

# 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, March 13, 1969

Senate called to order by the President.

Prayer by Rev. William A. Dunstan of Gardiner.

Reading of the Journal of yesterday.

**Papers From the House****Joint Order**

WHEREAS, the Red Riots of Orono High School have won the State Class L basketball championship for the year 1969; and

WHEREAS, members of this championship team represent both the Town of Orono and the Town of Veazie; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Maine Legislature commend this team and its coach, Robert Cimbollek, for their accomplishments in the field of sports and wish them continued success in their efforts to bring honor to their respective towns, school and state; and be it further

ORDERED, that a copy of this Joint Order be sent to the principal and coach of Orono High School. (H. P. 1060)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, the Falcons of Freeport High School have won the State Class M basketball championship for the year 1969; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Maine Legislature commend this team and its coach, Loren Sibley, for their accomplishments in the field of sports and wish them continued success in their efforts to bring honor to their town, school and state; and be it further

ORDERED, that a copy of this Joint Order be sent to the principal and coach of Freeport High School. (H. P. 1061)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, the Vikings of Caribou High School have won the State LL basketball championship for the year 1969 in a thrilling finale; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Maine Legislature commend this team and its coach, Gerry Duffy, for their accomplishments in the field of sports and wish them continued success in their efforts to bring honor to their city, school and state; and be it further

ORDERED that a copy of this Joint Order be sent to the principal and coach of Caribou High School. (H. P. 1062)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

WHEREAS, the Elks of Island Falls High School have won the State Class S basketball championship for the year 1969; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Maine Legislature commend this team and its coach, Phil Faulkner, for their accomplishments in the field of sports and wish them continued success in their efforts to bring honor to their town, school and state; and be it further

ORDERED, that a copy of this Joint Order be sent to the principal and coach of Island Falls High School. (H. P. 1063)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

**House Papers**

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

**Committee Reports  
House****Change of Reference**

The Committee on Business Legislation on Bill, "An Act Relating to Bank Holidays." (Emergency) (H. P. 593) (L. D. 774)

Reported that the same be referred to the Committee on Legal Affairs.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Leave to Withdraw**

The Committee on Claims on Resolve, to Reimburse Lindore Labbe of Wallagrass Plantation for Damage by Beaver. (H. P. 455) (L. D. 592)

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 to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, in Favor of the City of Augusta. (H. P. 3) (L. D. 3)

Reported that the same Ought to Pass.

The Committee on Claims on Resolve, to Reimburse Kermit Sanborn of South Portland for Damage by Escapees from Boys Training Center. (H. P. 595) (L. D. 776)

Reported that the same Ought to Pass.

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Regulation by the Legislature of Municipal Borrowing. (H. P. 673) (L. D. 859)

Reported that the same Ought to Pass.

(On motion by Mr. Quinn of Penobscot tabled pending acceptance of the Committee Report.)

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Maintenance of a Certain Road Leading to Baxter State Park." (H. P. 229) (L. D. 285)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Tuberculosis Sanatoriums." (H. P. 686) (L. D. 885)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the

Bills and Resolves Passed to be Engrossed.

Which reports were Read and, except for the tabled matter, Accepted in concurrence, the Bills and Resolves Read Once and Tomorrow Assigned for Second Reading.

The Committee on Agriculture on Bill, "An Act Relating to Definition of Agricultural Societies to Qualify for Stipend." (H. P. 365) (L. D. 475)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-93).

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

**Ought to Pass - As Amended**

The Committee on State Government on Bill, "An Act Changing Name of State Soil and Water Conservation Committee." (H. P. 353) (L. D. 461)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-88)

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

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

The Committee on Legal Affairs on Bill, "An Act to Clarify the Watercraft Registration and Safety Law." (H. P. 118) (L. D. 134)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-44).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amend-

ment "A" (H-44) and House Amendment "A" (H-90).

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

#### Senate

##### Ought Not to Pass

Mr. Gordon for the Committee on Transportation on Bill, "An Act Relating to Motor Vehicle License Examination." (S. P. 320) (L. D. 1034)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

##### Ought to Pass

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys for the Expenditures of State Government for the Fiscal Year Ending June 30, 1969." (Emergency) (S. P. 219) (L. D. 660)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and tomorrow assigned for Second Reading.

##### Ought to Pass—As Amended

Mr. Barnes for the Committee on Transportation on Bill, "An Act Relating to Driver's License Reexamination." (S. P. 232) (L. D. 672)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-30).

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to the Uniform Disposition of Unclaimed Property Act." (S. P. 267) (L. D. 905)

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

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted and the Bills, as Amended, tomorrow assigned for Second Reading.

##### Ought to Pass in New Draft

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 56) (L. D. 225)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 372) (L. D. 1232)

Which Report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In moving to accept the committee report, I think attention should be paid to the outstanding work done by the Appropriations and Financial Affairs Committee in reporting out this budget at such an early date. I know a great deal of work has gone into it. The cut was significant and I know it came very hard. It is not easy to take what is considered a "bare bones budget" and reduce it at all. I am sure the Senate is in debt to Senator Sewall, his fellow Senate members, and their House counterparts for the excellent job they have done.

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

Thereupon, the Ought to Pass in New Draft under Same Title Report of the Committee was Accepted, 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:

##### House

Resolve, Proposing an Amendment to the Constitution Repealing the Provisions Which Establish the Treasurer of State as a Constitutional Officer. (H. P. 14) (L. D. 14)

Bill, "An Act Relating to Allocations from the General Highway Fund for Reconstruction of Certain Bridges in Baxter State Park." (Emergency) (H. P. 112) (L. D. 128)

Resolve, Authorizing the Forest Commissioner to Study the Laws, Rules and Regulations Relating to Logs and Lumber. (H. P. 480) (L. D. 634)

Bill, "An Act Relating to Provisional Motor Vehicle Operator's Licenses." (H. P. 617) (L. D. 805)

Bill, "An Act Relating to Definition of Demonstrator Under Hairdresser and Beautician Law." (H. P. 630) (L. D. 818)

Bill, "An Act to Classify Certain Minor Tributaries of the Androscoggin River." (H. P. 640) (L. D. 828)

Bill, "An Act to Classify Certain Tidal Waters of Hancock County." (H. P. 671) (L. D. 857)

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

Bill, "An Act Relating to the Sale of Fireworks." (H. P. 284) (L. D. 360)

Which was Read a Second Time. On motion by Mr. Conley of Cumberland, tabled and specially assigned for Thursday, March 20, 1969, pending Passage to be Engrossed.

#### House—As Amended

Bill, "An Act Revising the Construction Safety Law Enforcement." (H. P. 335) (L. D. 444)

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

#### Senate — As Amended

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

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

#### Orders of the Day

Mr. Violette of Aroostook was granted unanimous consent to address the Senate:

Mr. VIOLETTE: Mr. President and Members of the Senate: This is Maine Potato Week throughout the State of Maine, and today is Maine Potato Day in the 104th Legislature.

We don't have any displays to match the tremendous work done

by Androscoggin County yesterday, but we do have with us today two living good will ambassadors of the potato industry visiting the Legislature and also, at the same time, good will ambassadors of the State of Maine. I am very pleased to introduce one of these beautiful ladies visiting us today, and Senator Peabody will introduce the other one. The lady that I am pleased to introduce is Brenda Baker, who is Maine Potato Industry's living trademark. She has traveled extensively throughout the eastern part of the United States attending produce luncheons, appearing on radio and television, visiting food editors, attending fruit and vegetable conventions, and generally doing an outstanding job of telling the American housewife about Maine's potatoes. I am very delighted to introduce to the Senate Brenda Baker. (Applause)

Mr. Peabody of Aroostook was granted unanimous consent to address the Senate.

Mr. PEABODY: Mr. President and Members of the Senate: I would like at this time to introduce to the Senate the Maine Potato Queen. She is from Caribou, the home of the LL State Champions, and is the daughter of Mr. and Mrs. Merle Bell. She is presently attending the University of Maine, and is scheduled to be the Maine Cherry Blossom Princess at the annual Cherry Blossom Festival in Washington, D.C. the week of April 6. I present to you at this time Miss Kirsten Bell. (Applause)

The PRESIDENT: The Chair would be most happy to welcome these two young ladies to the rostrum for any remarks they would care to make.

Thereupon, the Sergeant-at-Arms escorted Brenda Baker and Kirsten Bell to the rostrum, amid the applause of the Senate members.

Miss BAKER: As already happened in the House of Representatives down the hall, they let age come before beauty. As Brenda Baker, I must say that I have had many, many experiences, all of them delightful, traveling over the eastern part of the United States. But, may I also add, that one of the most delightful experiences is

being introduced right here in our own legislature. Thank you for having me. (Applause)

Miss BELL: I would also like to thank you for having me. I was also introduced in the House of Representatives, and I have never felt more welcome any place. Thank you very much for having me and for letting me help you celebrate Maine's Potato Week from March 12th through the 22nd. (Applause)

Thereupon, the Sergeant-at-Arms escorted Miss Baker and Miss Bell from the rostrum, amid the applause of the Senate members.

Mr. Minkowsky of Androscoggin was granted unanimous consent to address the Senate:

Mr. MINKOWSKY: Mr. President and Members of the Senate: Since Androscoggin County Day was celebrated yesterday, we again take great pride in having before you this morning Brenda Baker, who is also from the City of Lewiston and County of Androscoggin, who is representing Maine Potato Week. I just wanted to bring it to the attention of the Senate.

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

HOUSE REPORT—Ought to Pass from the Committee on State Government on Bill, "An Act Relating to the Borrowing Power of Maine Maritime Academy." (H. P. 484) (L. D. 638)

Tabled—March 6, 1969 by Senator Sewall of Penobscot.

Pending—Acceptance of Report. Mr. Sewall of Penobscot moved the pending question.

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

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

HOUSE REPORT—Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Relating to Mental Illness as a Ground for Divorce." (H. P. 471) (L. D. 625)

Tabled—March 11, 1969 by Senator Barnes of Aroostook.

Pending—Acceptance of Report. On motion by Mr. Hoffses of Knox, retabled and specially assigned for Tuesday, March 18, 1969, pending the Acceptance of the Committee Report.

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

Bill, "An Act Relating to Qualifications for Appointment as Commissioner of Inland Fisheries and Game." (S. P. 388)

Tabled—March 12, 1969 by Senator Hoffses of Knox.

Pending—Reference.

On motion by Mr. Hoffses of Knox Referred to the Committee on Inland Fisheries and Game and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Designating Monday for the Celebration of Certain Holidays." (S. P. 401)

Tabled—March 12, 1969 by Senator Katz of Kennebec.

Pending—Motion by Senator Mills of Franklin to refer Bill to Legal Affairs.

Mr. Katz of Kennebec moved the pending question.

Thereupon the Bill was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

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

HOUSE REPORTS—from the Committee on Labor on Bill, "An Act Amending the Application of the Occupational Safety Law and the Reporting Requirements." (H. P. 337) (L. D. 446) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 12, 1969 by Senator Beliveau of Oxford.

Pending—Acceptance of Either Report.

Which Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

SENATE REPORT—Ought Not to Pass from the Committee on State Government on Bill, "An Act Amending the Law Relating to Requests for Autopsies." (S. P. 176) (L.D. 581)

Tabled—March 12, 1969 by Senator Logan of York.

Pending—Acceptance of Report. Mr. Wyman of Washington moved the pending question.

Thereupon the Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

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

SENATE REPORTS—from the Committee on Labor on Bill, "An Act Providing Notice or Severance Pay by Employers." (S. P. 156) (L. D. 474) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 12, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Tanous of Penobscot to accept the Majority Ought Not to Pass Report.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for Wednesday, March 26, 1969, pending the motion by that Senator to Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fourteenth tabled and unassigned matter:

Bill, "An Act Providing for Full-Time District Attorneys." (S. P. 384)

Tabled—March 12, 1969 by Senator Berry of Cumberland.

Pending—Motion by Senator Kellam of Cumberland to Refer Bill to Judiciary.

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

Mr. BERRY of Cumberland: Mr. President, I would ask if the Chair would request the Secretary to report the action of the paper so far.

The SECRETARY: This bill was introduced into the Senate on March 12, 1969 by Mr. Kellam of

Cumberland. The Committee on Reference of Bills suggested that the bill be sent to the Committee on State Government.

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

Mr. BERRY: Mr. President, this bill has a parallel course with a bill that I introduced into the Senate, and the Committee on Reference of Bills suggested the Committee on State Government. I am not going to repeat the arguments to the boredom of the Senate.

I do feel once again that this is a structural change in the organization of our state government and that the bill should go, as recommended by the Committee, to the State Government Committee. Here is where it would receive the attention — not from the legal angle; that isn't the question at all — is this the sort of thing that state government wants? I think the issue is as simple as that, and I would hope you would vote against the motion of Senator Kellam.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: We have had this matter, or a parallel matter, discussed a week or so ago in this body, and we voted at that time to have a similar bill having to do with the district attorney system referred to the Committee on Judiciary.

Now, I don't like to take great issue with my brother from Cape Elizabeth but, as a practicing attorney, I believe I am quite familiar with the activities of the district attorneys and the powers, duties and obligations of the county attorneys, and it seems to me very clear, and almost without necessity for stating, that this particular bill should be referred to Judiciary along with the prior bill that we discussed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I rise to express my very, very deep concern on this question.



The parallel bill is in the other chamber, and the vote on it was so completely overwhelming that there is no question at all as to the intent of the other body. I have never in my legislative experience seen a bill killed by the Maine Legislature pending reference to committee.

I think our heels are dug in rather deeply here. I have no personal interest in this bill or the other one. As a matter of fact, I have no idea of whether I am going to vote for or against them, if I ever get a chance. But I do want to express my very, very deep concern that there is a real difference of opinion between the two houses. I support the debate of the gentleman from Cumberland, Senator Berry, and I hope that the motion to refer to the Committee on Judiciary is defeated. I ask all of you to re-evaluate your positions, and I ask for a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I assign a certain amount of importance to this bill, and I would request that when the vote is taken it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the vote be taken by the "Yeas" and "Nays."

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I request a point of information. Perhaps Senator Kellam, for the benefit of those of us who are new in the Senate, would define for me the policy in regards to reference to the State Government Committee. Would the Chair kindly request this definition from the Senator?

The PRESIDENT: The Senator from York, Senator Logan, poses a question through the Chair to the Senator from Cumberland, Senator Kellam, who may answer or not, as he so chooses.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I am not completely sure as I got that question correctly. I will answer it as best I can.

I have put considerable work into this particular bill and, as you know, the judicial system we set up ten or twelve years ago on district courts provided for a district system in the State of Maine, and this particular bill was in my mind at that time to set the county attorney system on a similar basis.

The bill has to do with all of the powers, the duties, the obligations of the prosecuting attorneys in the State of Maine. It just seems to me inconceivable not to have that go to the Judiciary Committee where we have the people who are trained to recognize the problems involved in this very matter. I am not saying that the State Government Committee wouldn't carry out their obligations as best they could but, on the other hand, we have a clearly legal bill. It seems to me very unusual to object to its being heard by a committee trained for that purpose.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: There have been a number of occasions this winter when similar situations have arisen from the Reference of Bills Committee. I have sat in my seat and seen quite a number of bills where I have considered it an affront to myself and my committee to be referred to other committees. They dealt with foreclosures of mortgages, and they dealt with things that are strictly legal in their practice and application.

Now, if I had a bill that dealt with blueberries or canned goods, I would send it to Agriculture or Health, or something of that sort. If I have got a bill that deals with the judicial structure of the State, and how the laws of the State are enforced, I naturally expect to

send it to the Judiciary Committee.

I had a little experience in this area. Twenty years ago or twenty-two years ago I was on the Reference of Bills Committee, and I know that the policies then were along that line, and I know that as late as two years ago bills of this type went there.

I consider that this Reference of Bills Committee is affronting the Judiciary Committee by its actions, and I don't think that it is arising particularly from the membership in this body, but from other sources. I am a little sensitive in this area because I don't like it when I read in the record that our committee may not give a fair hearing to matters. I submit that we have been as fair as any group that there is around here. We have spent our lives in the prosecution of cases and the defense of cases in the courts, and I say if there is any group that is trained, and should be knowledgeable in this area, it would be ours, and I hate to see us strike out because of claims that we are not fair and just on the bills that come before us.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise to support my good friend, the honorable Senator from Cumberland, Senator Kellam. Senator Kellam, a lawyer of long-standing, has sponsored a bill. He has worked hard on the bill. He knows his bill. And it seems to me he knows what reference should be had on the bill to have the best consideration of the bill.

Now, he asks that that bill be referred to the Committee on Judiciary. Now, the Committee on Judiciary is especially created and established to handle matters pertaining to the courts and the enforcement of the law, and I hope the Senate will go along and support our associate in his request for reference.

Mr. Berry of Cumberland was granted consent to speak a third time on the motion.

Mr. BERRY: Mr. President and Members of the Senate: I am very sorry to hear the good Senator from Franklin, Senator Mills, say that the action of the Reference of Bills Committee was an affront to him and his Judiciary Committee. This would indicate that there is a certain personal feeling in the situation, which I am sure doesn't exist, but the words might indicate it.

The Reference of Bills Committee, from my experience here, make an honest attempt to put bills where they belong. If we wanted to go along with the arguments of the good Senator from Franklin, Senator Mills, and my good friend, the Senator from Penobscot, Senator Quinn, we only need two committees in this legislature. All we need is Appropriations and Judiciary, because there is hardly a bill out of the 1800 that are filed here that you couldn't say belonged to either one or the other of these two committees.

Now, we are not talking judicial matters here; we are talking about how we should organize the prosecution in the State. It sure needs it, and I am sure that this legislature is going to do something. But let's not get befuddled because one committee feels it should have this bill. If this is carried to its logical conclusion, they could have about fifty per cent of them. I hope you will vote against the 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, the Constitution requires the affirmative vote of at least one-fifth of the members in attendance. All those in favor of a roll call will rise and remain standing until counted.

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

The Chair will state the question. The question is on the motion of the Senator from Cumberland, Senator Kellam, that Bill, "An Act Providing for Full-Time District Attorneys", Senate Paper 384, be referred to the Committee on Judiciary. Those in favor of the mo-

tion will vote "Yes"; those opposed will vote "No."

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Gentlemen: I have a feeling that an additional word might be in order about the Reference of Bills Committee, which in this Senate is represented by Senator Reed, Senator Boisvert, the President and myself. It is a bipartisan group. It is a group that you have chosen because you have some faith in the fact that we were above pettiness, above personalities. I am sure Senator Mills does not mean by any implication that we haven't approached this with the best possible open-mindedness.

The function of the legislature is an interesting one in that it requires some kind of discipline, some kind of an orderly flow of legislation, and I am a little concerned — I am very deeply concerned, that, despite all attempts, all sincere attempts, to do the best possible thing, excluding personalities, to do the job as we have seen the job, Republicans and Democrats alike, that the criticism seems to boil down to either a completely inept performance or a question of our operating based on personalities.

The last time we had a vote on this the vote seemed to break down along party lines, and the partisan implications of this bill are completely beyond me. I would hope that if this bill is voted on one way or another that as we evaluate the vote, as it is cast, that it will not break down along party lines. I urge your support.

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

Mr. MILLS of Franklin: Mr. President, I just want to comment that that statement is not in accordance with the record, Mr. President and good Senator Katz. The vote was nineteen to nine, and there aren't nineteen Republicans or there aren't nineteen Democrats in this Senate.

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

Mr. QUINN of Penobscot: Mr. President and Members of the

Senate: The remarks that I previously made were no criticism of the very distinguished Committee on Reference of Bills. I have great respect for them. But here I am speaking in behalf of a member of this body who is sponsoring a bill. He has worked hard on it, he knows what it contains, he knows what is necessary for proper consideration of it, and he asks you gentlemen here today to support his motion to refer it to the committee that he thinks should hear it. I feel that we should go along with him on his motion.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I am somewhat reluctant to rise this morning. I can't help but think that we are arguing here over a fairly small matter, although I realize it is very important to some members, especially those of the legal profession.

I am a member of the Reference of Bills Committee. We make mistakes. My good seatmate reminds me every morning of the ones that we do make. I think that every Reference of Bills Committee starts out with the idea that they are not going to fall into the same pitfalls that the previous ones have, but it just seems almost natural that we do, and that we make mistakes.

I believe that the Senator from Penobscot, Senator Quinn, raised a good point. The sponsor of this bill is the Senator from Cumberland, Senator Kellam. But I think that you also have to realize that the other bill, which is very similar, is sponsored by another Senator from Cumberland, Senator Berry, and he would like it to go to another committee. I personally feel that this bill is not going to be decided by any committee. Actually it is going to be decided by the membership here in the Senate and at the other end of the corridor. It is just that type of bill.

I feel as if, what basic guidelines the Reference of Bills Committee has tried to operate under, that this bill would logically go to State Government. I would only say that we do make mistakes. I think that it is up to this Senate to

determine whether we have made a mistake here, but, if we have, it has been a sincere one and, as I say, the guidelines which we have tried to lay down in the Reference of Bills Committee, I still, even after hearing all the arguments, logically feel that State Government is the committee that this bill should go to.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I am very reluctant to oppose my learned leader, but I am also happy to know that some people agree that there are certain committees that are not infallible.

If we are going to be consistent here today and treat this bill as we did the one last week. I think it is only proper that it also be referred to the Committee on Judiciary.

I won't review or repeat the arguments that have been presented by other members of the Senate this morning, but I would like to remind the Senate that, although it appears that this bill is a change in the structure of State Government, it would also provide for a greater change in the structure of our judiciary, because the county attorney or district attorney plays a very integral part of our judiciary. The county attorney is an officer of the court, and his actions and duties are directly related to the court. This change which is proposed here today would have a very profound effect upon our judiciary. I know of no bill that is designed or by its very nature should be referred to the Committee on Judiciary.

Again, as I said, I do this with a great deal of fear and trepidation because I am opposing my leadership, or the leadership of both

parties, but I think, and to repeat the statements earlier, that they do make mistakes, and I must admit that this is probably one instance, probably the only instance, or one of the few instances, in which our enlightened Committee on Reference of Bills has erred. I trust that the members of the Senate will support the Senator from Cumberland County and refer this bill to the Committee on Judiciary.

The PRESIDENT: Is the Senate ready for the question? The Chair will repeat the question once again. The question is on the motion of the Senator from Cumberland, Senator Kellam, that Bill, "An Act Providing for Full-Time District Attorneys," Senate Paper 384, be referred to the Committee on Judiciary. The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Beliveau, Bernard, Cianchette, Conley, Duquette, Gordon, Greeley, Kellam, Letourneau, Levine, Mills, Minkowsky, Peabody, Quinn, Tanous and Violette.

NAYS: Senators Berry, Boisvert, Dunn, Hanson, Hoffses, Katz, Logan, Moore, Reed, Sewall, Stuart, Wyman, and President MacLeod.

ABSENT: Senators Barnes and Martin.

A roll call was had. Seventeen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with two Senators absent, the motion prevailed and the Bill was Referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:00 tomorrow morning.