

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

Thursday, March 27, 1969

Senate called to order by the President.

Prayer by Rev. Peter L. Misner of Kents Hill.

Reading of the Journal of yesterday.

**Papers From The House
Non-concurrent Matter**

Bill, "An Act to Amend the Eating Place Licensing Law." (S. P. 220) (L. D. 668)

In the Senate March 19, 1969, the Majority Ought to Pass, as Amended, report Read and Accepted and the Bill subsequently Passed to be Engrossed as Amended by Committee Amendment "A" (S-39).

Comes from the House, the Minority Ought Not to Pass report Read and Accepted in nonconcurrency.

On motion by Mr. Stuart of Cumberland tabled and specially assigned for Wednesday, April 2, 1969, pending consideration.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, with the following exception:

Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405).

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

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

Mr. MINKOWSKY of Androscoggin: Mr. President, in regards to this L. D. 1405, I have spoken to the Senate Chairman on Towns and Counties in regard to this L. D., and he does agree with me that this particular L. D. should be referred to Health and Institutional Services. This is in reference to services rendered to the Public School System and Adult Care in the City of Lewiston or Androscoggin County. I would now move that this L. D. be referred to the Committee on Health and Institutional Services.

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

Mr. KATZ of Kennebec: Mr. President, I would ask for a division.

The PRESIDENT: As many as are in favor of the motion of the Senator from Androscoggin, Senator Minkowsky, that Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services" be Referred to the Committee on Health and Institutional Services will rise and remain standing until counted. Those opposed?

A division was had. 14 Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and tomorrow assigned pending Reference to Committee.

**Senate Papers
State Government**

Mr. Katz of Kennebec presented Bill, "An Act Changing Name of State Council on Economic Education to Maine Council on Economic Education." (S. P. 419)

(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 State Government and Ordered Printed.

Sent down for concurrence.

**Committee Reports
House
Ought Not to Pass**

The Committee on Transportation on Bill, "An Act Revising the Laws on School Bus Operators." (H. P. 130) (L. D. 146).

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.

The Committee on Claims on Resolve, in Favor of Alfred Sears of Pembroke. (H. P. 262) (L. D. 338).

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Recommended to the Committee on Claims.

On motion by Mr. Logan of York, Recommended to the Committee on Claims in concurrence.

Ought to Pass

The Committee on Claims on Resolve, to Reimburse Errol Barker of East Stoneham for Well Damage by Highway Maintenance. (H. P. 162) (L. D. 201)

Reported that the same Ought to Pass.

The Committee on Claims on Resolve, to Reimburse Mrs. Magna O. Fielding of Scarborough for Property Damage by Escapees from Boys Training Center. (H. P. 211) (L. D. 261)

Reported that the same Ought to Pass.

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

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

The Committee on Labor on Bill, "An Act to Increase Workmen's Compensation Payments for Disfigurement." (H. P. 820) (L. D. 1059)

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-121).

Which report was Read and Accepted, in concurrence, and the Bill Read Once. House Amendment "A" (H-121) was Read and Adopted, in concurrence, and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Transportation on Bill, "An Act Providing for Transportation of Passengers in Units of Trucking Equipment on a Test Basis." (H. P. 247) (L. D. 302)

Reported that the same Ought to Pass in New Draft under same Title. (H. P. 1087) (L. D. 1341).

Comes from the House, the report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read.

On motion by Mr. Barnes of Aroostook, tabled and specially assigned for Wednesday, April 2, 1969, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Sunday Sale of Liquor." (H. P. 289) (L. D. 365)

Reported that the same Ought to Pass.

Signed:
Senators

BERRY of Cumberland
CONLEY of Cumberland
BOISVERT of

Androscoggin

Representatives:

CHANDLER of Orono
COUTURE of Lewiston
FAUCHER of Solon
TANGUAY of Lewiston
LEIBOWITZ of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

HICHENS of Eliot
STILLINGS of Berwick

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

Which Reports were Read.

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

Mr. BARNES of Aroostook: I move that the Minority Ought not to Pass Report be Accepted.

The PRESIDENT: Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I request a division on this vote.

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

Mr. BARNES of Aroostook: I am violently opposed to this bill, I don't think we need the Sunday sale of liquor. I have a request

from the distinguished Senator from Aroostook, Augusta K. Christie, who has asked me to read a statement and include it in the record, so with your permission, Mr. President, I would like to do so at this time.

Six days of imbibing, is it unreasonable to ask one day for abstaining? Fifty per cent of auto accidents on Maine highways are involved with alcohol. If anything else causes death or highway accidents, wouldn't we act quickly to get rid of it? Can we afford even one life or one serious accident for another day of legal sale of liquor? Please think this over and vote "No" on this bill. Thank you.

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

Mr. BERRY of Cumberland: Mr. President, Members of the Senate: I have a great deal of respect for former Senator Christie who wrote the letter that the good Senator from Aroostook read. I must report to this body, however, that a large part of the testimony against the bill, in my opinion, was a repeat of testimony which has been given over the years and seems to primarily center under a category that I will call plain prohibition of liquor. The issue certainly was focused on the question in the minds of the opponents of this legislation that we were extending drinking to Sunday, which was wrong, but as I said, I feel that by far the best weight of the testimony was merely of a dry or prohibition nature. I am not going to test the patience of this body by going into a long monologue of the benefits and the evils of Sunday drinking. I would say that there was formidable testimony that it would increase the appeal of the State to the tourists trade and above all, in my opinion, as a personal viewpoint, this legislation would leave up to the individual himself the right of selection whether he wants to drink on Sunday. I would hope that you would vote against the motion of my good friend, Senator Barnes from Aroostook.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator

from Aroostook, Senator Barnes, that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: I would ask for a roll call vote on the motion.

The PRESIDENT: Is the Senate ready for the question?

A roll call has been requested. Under the Constitution, in order to order a roll call, it requires the affirmative vote of at least one-fifth of the Senators present here today. All those in favor of a roll call will please rise and be counted.

Obviously more than one-fifth having arisen, a roll call is ordered. Those in favor of the motion by the Senator from Aroostook, Senator Barnes, to Accept the Minority Ought to Pass Report of the Committee will vote: "Yes; those opposed will vote "No". The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Bernard, Dunn, Hoffses, Levine, Mills, Peabody, Quinn, and Reed.

NAYS: Senators Beliveau, Berry, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Katz, Kellam, Letourneau, Logan, Martin, Minkowsky, Moore, Sewall, Stuart, Tanous, Violette, Wyman, and President MacLeod.

Absent: Senator Hanson.

A roll call was had. Ten Senators having voted in the affirmative, and twenty-one Senators having voted in the negative, with one Senator absent, the motion did not prevail.

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

Divided Report

The Majority of the Committee on State Government on Bill, "An Act to Create the Department of Banking and Insurance." (H. P. 783) (L. D. 1016)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

LETOURNEAU of York
 BELIVEAU of Oxford
 Representatives:
 MARSTALLER
 of Freeport
 DONAGHY of Lubec
 D'ALFONSO of Portland
 RIDEOUT of Manchester

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

Signed:

Representatives:

DENNETT of Kittery
 WATSON of Bath
 STARBIRD of Kingman

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

Which Reports were Read.

On motion by Mr. Wyman of Washington, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Minimum Speed Under the Motor Vehicle Laws." (H. P. 696) (L. D. 896)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
 CONLEY of Cumberland
 KELLAM of Cumberland

Representatives:

NORRIS of Brewer
 COTE of Lewiston
 CUSHING of Bucksport
 SHAW of Chelsea
 BAKER of Orrington
 COX of Bangor

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

Signed:

Representative:

WHEELER of Portland

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-118).

Which Reports were Read.

Thereupon, the Majority Ought Not to Pass Report was Accepted in non-concurrence.

Sent down for concurrence.

(See reconsidered action later in today's session.)

Senate

Ought Not to Pass

Mr. Katz for the Committee on Election Laws on Bill, "An Act Relating to Recount and Other Election Procedures and Changing the Primary Election Dates." (S. P. 66) (L. D. 188)

Reported that the same Ought Not to Pass.

Which report was Read

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

Mr. BERRY of Cumberland: Mr. President, Members of the Senate: This is a bill which primarily changes the primary election date from June to September, and in the process it has been known that the main problem in this, in addition to whether you favor the bill or don't favor the bill, is the matter of the recount procedure. This is a mechanical problem of some significance. Since this bill was heard before the committee we have been working on an amendment which would try to simplify this recount procedure. And so when the bill is considered by both houses it at least can be settled on the question of do we want to move the primary date; not a question of is it impossible to move the primary date. It probably would be another week before this amendment could be presented, and I would hope that somebody might table it until that time so this could be done.

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

On motion by Mr. Anderson of Hancock, the Bill was tabled and specially assigned for Thursday, April 3, 1969, pending Acceptance of the Committee Report.

Ought to Pass

Mr. Berry for the Committee on Liquor Control on Bill, "An Act Relating to Prohibiting Furnishing Liquor to Certain Persons." (S. P. 211) (L. D. 620)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

Five members of the Committee on Legal Affairs on Bill, "An Act Providing for a Seven Member Council for the City of Westbrook." (S. P. 217) (L. D. 673)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-52)

Signed:

Senators:

KELLAM of Cumberland
TANOUS of Penobscot

Representatives:

NORRIS of Brewer
SHAW of Chelsea
BAKER of Orrington

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senator:

CONLEY of Cumberland

Representatives:

WHEELER of Portland
COTE of Lewiston
CUSHING of Bucksport
COX of Bangor

Which Reports were Read.

On motion by Mr. Tanous of Penobscot, the Ought to Pass Report was Accepted, and the Bill Read Once. Committee Amendment "A" was Read and Adopted, and the Bill, as Amended, tomorrow assigned for Second Reading.

Divided Report

Five members of the Committee on State Government on Bill, "An Act to Designate an Official Rock and Mineral for the State of Maine." (S. P. 304) (L. D. 997)

Reported in Report "A" that the same Ought to Pass in New Draft with New Title: "An Act to Designate an Official Mineral for the State of Maine." (S. P. 418) (L. D. 1408)

Signed:

Senators:

BELIVEAU of Oxford
WYMAN of Washington

LETOURNEAU of York
Representatives:

MARSTALLER of

Freeport

DONAGHY of Lubec

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Representatives:

DENNETT of Kittery
WATSON of Bath
STARBIRD of Kingman
RIDEOUT of Manchester
D'ALFONSO of Portland

Which Reports were Read.

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

Mr. WYMAN of Washington: Mr. President, this is one of the least important measures we will have before us but, since I signed the Ought to Pass Report, I move that we do Accept Committee Report "A" Ought to Pass.

Thereupon, the Ought to Pass in New Draft, Report "A" 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

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

Bill, "An Act Relating to Education of Indians." (H. P. 531) (L. D. 702)

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

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

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

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

Which were Read a Second Time and, except for the tabled matter,

Passed to be Engrossed in concurrence.

Bill, "An Act Amending the Application of the Occupational Safety Law and the Reporting Requirements." (H. P. 337) (L. D. 446)

Which was Read a Second Time.

Mr. Tanous of Penobscot presented Senate Amendment "A" and moved its adoption.

Whereupon, Senate Amendment "A", Filing No. 40, 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 Relating to the Administration of Aid to the Aged, Blind, Disabled and Medically Indigent." (H. P. 462) (L. D. 599)

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

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

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

Enactors

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

An Act to Clarify Certain Motor vehicle Laws. (H. P. 246) (L. D. 301)

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

Orders of the Day

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

SENATE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act to Provide for Disclosure of Compensation and Expenses of Legislative Counsel and Agents." (S. P. 303) (L. D. 996)

Tabled — March 21, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Mills of Franklin to Substitute Bill for Report.

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

Mr. MILLS of Franklin: My thanks to Senator Katz the other day for tabling this for me. This amendment just reproduced and circulated takes care at least of some of the objections to the bill. It may not take care of the objections that were voiced by the chairman of the committee today, but I do know that it takes care of the major objection of a number of Senators. This is what it would accomplish if the amendment is adopted, this motion that I have pending if able to prevail; the amendment will be offered.

The amendment takes out the compensation. It is felt by the good Senator from Washington, the Chairman of the Committee, that it is getting pretty personal when you ask a lobbyist to reveal to the public generally what he is being paid to come here or what a company is willing to spend on sending a lobbyist here to influence legislation itself. It is felt by the Chairman and some others, that it is such a highly personal thing and the public hasn't any right to know that. Well, I don't agree with that position but if I am going to get any bill at all I have got to go along with something like that and maybe I am not going to get a bill at all. But I am going to try anyway, and I think that it will require them to give their expense. What they are spending down here is certainly to a higher degree relevant and pertinent to our proceedings. I don't think the good Senator from Washington, Senator Wyman, ought to object to that because you know he has to file that kind of report, and all of us have to, telling what we spend for advertising, what we spend for postage, travel, and all that sort of thing. So it doesn't seem to be — it seems to be basically sound to ask the lobbyists, who are paid to come here to influence us, to tell the public what they are being paid, what they are spending on the proceedings. So, if you will go along and substitute the bill for

the report then I will offer this Senate Amendment "A" which takes out the compensation part and would require them to file regular expense accounts, just the same as we have to file when we run for office. So, I repeat, and urge my motion.

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

Mr. BELIVEAU of Oxford: I wish to add a little to the premise of the previous speaker. The primary objection before our committee was the requirement that lobbyists are required to disclose their compensation, the income they are receiving, and the only proponent who appeared indicated that the lobbyists or those he represented had no objection to disclosing their expenses. And this is not an unreasonable burden, when we consider the federal requirements for lobbyists. A person who is retained to do work in Washington, representing a particular interest, is required by federal law to disclose the compensation, the amount of money that he receives from his employer or client, the manner in which it is expended, the expenses which he incurs. So when you consider the very complex and detailed requirement of the federal law, the document before you, as amended, I think, is palatable and is sensible and will not place an unreasonable burden on the lobby. So, I would support the motion of the Senator from Franklin, and I would urge we now substitute the bill for the report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I have a funny feeling that there has been a certain air of levity, and I must admit that I might plead guilty to this a week or so ago, in the handling of this bill, and this would be a repeat performance of what goes on here, I think, that about every two years the bill is introduced, and in order to have a little fun with our friends in the third house, that we keep the bill alive for

awhile and just, you know, make them wonder for a bit. I think the stage is now reached that we have got to be a little serious about it. I certainly won't accuse the two previous speakers of not being serious, because I am sure they are. And if I wasn't serious a week ago, I am sure serious now. I think that we are impugning the entire membership of the third house. We are saying to the lobbyists that you can't control yourself, that you have engaged in acts which are reprehensible to the legislature, and that we are going to straighten this out by putting some laws on the books to bring you in line. I am sure you disagree with what I have said. They have not engaged in acts which are reprehensible to the legislature. There has never been, in my memory, during my time in Augusta, any cry raised of improper acts on the part of lobbyists. I will be the first to say that there is probably no one in the several legislatures with which I am familiar who has not at one time or another broken bread with the lobbyists. In the process I trust that each of us as legislators has emerged from this meeting a little better educated in the subjects that were discussed, I am sure we have. I can't help but go back, as short a distance as yesterday, at some long and at times boring hearings on complex subjects, and I shudder to think what would happen if we did not have the benefits, as we will have in several of those measures we heard yesterday, on the thinking of experts on the subject. I would hope that calm reflection would prove that the time has arrived to dispose of this. I would hope you would vote against the motion of my good friend from Franklin, Senator Mills, and that then we would accept the majority ought not to pass report of the committee.

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

Mr. ANDERSON of Hancock: Mr. President, and Members of the Senate: I had every intention of voting "No" on this bill, but with this proposed amendment it

makes it much more palatable to me, so I believe I will go along.

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

Mr. WYMAN of Washington: Mr. President, and Members of the Senate, it is good that we don't all agree, and the Senator from Franklin said he doesn't agree with me on this bill, and I don't agree with him. I don't think the bill serves any useful purpose. I am not going to belabor it further. This bill has been dragged along and kept along and now the other day it was scare tactics and now it is something else. I do hope that the Senate will support — defeat the motion to substitute the bill for the report.

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

Mr. LOGAN of York: Speaking as a freshman in the legislature, I have a friend who served in one of the other state legislatures and I came up here expecting people to rush up and press bills in my hand. This, obviously, has not happened nor has anything like it happened to me. Quite the contrary, my experience has been, yes, there has been conversation but there has also been considerable help. I must admit that I think it would be extremely enlightening to the public at large if they really knew the vast amount of money that is expended to influence this legislature. However, I do not really think that this bill and the proposed amendment would accomplish that. Consequently, since I feel it would serve no useful or enlightening purpose, I intend to oppose it.

THE PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: I probably shouldn't belabor this further, but I do want to make one statement: That there is no levity in this, and it may have its kidding aspects in some ways. There have been bills in the past that would ask you to put a tag on lobbyists. And I don't know of any time when this bill has been introduced before or one similar

to it. There has been occasions in the past when some members of the legislature have been irritated at the lobby and things that they have done and they have come in, rushed in, and put a bill in and there has been some levity about it. But there isn't any levity about this. There isn't any desire to impugn the motives of the lobby or it isn't promoted by reason of the fact that the sponsor of the bill thinks that the lobby is crooked or anything of the kind, only — just as the previous speaker the good Senator from York, Senator Logan says, something that would be very enlightening to the public to know how much is being spent in the way of expenses on legislation in this legislature. And it is a truth bill, it is a bill to bring into the open and to reveal to the public pertinent facts in regard to legislation, and it doesn't — I think that this lobby — I have always felt the lobby in this legislature and the legislative process in Maine is one of the best that you can find, and I think the critics of government would say that. You have got state legislatures where the lobby has a tremendous dominating influence over the body, and that isn't true in Maine to any great extent. This bill is in the public interest, I feel, and there isn't a bit of levity to it, and if this measure does anything in a collateral way, it shows that the good Senator from Cumberland, Senator Berry and I certainly don't agree as many times as some people say we might.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Franklin, Senator Mills, to substitute the Bill for the Report.

As many as are in favor of substituting the Bill for the Report will say "Yes"; those opposed "No".

A viva voce vote was taken.

The motion did not prevail.

Thereupon the Ought Not to Pass Report was Accepted.

Sent down for concurrence.

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

HOUSE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act Relating to State Historian." (H. P. 710) (L. D. 924)

Tabled — March 25, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and specially assigned for Wednesday, April 2, 1969, pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass with Committee Amendment "A" Filing H-109 from the Committee on Business Legislation on Bill, "An Act Relating to Compensation of Electricians Examining Board and Membership and Compensation of Oil Burner Men's Licensing Board." (H. P. 505) (L. D. 676)

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

Pending — Acceptance of Report.

On motion by Mr. Logan of York, retabled and specially assigned for Tuesday, April 1, 1969, pending Acceptance of the Committee Report.

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

Bill, "An Act to Clarify School Construction Aid for Certain Units." (S. P. 288) (L. D. 930)

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

Pending — Passage to be Engrossed.

Mr. Dunn of Oxford then moved the pending question.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — March 26, 1969 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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 sixth tabled and specially assigned matter:

HOUSE REPORT — from 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) Ought to Pass in New Draft with New Title, Bill, "An Act Regarding the Membership of School Committees and Boards of School Directors." (H. P. 1088) (L. D. 1342)

Tabled — March 26, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

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

HOUSE REPORTS — from the Committee on Election Laws on Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 628) (L. D. 816) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 26, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Anderson of Hancock to Accept the Minority Ought to Pass Report.

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

Mr. BELIVEAU of Oxford: Mr. President, Members of the Senate: this bill would repeal a law that was passed and enacted in '65, which permits justices of the peace and notaries public to register voters, and today, at least, before this body we have been told the reasons behind this bill why it is necessary to repeal it, and in reading the record of the other body I found that the only objection that was raised was by several towns or municipal clerks. It appeared they are objecting to it because

some of the cards were improperly completed and it created an administrative problem.

Now, I think we all agree the purpose of this law is not to accommodate town clerks or registrars of board of registration. It is simply to facilitate the registration of voters. Now, we all know in this state that because we are a rural state, because we have several hundred thousand elderly people here who in the past have been unable to register either because of their infirmities or because they are distant from the town clerk of the municipality or the board of registration. Now this bill, the law, I don't believe, has been abused, it served a very real purpose, it has extended the franchise, as it were, to people who in the past have been prevented from registering, who were unable to register. I don't believe that either political party benefits from this. This law, this procedure, is used in several other states and used very well. No doubt there have been some few instances of abuse here in this state, but I think that if you were to repeal this law, which in my opinion is the only piece of progressive legislation enacted in the last several years under our election laws, were it repealed we would in effect be depriving many people, many elderly people, maybe younger people, and others from being registered, placing the sole burden on them to register where, under our existing law today, a justice of the peace or notary public from either party may acquire a registration. So I would urge members of the Senate to vote against the pending motion so we can ultimately defeat this bill.

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

Mr. ANDERSON of Hancock: Mr. President, Members of the Senate: I have listened to Senator Beliveau. I think this has been grossly abused, and the only thing this does, this puts it back onto the registrars, and it takes the power away from justices of the peace and notary publics. Now, I do know of many instances where people have gone to the polls and

found that they weren't registered, the cards have been misplaced,—and I think in registering in advance they don't go through the proper form and they will accept anybody as registered, and as I say, a great many cards are lost. So, I would hope that the ought to pass report will be accepted.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, these past two years we have seen a radical change in procedures for registering voters, but even more we have seen a radical change in the enrollment of voters, and I think that everyone of us here has seen not the occasional abuse but the everyday abuse thus far. There is one thing that our form of democracy can't stand, the fraudulent procedures that are permitted by existing legislation. I have run into cases where people have registered in good faith, have enrolled in a party, the party happened to be the wrong party and the registration was not received by the board of registration. The only good benefit of this law has been the fantastic amount of business the Secretary of State's office has done in collecting fees from notary publics and justices of the peace. It is a bad law and hasn't worked well. I would hope we would change our procedure back to the sensible procedure we had. I move for a division.

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

Mr. CONLEY of Cumberland: Mr. President, Members of the Senate: I would remind the Majority Floor Leader, the Senator from Kennebec, Senator Katz, that under the existing laws as determined by the Attorney General's Office, that no one, no justice of the peace or notary public, is allowed to enroll and register at the same time. I believe the law, as construed by the Attorney General's Office, one may be registered one day but enrolled in the party of his choice or her choice at another time. They both can't be done at the same time.

Now, if we want to speak of this bill from a political standpoint, I will speak for the Democratic City Committee in Portland, and I know that my very good friend, Mr. Edward I. Bernstein, who is the Chairman of the Republican City Committee in Portland, both of us have been able over the last several years to engage a group of J.P.'s in both political parties to go out for one thing, and that is to enroll or register people. I should say, register people, and make sure that we increase the number of citizens participating in that great American heritage, to vote on election day. I could care less whether the Republican Party swells or whether the Democratic party swells, as long as the people do get that opportunity to exercise the privilege of voting. I think we would be taking a step in the wrong direction if we did repeal this particular law.

The PRESIDENT: Is the Senate ready for the question?

As many as are in favor of the motion of the Senator from Hancock, Senator Anderson, to accept the Minority Ought to Pass Report of the Committee, will rise and remain standing until counted. Those opposed?

A division was had. 17 Senators having voted in the affirmative, and 14 in the negative, the motion prevailed, and the Ought to Pass Report was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

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

Bill, "An Act to Amend the Charter of Unity Utilities District." (H. P. 575) (L. D. 757)

Tabled — March 26, 1969 by Senator Violette of Aroostook.

Pending — Enactment.

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

Mr. KATZ of Kennebec: Mr. President, the Senate a few days ago saw a series of questions proposed to the Law Court and this particular item is involved in the question of the court and I would

hope someone would put it on the table unassigned.

Thereupon, on motion by Mr. Hoffses of Knox, tabled pending Enactment.

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

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)

Tabled — March 26, 1969 by Senator Katz of Kennebec.

Pending — Final Passage.

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

Reconsidered Matter

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its action of earlier in today's session whereby the Majority Ought to Pass Report of the Committee was Accepted on Bill, "An Act Relating to Minimum Speed Under the Motor Vehicle Laws". (H. P. 696) (L. D. 896)

The same Senator then moved the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. MOORE of Cumberland: Mr. President, I would like to have an explanation why. I believe he signed the Majority Ought Not to Pass Report.

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

Mr. TANOUS of Penobscot: Mr. President, the House placed an amendment on this Bill which made it acceptable to myself and quite a few of the Legal Affairs Committee before which this matter was brought before hearing. It was brought to my attention at the last Legal Affairs meeting and I was supposed to watch for this matter when it came up here and, as usual, I probably was doing something else when it came up.

Thereupon, the Senate Accepted the Minority Ought to Pass Report of the Committee in concurrence

and the Bill Read Once. House Amendment "A", Filing No. H-118, was Read and Adopted in concurrence, and the Bill, as Amended, tomorrow assigned for Second Reading.

Out of Order and under suspension of the rules the Senate voted to take up Additional Papers from the House:

**Committee Report
Ought to Pass**

The Committee on Towns and Counties on Resolve, for Laying of the County Taxes for the Years Nineteen Hundred and Sixty - nine and Nineteen Hundred and Seventy. (Emergency) (H. P. 1092) (L. D. 1393)

Reports the same Ought to Pass. Comes from the House, the report Read and Accepted and the Resolve Passed to be Engrossed.

Which report was Read and Accepted in concurrence, and the Resolve Read Once.

Mr. Mills of Franklin moved that the rules be suspended and the Bill be given its Second Reading at this time.

A division was had. 20 Senators having voted in the affirmative, and 10 in the negative, the motion prevailed, and the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Mr. Beliveau of Oxford was granted unanimous consent to address the Senate.

Mr. BELIVEAU of Oxford: I was under the impression that the document that was presented by the Towns and Counties would also be drawn in a similar fashion to the document that the county commissioners were required to submit, and that the appropriation would not be in a lump sum as we have before us, but rather it would be designated or designated to each county department. Now, I would like someone to clarify this for me to see whether or not they are using the same procedures that have been used in the past, whether they are complying with the law that required line budgeting. Now, is it correct to assume that when suggesting a lump sum, and only a lump sum, that the county commissioners and the heads of departments are bound by the

appropriations as outlined in the document that was submitted by them to the Secretary of State and finally to the Committee on Towns and Counties? I would like someone to explain this procedure, whether or not it is necessary to comply, and whether the document before us complies with this new statute.

Mr. Mills of Franklin was granted unanimous consent to address the Senate.

Mr. MILLS of Franklin: Thank you, Mr. President. I have discussed this with the chairman and at his request will give this explanation. I recognize the merits of what the good Senator says. I am concerned about the same problem. I was the author of the line budgeting bill some two years ago which put the counties on a line budget and I want them to stay there, and I don't want blanket appropriations to go through this legislature and then have them, because there isn't appropriate legislative mandate, have them wriggle around and put themselves right back into the same situation they were in before, and spend their money willy-nilly as they like. And I am very much concerned that this does not occur. We had a session, and I am not positive that we have got the safeguards in here that we ought to have, but I will recite what we do have, the steps that we have taken.

This bill came before us the other day, the audit department, the finance people, came in and had the blanket figures, the general amount, in this bill 1392. And then Mr. Napolitano, the State Auditor, was there and we went over with him the proposal, and I said, "What safeguards have you got? How are you going to keep them in the line?" They submitted line budgets, the county commissioners developed the line in accordance with the procedures set forth by the audit department, and sent them in to the Secretary of State, and then the Secretary of State in turn submitted them to Towns and Counties Committee, and we called for every delegation to go over the budget to revise it as

it saw fit, and we abided by the majority of each delegation's request in regard to the line, and we took the line. And I, up to that point, I figured that if we are going to enact something, enact those lines, because I was worried as an attorney, I was concerned as an attorney, if we didn't enact those lines, the lines might never exist. But there is this language, and whether or not it is sufficient I am not positive. Page 2 of the bill, the foregoing figures represents the total amount of taxes authorized for each year of the biennium. These figures are based upon budgets approved by the legislature, and filed in the office of The Secretary of State. Those are the lines down there.

The Secretary of State, upon this resolve becoming effective, shall forward to the chairman of the commissioners of each county a certified copy of each county's budget in summary form, and that bothers me a little bit. I thought, why give them a summary form? They have got to stick to the line. I don't see why they ought to have the details. And shall provide specific total amounts for personal services, contractual services, commodities, debt service, capital expenditures and contingents, and then the county commissioners are, when necessary, authorized to appropriate such additional amounts as to restore the contingent account to an established amount. Suppose you have a long term of court, and that is something you can't control, and you can over-expend, you use up your contingent funds. This gives them the authority to put it back in the next year, in 1970. And then, before they can do that, however, they have got to transfer into the contingent account the funds described as surplus funds. Then the next

two lines constitutes quite an important matter of a collateral nature. We had a bill before us, we had a bill before us that just got re-referred, my friend is absent right now, the Senator from Washington, sent it back, sent it back to Towns and Counties, a bill that gives them, the counties, the right to assess taxes. We took a rather dim view of it and reported it ought not to pass. Now we have got to report it out again in some manner, they sent it back to us.

We want to be extra careful, so we tacked onto this bill these two lines here. No part of the funds herein appropriated shall be expended for obtaining the services of county advisory organizations, and their bill would provide they could have county organizations. In other words, a \$25,000 committee to lobby the legislature and to work against the register of deeds or probate or wherever necessary, and each one of those organizations, each one of those county organizations, wanted to have provided for organizations of their own, but to prevent them from using tax money to lobby the legislature, really.

Well, in answer to good Senator Beliveau's question, it is long winded, to be sure, I am not positive that this does in an iron-clad way put the lines back to the counties. But in the short time that we had, it does by reference say that those lines shall be sent back by the Secretary of State, and the State Auditor who is auditing the accounts is certainly going to hold them to those lines.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.