from \$500 to \$1,200. Our committee thought they were conservative and reduced this figure to \$800, but the body at the other end of the hall defeated this very good bill very decisively, and so I could see no useful purpose served in belaboring this longer. I, therefore, move that we do accept the Minority Report.

Thereupon, the Minority Ought Not to Pass Report of the Committee was accepted in concurrence.

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

Bill, "An Act Relating to Notice of Suspension or Revocation of Motor Vehicle Operators' Licenses." (S. P. 57) (L. D. 165)

Tabled—February 5, 1969 by Senator Barnes of Aroostook.

Pending—Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Very briefly, you will recall this is the L. D. which deals with the Secretary of State's office providing notification of the suspension or revocation of motor vehicle operators' licenses. The intent of my motions will be to reverse the action of the committee, put the bill back in its original shape, and add an amendment which has been cleared with the Secretary of State and all interested people in the Secretary of State's office concerned with this problem.

Accordingly, Mr. President, I would move that the Senate reconsider its action whereby it adopted Committee Amendment "A".

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Senate, under suspension of the rules, reconsider its action whereby it adopted Committee Amendment "A".

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It is my duty to oppose this motion — not only my duty, but my obligation to do so as one

who favors the bill as it came out of committee.

We had some discussion of this February 5th. I don't like to bore the Senators but there should perhaps be some little review of it, what we did to the bill, how the bill came to the committee, how it came out of the committee and what the committee amendment was.

The bill came into the committee as strictly a department bill, the Secretary of State's bill, with whom we are friendly and with whom we would like to cooperate, of course, within reason. We felt that the proposal of the Secretary of State was not within reason and would be oppressive to the citizens of this State charged with crime.

This bill, as it came to us, would facilitate the operations of the Secretary of State, no doubt. It provided that he could have proof, have prima facie proof, proof which would be competent to convict a person of crime; the crime being operating after suspension of a license or operating without a license. He could have that proof if he could show that he or some person authorized by him in his office had mailed a notice to the person who might then be charged with the crime of not having a license. We feel that is perhaps unconstitutional. I don't like to bandy that about, because that is a favorite objection that lawyers have, of course, but for this reason we feel that, if it is not unconstitutional, it is certainly a strain on the rights of our citizens. A citizen might be out of State or might be most anywhere beyond the reach of his mail. This doesn't say "Registered Mail — R e t u r n Receipt Requested." I am not even sure, even if it did, that it should prevail in that fashion. But it just says that if someone in that office says they mailed something then that citizen to whom it was addressed could properly then be charged with notice of his revocation of license.

We felt in the committee that if you are going to charge any one of our citizens in this State with a crime that you should be under the obligation of being able

to prove that he knew the status, and there are many ways for the Secretary of State to prove that. They do now on occasion send the State Police out to a citizen's home and take his license and tell him that his license is under revocation and they want it back. Certainly that is proof in a court of law that he knows it has been revoked if that officer goes into court and testifies that he has delivered that message and so on. So, we provided by a committee amendment, which I wish the Secretary would read at this point, if I may, Mr. President, or the committee amendment number at least, and then I will read it — what does the record show as to the Senate number of that amendment?

The SECRETARY: Committee Amendment "A", Filing Senate-6.

Mr. MILLS: We reversed what the good Secretary wanted and we gave him a bill that said if he is going to have prima facie proof that someone had committed a crime in this State that he is going to have to show that the notice had been received, which was the the way we felt that the citizens of the State ought to be treated, rather than have some functionary down in the deputy's office or the Secretary of State's office just file an affidavit and say "We mailed something," and that being proof of a crime. I don't think it could be accepted constitutionally as proof of a crime. We felt that certainly our committee hadn't ought to say that it could. We felt that what the Secretary ought to have to do is show, if he is going to charge a citizen with commission of a crime, show that they had received it. That is all the amendment does.

So, I would resist the motion of the good Senator from Cumberland to strike down that amendment. Our position in the committee is that this bill should stand as we had reported it out.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The amendment which I would propose, if afforded the

opportunity, will provide that notification by registered or certified mail — this is Filing S-12 — that notification to the people whose licenses have been revoked will be sufficient if the Secretary of State mailed such notice by certified or registered mail with return receipt requested.

Now, as I mentioned in the previous discussion of this in this chamber, we are now talking of approximately 30 per cent of those people who receive notification from the Secretary of State. The other 70 per cent, upon notification that they should send in their licenses, do it. And, I would also say again that everybody, including the 70 per cent who send their notices back and the 30 per cent who don't, everybody knows he is in trouble. They have had a hearing, there has been correspondence, they have been in court, they anticipate this letter. So we are not taking advantage and we are not surprising anybody.

Now, the Committee Amendment which, as the Senator from Franklin says, Senator Mills, is diametrically opposed to the basic bill, would permit a person who anticipates this letter refusing to accept it, not answering the door when peeking out the curtain and seeing the mailman there with that missive. This is not right. This is making a mockery of the law to say that until the Secretary of State can prove that the recipient received the notification everything is fine. This is making law enforcement much harder than it already is, and it already is too hard.

Then this amendment which I propose finishes the matter by saying once the receipt has come back, refused, moved, no forwarding address, this is still that same 30 per cent — then the Secretary of State shall send a letter by ordinary mail to the recipient, so he is going to get it, and he knows very well that his license is suspended. Now if, after this proposed treatment, we have people driving the highways, certainly they are in violation of the law. These people after proper hearing, proper treatment under

the laws of the State of Maine, are willfully violating these laws.

I think we should reconsider our action, postpone the committee amendment, and adopt this one.

The PRESIDENT: Is the Senate ready for the question? The question is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate adopted Committee Amendment "A".

As this requires suspension of the rules, a two-thirds vote is necessary for the motion to prevail.

As many as are in favor of the Senate reconsidering its action will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. 23 Senators having voted in the affirmative, and six Senators having voted in the negative, the motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, Committee Amendment "A", S-6, was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-12, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Mr. Hoffses of Knox was granted unanimous consent to briefly address the Senate.

Mr. HOFFSES: Mr. President and Members of the Senate: I performed the duties assigned to me of representing this august body at the funeral services of Representative Grevis Payson on Thursday, February 13th at the Union Methodist Church. The capacity crowd that attended the services was further proof of the very high esteem in which Representative Payson was held by his new legislative colleagues, as well as his fellow townspeople and all of those who knew him. His hosts of friends attended in mass to pay their last respects to a beloved gentleman.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the fourth

tabled and unassigned matter:

Bill, "An Act Relating to Voting Residence of Wife of Member of Armed Forces." (H. P. 279) (L. D. 355)

Tabled—February 13, 1969 by Senator Wyman of Washington.

P e n d i n g — P a s s a g e to be Engrossed.

The same Senator moved the pending question.

Thereupon the Bill, as Amended, was Passed to be Engrossed in concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1:30 p. m. tomorrow afternoon.