

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 26, 1969

Senate called to order by the President.

Prayer by Rev. Elmer N. Bentley of Augusta.

Reading of the Journal of yesterday.

**Papers From the House
Non-concurrent Matters**

Bill, "An Act Relating to Incurrigibles at Juvenile Training Centers." (H. P. 409) (L. D. 520)

In the Senate March 20, 1969, Passed To Be Engrossed in concurrence.

Comes from the House, Recommitted to the Committee on Health and Institutional Services in non - concurrence.

On motion by Mr. Stuart of Cumberland, the Senate voted to Recede and Concur.

Bill, "An Act Concerning the Riding of Bicycles." (H. P. 789) (L. D. 1022)

In the House, March 19, 1969, Indefinitely Postponed.

In the Senate, March 21, 1969, Passed to be Engrossed.

Comes from the House, that Body having Insisted and asked for a Committee of Conference.

On motion by Mr. Stuart of Cumberland, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following conferees on the part of the Senate:

Senators:

STUART of Cumberland
GORDON of Cumberland
BARNES of Aroostook

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Providing for Full - Time District Attorneys" (S. P. 384) (L. D. 1291), the President appointed the following Conferees on the part of the Senate:

Senators:

MILLS of Franklin
VIOLETTE of Aroostook
QUINN of Penobscot

House Papers

Bills and Resolves today received from the House requiring

Reference to Committees were acted upon in concurrence.

The PRESIDENT: The Chair at this time would like to welcome a very distinguished guest in the Senate Chamber, the Department Commander of the American Legion, of the State of Maine, and also a member of Daniel Lee Geagan, 98 Post in Brewer, a post of which I am a member and former Commander of that post. Dan Lambert has served the American Legion in practically every job with the State, he is known nationally for his efforts in visiting veterans hospitals and bringing what cheer and comfort he can to those who have served our country and are now unable to function as individuals in society and are confined to our veterans hospitals from wounds and difficulties suffered in action against our common enemies. It is a pleasure for me to introduce Department Commander Lambert and ask him if he would like to come up to the rostrum. The Sergeant-at-Arms will escort him to the rostrum for any remarks he may care to make.

(Applause)

Mr. LAMBERT: Mr. President, distinguished members of the Senate: I come to bring you the greetings of the National organization of the American Legion and of the Department of Maine on the 50th anniversary of the founding of the American Legion. As I have traveled over this nation visiting the military hospitals, standing beside the bedside of our wounded veterans who have returned from Viet Nam, I am reminded constantly of their pride in service and their dedication to the cause of freedom, and the program of bringing a better way of life to our people. Everywhere that I have traveled I have found that our servicemen reflect pride in our nation. The American Legion is not resting on its past laurels. We are moving into a program of boosting Maine. We are going in to the national convention in Atlanta in a program to promote Maine before the nation once again, and I am conscious of the fact we will be using the talents of some dis-

tinguished Maine citizens who reside outside of the State of Maine like Federal Maritime Vice Chairman Jim Day, and our own Bill Rogers from Auburn who sits in the back of the hall, Gus Clough and others. And this campaign to bring Maine before the nation is part of a boost Maine effort which we have had in the American Legion for some time. The American Legion commends you all. We call upon you to give the best legislation possible to end second - class citizenship, to end need and poverty among some of our people, to grant the best in educational facilities for our State and for our nation, and to constantly remind yourself that the great vast bulk of our youth of our state and our nation are the finest people that God has put on the face of the earth. The small vocal minority in our nation which raises the clamor and the riots and rebellion are not indicative of the rest of our fine youth.

On behalf of the American Legion I commend you for your work. I salute you all on this 50th anniversary of the American Legion. It may be square and it may be corny but I am square and not corny for I love my God and I love my country as I know you do. And I love this blessed flag which covers us. Let us go forward in the words of John Fitzgerald Kennedy to lead this land, asking God's blessing on our work, but knowing that here on earth God's work must truly be our own.

Thank you, Mr. President and Members of the Senate.

(Applause)

Senate Papers Appropriations and Financial Affairs

Mr. Berry of Cumberland presented Bill, "An Act Providing for a Feasibility Study for a High Level Bridge or Vehicular Underwater Tunnel Across Fore River." (S. P. 416) (L. D. 1391)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed: JERROLD B. SPEERS
Secretary of the Senate)

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

Sent down for concurrence.

Education

Mr. Quinn of Penobscot presented Bill, "An Act Relating to Conferring Degrees by Husson College." (S. P. 417) (L. D. 1392)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed: JERROLD B. SPEERS
Secretary of the Senate)

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

Sent down for concurrence.

Committee Reports House Change of Reference

The Committee on Labor on Bill, "An Act Broadening the Scope of the Uniform Arbitration Act." (H. P. 937) (L. D. 1198)

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 Claims on Resolve, Reimbursing Richard Strong of York for Well Damage. (H. P. 55) (L. D. 57)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Relating to Trapping by Penobscot Indians." (H. P. 443) (L. D. 567)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Relating to Passamaquoddy Trust Funds." (H. P. 784) (L. D. 1017)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Natural Resources on Bill, "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs." (H. P. 866) (L. D. 1108)

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 Legal Affairs on Bill, "An Act to Create Hospital Administrative District No. 3 in Aroostook and Penobscot Counties." (H. P. 438) (L. D. 562)

Reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Relating to Educatin of Indians." (H. P. 531) (L. D. 702)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to Audits of School Revenues and Expenditures." (H. P. 549) (L. D. 728)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Acts of Cruelty to Animals." (H. P. 564) (L. D. 745)

Reported that the same Ought to Pass.

The Committee on Labor on Bill, "An Act to Exempt Seamen from the Payment of Overtime Wages." (H. P. 693) (L. D. 893)

Reported that the same Ought to Pass.

(On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Acceptance of the Committee Report.)

The Committee on State Government on Bill, "An Act Relating to Service and Attendance in State Military and Naval Forces." (H. P. 869) (L. D. 1111)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

Which reports were Read and, except for the tabled matter,

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

The Committee on Health and Institutional Services on Bill, "An Act Relating to the Administration of Aid to the Aged, Blind, Disabled and Medically Indigent." (H. P. 462) (L. D. 599)

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-119).

Which report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" (H-119) was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Legal Affairs on Bill, "An Act to Grant a Council - Manager Charter to the Town of Lincoln." (H. P. 572) (L. D. 759)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-112).

The Committee on Taxation on Bill, "An Act Relating to Bond for Excise Tax for Malt Liquor Sold by Wholesalers." (H. P. 874) (L. D. 1117)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-113).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

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

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act to Permit a Teacher to be a Selectman or a City Council Member." (H. P. 124) (L. D. 140)

Reported that the same Ought to Pass in New Draft With New

Title: "An Act Regarding the Membership of School Committees and Boards of School Directors." (H. P. 1088) (L. D. 1342)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Indefinitely Postponed.

Which was Read.

On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Relating to Minimum Salaries for Full - time Municipal Police Officers." (H. P. 583) (L. D. 768)

Reported that the same Ought Not to Pass.

Signed:

Senators:

MARTIN of Piscataquis
PEABODY of Aroostook

Representatives:

DYAR of Strong
WIGHT of Presque Isle
CROMMETT of

Millinocket

HAWKENS of Farmington
HANSON of Vassalboro
LABERGE of Augurn

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

MILLS of Franklin

Representative:

FORTIER of Waterville

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

On motion by Mr. Beliveau of Oxford tabled and specially assigned for Tuesday, April 1, 1969, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Revising the Laws Relating to Support at State Institutions." (H. P. 465) (L. D. 602)

Reported that the same Ought Not to Pass.

Signed:

Senators:

STUART of Cumberland
MINKOWSKY of

Androscoggin

GREELEY of Waldo

Representatives:

BINETTE of Old Town

FRASER of Mexico

WHITE of Guilford

PAYSON of Falmouth

SOULAS of Bangor

NOYES of Limestone

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representative:

CARRIER of Westbrook

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which Reports were Read.

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

Divided Report

The Majority of the Committee on Election Laws on Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 628) (L. D. 816)

Reported that the same Ought Not to Pass.

Signed:

Senator:

LETOURNEAU of York

Representatives:

VINCENT of Portland

MacPHAIL

of Owl's Head

BOUDREAU of Portland

GIROUX of Waterville

CARTER of Winslow

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senators:

ANDERSON of Hancock

KATZ of Kennebec

Representatives:

PORTER of Lincoln

HENLEY of Norway

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

Which Reports were Read.

Mr. Anderson of Hancock moved Acceptance of the Minority Report.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending the motion by Mr. Anderson of Hancock to Accept the Minority Report.

Second Readers

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

House

Bill, "An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax." (H. P. 182) (L. D. 221)

(On motion by Mr. Martin of Piscataquis, tabled and specially assigned for Wednesday, April 2, 1969, pending Passage to be Engrossed.)

Bill, "An Act Revising the State Board of Arbitration and Conciliation Law." (H. P. 437) (L. D. 561)

(On motion by Mr. Beliveau of Oxford, temporarily set aside.)

Bill, "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects." (H. P. 497) (L. D. 651)

(On motion by Mr. Conley of Cumberland, temporarily set aside.)

Bill, "An Act Providing for a Statutory Agent for Foreign Domiciled Carriers Purchasing Six - Year Trailer Plates." (H. P. 1085) (L. D. 1330)

(On motion by Mr. Barnes of Aroostook, temporarily set aside.)

Bill, "An Act Relating to Compensation of the Panel of Mediators." (H. P. 691) (L. D. 891)

Which were Read a Second Time and, except for the matters set aside, Passed to be Engrossed in concurrence.

On the matter previously set aside, at the request of Mr. Barnes of Aroostook, Bill, "An Act Providing for a Statutory Agent for Foreign Domiciled Carriers Purchasing Six - Year Trailer Plates" (H. P. 1085) (L. D. 1330), that same Senator presented Senate Amendment "A" and moved its adoption.

Thereupon, Senate Amendment "A", Filing No. 48, was Read and

Adopted and the Bill, As Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On the matter previously set aside, at the request of Mr. Beliveau of Oxford, Bill, "An Act Revising the State Board of Arbitration and Conciliation Law" (H. P. 437) (L. D. 561), that same Senator presented Senate Amendment "A" and moved its adoption.

The PRESIDENT: The Chair would have to rule that this Amendment is not germane to the Bill and is out of order and may not be acted on.

Thereupon, the Bill was Read a Second Time and Passed to be Engrossed in concurrence.

On the matter previously set aside, at the request of Mr. Conley of Cumberland, Bill, "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects" (H. P. 497) (L. D. 651), that same Senator presented Senate Amendment "A" and moved its adoption.

Thereupon, Senate Amendment "A" Filing No. 50, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

House - As Amended

Bill, "An Act to Amend the Charter of the Union Mutual Life Insurance Company." (H. P. 716) (L. D. 934)

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

Senate

Bill, "An Act Providing for Payment of the 1969 Education Subsidies to Municipalities." (S. P. 414) (L. D. 1379)

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

Mr. KATZ of Kennebec: Mr. President, with relation to 7-7, L. D. 1379, I offer Senate Amendment "A" and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Katz,

offers Senate Amendment "A" and moves its adoption.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I denote a little flurry of activity here this morning. I would suggest that this amendment has been drafted at the—through the joint efforts of Mr. Booth from the Department of Education and the Attorney General's office to tighten up the methods essentially of the distribution of the money. I don't think that there has been any special changes in it except that it tightens up the mandatory nature of special meetings. It makes proper provisions for the distribution of the Superintendent's pay, and it makes provision for what happens if and when we form new school administrative districts during the period.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment A?

Thereupon Senate Amendment "A" Filing No. - 47, was adopted, and the Bill, as amended, Passed to be Engrossed.

Sent down for concurrence.

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

Which was 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 Relating to Weight Tolerance on Building or Construction Materials. (S. P. 78) (L. D. 240)

An Act Relating to Distribution of Axle Loads on Commercial Vehicles. (S. P. 84) (L. D. 531)

An Act Revising Criminal Failure to Support Minor Children. (S. P. 102) (L. D. 316)

An Act Relating to the Uniform Disposition of Unclaimed Property Act. (S. P. 267) (L. D. 905)

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

An Act Relating to Purchase of Parcels of Land by Forest

Commissioner. (H. P. 45) (L. D. 46)

An Act Increasing Compensation of School Directors of School Administrative Districts. (H. P. 318) (L. D. 405)

An Act Relating to Minor Children Committed to Private Custody. (H. P. 433) (L. D. 557)

An Act Relating to Discharge from Hospitals for the Mentally Ill. (H. P. 551) (L. D. 730)

An Act Relating to Conferring Degrees by Thomas College. (H. P. 682) (L. D. 881)

An Act Relating to Penalties for Violations of the For - Hire Carrier Statute. (H. P. 780) (L. D. 1013)

An Act To Amend the Charter of Great Northern Paper Company. (H. P. 1070) (L. D. 1251)

An Act Reactivating the Governor's Committee on Children and Youth and the Governor's Advisory Council on the Status of Women and Continuing Activities of the Committee on Aging. (H. P. 1072) (L. D. 1253)

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

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.

Resolve, in Favor of the City of Augusta. (H. P. 3) (L. D. 3)

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

Resolve, Discharging Town of Shapleigh from Part of the Indebtedness to State Board of Education for Preparation of Agreement for Dissolution of School Administrative District No. 57. (H. P. 460) (L. D. 597)

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

Emergency

An Act Relating to Transfer of Funds from Maine Sardine Council to Department of Agriculture for Sardine Inspection Activities. (S. P. 199) (L. D. 608)

This being an emergency measure and having received the affirmative votes of 29 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 to Amend the Charter of Unity Utilities District. (H. P. 575) (L. D. 757)

On motion by Mr. Violette of Aroostook, tabled and tomorrow assigned pending Enactment.

Emergency

An Act Permitting the Municipalities of Old Orchard Beach and Saco to Form a School Administrative District and Contract for Part of its Students with Thornton Academy. (H. P. 624) (L. D. 812)

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

Constitutional Amendment

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)

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending Final Passage.

Orders of the Day

The President laid before the Senate the first 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 13, 1969 by Senator Tanous of Penobscot.

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

On motion by Mr. Tanous of Penobscot, the motion to Accept the Majority Ought Not to Pass Report of the Committee was withdrawn.

On further motion by the same Senator the Bill was Recommended to the Committee on Labor.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass from the Committee on Education on Bill, "An Act Relating to Leave of Absence for Teachers and Principals." (H. P. 139) (L. D. 161)

Tabled — March 19, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report. The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I would like to inquire the status of this L.D. 161.

The PRESIDENT: The Secretary will give the status of the Bill.

The SECRETARY: This Bill comes from the House, the report Ought to Pass read and accepted and the Bill subsequently indefinitely postponed.

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

Mr. HOFFSES: Mr. President, well realizing that my motion may be a head-on confrontation with our very charming and effective majority floor leader, I am nevertheless going to make the motion that we indefinitely postpone House Paper 139, Legislative Document 161.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that House Paper 139, Legislative Document 161, An Act Relating to Leave of Absence of Teachers and Principals be indefinitely postponed. Is it the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, gentlemen, at the last session of the legislature I got used to being clobbered with 10 to nothing reports and I suspect that this might possibly defeat itself. But speaking as the Senator from Kennebec, I want to give you the philosophy behind the bill. Presently around the State after a teacher has had tenure for seven years if the teacher is a valuable teacher, and if the local directors obviously want to retain him, they

permit him to have a— they permit him to take a sabbatical and they are authorized to give him up to half pay to travel in Europe to further his studies. And it was the thinking of the proponents of this bill, and it was sponsored by Mr. Stillings of Berwick, that perhaps a political science teacher could know no experience that was any more broadening, that takes him away from the theoretical world of the classroom into the rough and tumble of real life, than service in the legislature, and this merely says that if indeed the local people think enough of the teacher to permit him once in seven years to take advantage of this, to improve his contribution to the school system, he is so permitted. And I would oppose the motion to indefinitely postpone.

Thereupon, *aviva voce* was taken, and the Chair being in doubt ordered a division.

A division was had. 17 Senators having voted in the affirmative, and 12 Senators in the negative the motion prevailed, and the bill and accompanying papers were indefinitely postponed.

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

Bill, "An Act Relating to Taking Smelts for Bait Purposes." (H. P. 235) (L. D. 291)

Tabled — March 20, 1969 by Senator Hoffses of Knox.

Pending — Consideration.

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

Mr. HOFFSES: Mr. President, and Members of the Senate, this matter came before the Committee on Inland Fisheries and Game, and it was a favorable report Ought to Pass. However, certain circumstances have arisen and for that reason I had the bill tabled. There has been another bill introduced that pertains to the taking of smelts which, I think, perhaps, would be a more appropriate vehicle for the implementation of the taking of smelts for bait purposes. So, I would therefore move that the Senate adhere to its former action.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate now adhere to the former action whereby this bill was indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, the Senate voted to Adhere.

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

Bill, "An Act Relating to Rehabilitative Programs in State Penal and Correctional Institutions." (H. P. 818) (L. D. 1057)

Tabled — March 20, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Quinn of Penobscot, retabled and specially assigned for Friday, March 28, 1969, pending Passage to be Engrossed.

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

HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Relating to Tax on Pari-Mutuel Pools on Harness and Running Horse Racing." (H. P. 417) (L. D. 528) Report "A", Ought to Pass in New Draft under Same Title (H. P. 1086) (L. D. 1331) Report "B", Ought Not to Pass.

Tabled — March 21, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for Tuesday, April 1, 1969, pending Acceptance of Either Report.

The President laid before the Senate the sixth 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 21, 1969 by Senator Martin of Piscataquis.

Pending — Motion by Senator Quinn of Penobscot to Indefinitely Postpone Bill and Report.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: Inasmuch as I was responsible for initiating the original motion to substitute the bill for the report, I feel that I have the responsibility at this time to clarify my position to the members of this body. First of all let me state that I did this at the request of the sponsor of the bill because he felt that he wanted to keep the bill alive, and also because I felt that the bill did have some merit. First, I would like to apologize to the members of this body for the long delay in bringing this issue to a vote as a result of the tabling and retabling of the motion. I want to assure you that it was not planned strategy or no ulterior motive involved in any way; it is a matter of circumstance.

I have no strong feelings on this issue either pro or con, however, I do feel the bill does have some merit, and I submit to you that perhaps any one of us could take the position either for or against this bill and offer some very strong, convincing, valid arguments. However, as I said, I do not feel very strongly about the bill and I am not going to even attempt to debate it at this time. We all know what happened to this issue in the other branch. However, I hope when it is considered this morning that this bill will be decided upon its merits, and I hope that its fate will not be decided upon a basis of emotion or perhaps religious faith or anything else. I do predict, however, that at some future date this bill or one similar to it will pass this Legislature. Thank you, very much.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Penobscot, Senator Quinn, that House Paper 471, Legislative Document 625, An Act Relating to Mental Illness as a Ground for Divorce, be Indefinitely Postponed.

A viva voce vote was taken.

The motion prevailed and the Bill was Indefinitely Postponed in concurrence.

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

Bill, "An Act Increasing Compensation of Members of Board of Hairdressers." (H. P. 227) (L. D. 283)

Tabled — March 25, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Beliveau of Oxford, retabled and specially assigned for Tuesday, April 1, 1969, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Reasonable Counsel Fees Under Uniform Act on Paternity." (H. P. 635) (L. D. 823)

Tabled — March 25, 1969 by Senator Logan of York.

Pending — Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President. I move that L. D. 823 be indefinitely postponed and I would speak to the motion.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, Members of the Senate: The title of this Act calls for — has the expression, reasonable counsel fees. I would submit to you that this is quite an unreasonable bill, and I am going to read it to you in its entirety. The father of a child which is or may be born out of wedlock is liable for the same expenses as the father of a child born in wedlock, whether or not the child is born alive, for the reasonable expense of the mother's pregnancy and confinement, for the education, necessary support, funeral expenses of the child. And this is what was added by this bill. And reasonable counsel fees. Capias execution to issue therefor for enforcement and prosecution of paternity actions. Now, as I think was mentioned before, capias execution literally means taking of the body. Substantially it amounts

to a debtors jail. In this case a debtors jail for legal fees. Society has been moving away from this for a long time, and I would hate to see this trend reversed. Furthermore, I would certainly hate to see a man go to jail for payments to persons who have adequate means of collecting in other ways. I would further point out to you that the wayward father or allegedly wayward father is required to pay for his own prosecution, what amounts to his own prosecution, whether he is found to be guilty or not.

Now, let's consider, in my opinion, this could and probably would lead to frivolous actions. Consider the case of the semi - promiscuous girl who finds herself pregnant. This woman under this bill is going to find a meal ticket, because at no cost to herself she can bring paternity action after paternity action if she so chooses, and the man who is accused has to stand the cost of it. I would submit to you that this bill would be of value only to unwed mothers and attorneys, and off the record, I am not putting them in the same category.

Mr. President, thank you, very much.

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

Mr. KATZ of Kennebec: Mr. President, I would like to pose a question through the Chair to Senator Logan. I am confused as to the definition of a semi - promiscuous girl.

The PRESIDENT: Is the Senate ready for the question?

A viva voce was taken. The motion prevailed and the Bill was Indefinitely Postponed in non - concurrence.

Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the fifth tabled and unassigned 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 14, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Either Report.

On motion of Mr. Tanous of Penobscot, the Minority Ought to Pass Report was Accepted in non - concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the third tabled and unassigned matter:

SENATE REPORT — Ought Not to Pass from the Committee on Towns and Counties on Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Tabled — February 19, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

On further motion by the same Senator, Recommended to the Committee on Towns and Counties.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.