

# 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

Tuesday, April 8, 1969

Senate called to order by the President.

Prayer by The Honorable Carlton Day Reed, Jr. of Woolwich.

Reading of the Journal of yesterday.

### Papers From The House Non-concurrent Matter

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

In the Senate March 27, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-154), in non-concurrence.

(On motion by Mr. Katz of Kennebec, tabled until later in today's session.)

### Joint Resolution In Memoriam

WHEREAS, we wish to express our sorrow on the passing of General Willard G. Wyman, a distinguished Army Commander and a native son of the State of Maine; and

WHEREAS, he faithfully directed countless lives in the best national interest, rendering a service to the well-being of mankind which will continue to grow as others follow and cite his example; and

WHEREAS, he served many commands, but it is reported of Normandy that "there were heroes on Omaha Beach that bloody day, but none of greater stature than Wyman . . ."; and

WHEREAS, General Wyman holds the nation's highest honors for heroic deeds, he equally has earned the pride and appreciation of the people of this State for his life's work; now, therefore, be it

RESOLVED: The Senate concurring, that the members of this Legislature extend our deepest sympathy to his family and our understanding to others who share in the loss; and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed, be transmitted to the family of the deceased. (H. P. 1111)

Comes from the House Read and Adopted.

Which was Read and Adopted in concurrence.

### House Papers

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

(Off Record Remarks)

### Communications

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine

April 4, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
104th Legislature

Sir:

The House today voted to adhere to its former action on Bill "An Act Repealing an Act Setting Off Lands from Hartland to Pittsfield" (H. P. 239) (L. D. 294) on which the House had indefinitely postponed the "Ought to Pass" as amended by Committee Amendment "A" Report and the Bill, and the Senate had accepted the Report and passed the Bill to be engrossed as amended by Committee Amendment "A" in non-concurrence.

Respectfully,

Signed:

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine

April 4, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
104th Legislature

Sir:

The House today voted to adhere to its former action on Bill, "An Act to Designate an Official Rock and Mineral for the State of Maine" (S. P. 304) (L. D. 997) on which the House accepted Report "B" reporting "Ought not to pass" in non-concurrence, and the Senate had voted to insist on

its former action whereby Report 'A' reporting same in a new draft was accepted and the Bill passed to be engrossed, and asked for a Committee of Conference.

Respectfully,  
Signed

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

**Committee Reports  
House**

**Change of Reference**

The Committee on Labor on Bill, "An Act Relating to Minimum Hour and Wage Standards for Fire-fighting Personnel of the Auburn Fire Department." (H. P. 692) (L. D. 892)

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

The Committee on State Government on Bill, "An Act Permitting Use of State Wharves in Portland Harbor." (H. P. 911) (L. D. 1172)

Reported that the same be referred to the Committee on Public Utilities.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

**Leave to Withdraw**

The Committee on Labor on Bill, "An Act Relating to State Employee's Grievance Procedure." (H. P. 473) (L. D. 627)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Revising the State Board of Arbitration and Conciliation Law." (H. P. 1037) (L. D. 1347)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on Bill, "An Act Revising the Minimum Wage Law." (H. P. 1067) (L. D. 1396)

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 Judiciary on Bill, "An Act Prohibiting the Acceptance of Payment for Material Supplied When Title Not Merchantable or Check in Full." (H. P. 331) (L. D. 440)

Reported that the same Ought Not to Pass.

The Committee on Highways on Bill, "An Act Relating to Weighing of Trucks." (H. P. 598) (L. D. 779)

Reported that the same Ought Not to Pass.

The Committee on Highways on Bill, "An Act Relating to Use of Town Road Improvement Fund for Bridges." (H. P. 726) (L. D. 944)

Reported that the same Ought Not to Pass.

The Committee on Highways on Bill, "An Act Relating to Appropriation for Field Maintenance Employees of Highway Department." (H. P. 856) (L. D. 1098)

Reported that the same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act Relating to the Detention of Juveniles." (H. P. 935) (L. D. 1196)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Highways on Bill, "An Act Relating to Access Driveway from Route 1 to Certain Properties in Stockton Springs." (H. P. 1028) (L. D. 1337)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read.

On motion by Mr. Barnes of Aroostook, tabled and specially assigned for Friday, April 11, 1969, pending Acceptance of the Committee Report.

The Committee on Judiciary on Bill, "An Act to Provide for Forfeiture of Vehicles Used to Transport Narcotics." (H. P. 734) (L. D. 952)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill substituted for the report and the Bill Passed to be Engrossed.

Which Report was Read.

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

Mr. MILLS of Franklin: Mr. President, I move the Senate accept the Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate now accept the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am afraid that this matter should not go by unnoticed. We seem to be having quite a few bills lately with a division of opinion on the merit when the bill has anything to do with current law enforcement problems.

The Committee obviously gave it pretty good consideration. I would be delighted to hear the good Chairman of the Judiciary Committee explain the pros and cons of this bill.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am willing to take the time at this point to satisfy the good Senator. This bill would be a very drastic change in the present law. It would provide that if you are riding in any motor vehicle of any type, and certain narcotics were found in the vehicle, that the whole thing is subject to forfeiture to the State. It has no safeguards for the innocent person who happens to own the vehicle, and we felt that it was certainly not called for under any circumstances that were made known to the Committee.

If you care to notice this bill, it is L. D. 952, and the word "vehicle" is defined as any conveyance used in the transportation of passengers or property whether by land, water or air. That is considerably broader than my statement

of a few moments ago when I said "motor vehicles." That means the Maine Central Railroad would even be in jeopardy of losing its track freight trains - there are no longer any passenger cars - if they were found to be transporting in any way narcotics. Then it would become the duty of the State to sell the vehicle and recover what it could for it.

This has a worthy objective, I am sure, as many of these measures do, but they go so far as to probably infringe upon the Constitution in drastic areas. There was no evidence shown to the Committee that if such a measure were passed that there would be any useful purpose served. We did, as the good Senator mentioned, give it considerable careful study, and unanimously felt that there was no place for it in our statutes at this time.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think also, in regards to this bill, I know that, as a member of the Committee that considered this bill, I as well as other members of the Judiciary Committee, as well as all the other members in this body, are very much concerned over the matter of drugs and the increase in the use of drugs and the concern that it has caused our society. So, the unanimous Ought Not to Pass Report of our Committee, which included my vote, is no indication that in this Committee we are not aware of this problem and interested in coping with it.

I think, however, that there are major defects in this bill which certainly prevented me from supporting it. This calls for the forfeiture of the vehicle, as the Senator from Franklin has indicated, regardless of the involvement in which ever way it may be regarding the transportation. I might pick up somebody on the road, some fellow hitchhiking, some college fellow, and he might have marijuana or something else in his possession, and I am just giving him a ride, as I am sure some of us do. Now, if he should happen

to be picked up and he has got something in his possession, a drug, why my vehicle is forfeited also. There is no provision that if the person who is arrested, or who is the owner of the vehicle that, if there is an acquittal on the charge of transporting any such narcotics, if there is an acquittal, which means that the party is not guilty, the vehicle, under this bill, is nevertheless forfeited, which is entirely alien to our concept of law.

I think the aim of the bill is laudatory in that it tries to make it so much more difficult and harsher for people trafficking in drugs, but I submit to the members of this body that as it is drafted, and as we have it before us, I could not go along with it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am glad that the two good Senators are for the spirit of the bill and they both have said that they are against it as drafted, which would indicate that there is probable hope that it could be redrafted by an amendment, which I think might be indicated.

As a layman, I cannot agree with the good Senator from Franklin, Senator Mills, that any vehicle carrying drugs is forfeited if it is caught carrying drugs, because the very first item under Section 23.67 (a) says "The possession of which is unlawful." In other words, lawful possession of drugs in a vehicle isn't going to lead to forfeiture. So the Maine Central Railroad or anybody else that is carrying drugs under what is tantamount to bond has got nothing to suffer from this bill.

And my good colleague from Aroostook, Senator Violette, apparently hasn't read the last sentence in Section 3 under the same Section, which says that "No vehicle shall be subject to forfeiture if the owner thereof is unacquainted or unfamiliar," doesn't know what is going on in his vehicle. So, if you do pick up a hitchhiker, and he has got mari-

juana, you are not going to get in trouble.

I would have some questions. Is this considered a bill that the State Police would like to see on the books? Is this a bill that the law enforcement people would like to see on the books? If so, I think we should substitute the bill for the report. I hope you vote against the motion.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I came to this session of the Legislature hoping that we could strengthen the hand of our law enforcement people. Now, this bill typifies a situation where we tend to examine the extremes of a case, the areas which, if carried to an extreme with poor judgment, could possibly lead to abuse. I would submit that this simply does not happen often enough to concern us here.

I believe that similar legislation is on the books concerning bootlegging — I could be in error on this — and some hunting violations, and I certainly am not familiar with any extremes of abuse by our law enforcement people.

We are faced with the fact that narcotics convictions are hard to get, no matter how you slice it; it is hard to get these people, and it is going on. You know it, I know it, we all know it, and yet our police simply do not have adequate tools to cope with this problem.

If this law would subject people to abuse, I would be inclined to say that the lack of it is going to subject us to infinitely more abuse at the hands of the narcotics dealers.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I have a great deal of respect for the judgment of the Judiciary Committee and I would like to go along with its Ought Not to Pass Report. However, after hearing our good Senator Berry and Senator Logan, I am confused. I would like

to have a little more opportunity to talk with some of the members of the legal profession and study this a little further. I would hope that somebody would table it for a couple of days.

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

Thereupon, on motion by Mr. Quinn of Penobscot, tabled and specially assigned for Friday, April 11, 1969, pending the motion by Mr. Mills of Franklin to Accept the Ought Not to Pass Report of the Committee.

#### Ought to Pass

The Committee on Election Laws on Bill, "An Act Relating to Residence of Write - in Candidates on Ballots." (H. P. 889) (L. D. 1148)

Reported that the same Ought to Pass:

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

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

#### Ought To Pass - As Amended

The Committee on Transportation on Bill, "An Act Relating to Turn Signals." (H. P. 1059) (L. D. 1390)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-148).

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 Transportation on Bill, "An Act Relating to trailers Being Securely Fastened." (H. P. 51) (L. D. 52)

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-149).

Comes from the House, the report Read and Accepted and the

bill Passed to be Engrossed as Amended by Committee Amendment "B".

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

#### Senate

##### Change of Reference

Mr. Mills for the Committee on Towns and Counties on Bill, "An Act Increasing Salary of County Attorney of Washington County." (S. P. 305) (L. D. 998)

Reported that the same be referred to the Committee on State Government.

Which report was Read and Accepted.

Sent down for concurrence.

#### Ought to Pass

Mr. Mills for the Committee on Towns and Counties on Bill, "An Act Repealing Supreme Judicial Court Messenger in Cumberland County." (Emergency) (S. P. 286) (L. D. 932)

Reported that the same Ought to Pass.

Mr. Martin for the Committee on Towns and Counties on Bill, "An Act Relating to Annual Meeting of Farmington Village Corporation." (S. P. 339) (L. D. 1137)

Reported that the same Ought to Pass.

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

#### Ought to Pass - As Amended

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Creating the Uniform Anatomical Gift Act." (S. P. 349) (L. D. 1215)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-68).

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

**Second Readers**

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

**House**

Bill, "An Act Relating to Open Season on Partridge or Grouse and Pheasant." (H. P. 330) (L. D. 439)

Which was Read a Second Time.

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Bill, "An Act Revising the State Board of Pesticides Control Law." (H. P. 1097) (L. D. 1415)

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

On Bill, "An Act Relating to Open Season on Partridge or Grouse and Pheasant," (H. P. 330) (L. D. 439), which was previously set aside at the request of Mr. Anderson of Hancock, the same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-69, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 947) (L. D. 1125)

Which was Read a Second Time.

(On motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned pending Passage to be Engrossed.)

**House - As Amended**

Resolve, in Favor of Dan S. Webb of Wilton. (H. P. 57) (L. D. 59)

Resolve In Favor of Robert Huntington and Floyd Richardson of Turner for Damage by Bears. (H. P. 717) (L. D. 935)

Bill, "An Act Increasing Maine Forestry District Taxes." (Emergency) (H. P. 875) (L. D. 1118)

Bill, "An Act Relating to Biennial Elections of Penobscot Indians." (H. P. 415) (L. D. 526)

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

**Senate**

Bill, "An Act Relating to Law Clerks for the Judiciary." (S. P. 63) (L. D. 184)

Bill, "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program." (S. P. 427) (L. D. 1425)

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

Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act Relating to Duties of the Employment Security Commission." (S. P. 229) (L. D. 669)

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

Sent down for concurrence.

**Enactors**

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

An Act to Grant a Charter to the Town of South Berwick. (H. P. 66) (L. D. 85)

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, temporarily set aside.)

An Act Relating to Special Offices for Indian Tribes. (H. P. 395) (L. D. 505)

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

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

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

An Act Relating to Definition of Hotel Under Liquor Law. (H. P. 700) (L. D. 900)

An Act Relating to Naming the Bridge Between Cousins Island and Yarmouth Mainland. (H. P. 870) (L. D. 1113)

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



The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: On Item 8-2, An Act Exempting Sales to Certain Children Treatment Centers from the Sales Tax, House Paper 182, Legislative Document 221, this bill would exempt Sweeteners' Children's Home from the sales tax and would create a precedent for organizations that are not currently exempt, if the bill is enacted.

We have a very similar bill, L. D. 715, on Page 11 that is tabled unassigned. I, therefore, move indefinite postponement of L. D. 221.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that Bill, An Act Exempting sales to Certain Children Treatment Centers from the Sales Tax, be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Hanson.

Thereupon, on motion by Mr. Hanson of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Martin of Piscataquis that the Bill be Indefinitely Postponed.

#### Orders of the Day

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

Bill. "An Act Relating to Septic Tank and Cesspool Cleaners." (H. P. 685) (L. D. 884)

Tabled — April 1, 1969 by Senator Mills of Franklin.

Pending — Enactment.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I watched this legislation cruise serenely through the House and Senate and be enacted without any particular debate or, in fact, any particular notice paid to it. Yet, this is the type of legislation to which I think we should give a little attention, because it takes a whole segment of private enterprise and puts it under the carte blanche rules and regulations of one of our departments.

Specifically, it would require septic tank and cesspool cleaners to be licensed and put under such rules and regulations as the Department of Health and Welfare may deem necessary. Now, this is rather a broad mandate to Health and Welfare, and I think we know that when we expand bureaucracy a little bit it tends to be an irreversible process, and before we do such a thing I think we should give it our earnest consideration.

The chief purpose of this bill seems to be to prevent abuses. Now, specifically, if I understand the statement of facts properly, dumping in an inappropriate place. I have inquired of the towns in my district and determined that the town fathers have the situation well in hand. As a matter of fact, I think it is quite proper for the town government to regulate such a thing. I think it would be annoying to them to have a man from one of the State departments come down and dictate to the towns or to the septic tank people where they should dump.

I have not been aware of any contagion that has been spread across the State by these people. Generally, septic tank cleaners are small businessmen. They have a tank and they are skilled in their occupation, and it would seem to me a most unfortunate thing to put these entrepreneurs under the regulation of a faceless, perhaps captious, government public servant. I don't think this is the way to rule any industry, be it large or small. I would, therefore, move, Mr. President, that this bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from York, Senator Logan, moves that Bill, "An Act Relating to Septic Tank and Cesspool Cleaners," House Paper 685, Legislative Document 884, be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Since this matter was put on the table the other day I conducted a little research and searched my memory in regard to this type of thing.

I have a little expertise in this area, and I doubt if there are very many of us left who have been assigned by our parents in the old days to go out and clean out the outhouse. Anyone who ever did have that assignment, I am sure, remembers it. This didn't require a license in those days; it required just an order from the father.

This matter pertains to a young man in my own area who works with me in some matters occasionally, and he likes this bill because his competition would have to be licensed and it would tend to restrict the competition in the area. But I think for that very reason it shouldn't be, because this isn't an art, this isn't an area of professional knowledge that, it seems to me, requires the interference of Augusta.

Several years ago, fifteen or twenty years ago, I was a municipal court judge, and one of these fly - by - night people, who do this work on occasion, came into the area of my jurisdiction and caused a great deal of consternation on the part of a local farmer because, instead of finding a proper place to dump the contents of his wagon, took an old farm road, backed up into it, off the main highway, and cluttered the farm road with it. The officers were able to locate him before he went back to Massachusetts. He was one of those fellows who comes in and takes off the cream of the work and then gets out of the State. The local fellows didn't like it. The point of this is that we have laws now, and we had laws then, that took care of him. I had to search the statutes quite a bit. In those days the municipal judge had to write his own complaints. An officer would come in, or a farmer would come in, and say something had happened to him and it messed up his farm road, and I figured there ought to be a law against it, but I had never had a case like that before. After searching the statutes to quite an extent I found a law that said that "Whoever dumps offal or an obnoxious substance on the land of another is creating a nuisance and is liable for a fine" of a certain number of dollars. So a warrant was issued

and the man came in readily and admitted that was his load that had been dumped on the farmer's place and he paid a fine. The public got notice of it from the newspapers, and I think it served a policing effect.

Those fellows are very careful where they dump this stuff. It actually serves a very useful purpose and is a very good manure, but a lot of people are sensitive about it and don't like to have it just anywhere. But we don't need anybody in Augusta to license them and tell them where to go. They can go to the municipal officers or they can go to some farmer who has got a back field, and I don't think there is any necessity for it.

A few weeks ago one of my good colleagues referred to the bureaucrats in government and I was a little critical, and I apologize. Today I feel like saying somewhat the same thing, because this is an example of these departments, how they will grow if you give them the chance. They will reach out and they want to be licensing every activity we are up to. I think the good Senator from York, Senator Logan, is well advised in trying to stop this measure, and I hope his motion will prevail.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is on the motion of the Senator from York, Senator Logan, that Bill, "An Act Relating to Septic Tank and Cess-pool Cleaners," House Paper 685, Legislative Document 884, be indefinitely postponed.

As many as are in favor of indefinite postponement will say "Yes"; those opposed "No."

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

Sent down for concurrence.

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

HOUSE REPORTS — from the Committee on Election Laws on Bill, "An Act Relating to Application for and Marking of Absentee Ballots." (H. P. 224) (L. D. 274)

Majority Report Ought to Pass in New Draft with New Title, Bill, "An Act Relating to Delivery of Absentee Ballots" (H. P. 1064) (L. D. 1233) Minority Report, Ought Not to Pass.

Tabled — April 2, 1969 by Senator Letourneau of York.

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

On motion by Mr. Letourneau of York, retabled and specially assigned for Friday, April 11, 1969, pending the motion by Mr. Anderson of Hancock to Accept the Majority Ought to Pass Report of the Committee.

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

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

Tabled — April 4, 1969 by Senator Reed of Sagadahoc.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for Friday, April 11, 1969, pending Passage to be Engrossed.

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

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

Tabled — April 4, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Perry of Cumberland to Indefinitely Postpone Bill.

On request by Mr. Berry of Cumberland the motion to Indefinitely Postpone the Bill was Withdrawn.

The same Senator then moved the pending question.

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

The President laid before the Senate the matter tabled earlier in today's session by Mr. Katz of Kennebec, Bill, "An Act to Clarify School Construction Aid for Certain Units" (S. P. 288) (L. D. 930).

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

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

SENATE REPORTS — from the Committee on Towns and Counties on Bill, "An Act Creating County Commissioner Districts." (S. P. 60) (L. D. 168) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — February 12, 1969 by Senator Dunn of Oxford.

Pending — Acceptance of Either Report.

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

On motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending the motion by Mr. Dunn of Oxford to Accept the Minority Ought to Pass Report of the Committee.

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

Bill, "An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees." (H. P. 774) (L. D. 1007)

Tabled — March 20, 1969 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

Senate Amendment "A", Filing No. S-66, was Read.

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

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: As Chairman of the Liquor Control Committee, I must say that I hadn't seen the amendment until exactly two seconds before I stood up.

The subject of gratuities for the Liquor Commission and their employees is, of course, a subject

that can be looked at either black or white. I would like to look at it right down the middle. We put on the books — I believe it was the last session — a flat prohibition that any gratuity or favor, almost a kind word, would be outlawed. This was an indictment of a very capable group of people, capable and dedicated. At this session a bill was introduced which said that, and I'll quote, "Under circumstances which might reasonably be construed as influencing or improperly relating to past, present or future performance of his official duties . . ." In other words, there is an element of judgment in here which would permit a commission member or an employee of the commission to perhaps have a cup of coffee. It might even possibly stretch it so far as to say that it wouldn't be completely illegal if you were to buy a meal for somebody in this category. It seems to me this is a pretty intelligent way to approach the problem. We are giving an element of judgment here. There has not been a finger of accusation pointed against these people, and yet they certainly have by the legislation we enacted been smirched. It seems to me the putting of legislation on the books, which says that under circumstances ordinary individuals in the promulgation or prosecution of their business are able to have a cup of coffee or a meal, is in order.

We can accomplish a lot by talking to people. I think that is the intent of the legislation, as a matter of fact, I know it is. We are not trying to make it legal to buy the commission, but we do feel it is in order that we can talk with the commission under circumstances that you and I would like to conduct intercourse. I would move that the amendment be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry now moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, it seems to me that the

Liquor Commission has lived under this law very well the last two years. I haven't heard any complaint about it. It also seems that if there is one area in which we want to be sure that state employees are perfectly free from any kind of temptation it is in the area of liquor.

Now, I have had the suggestion made that this be broadened to cover other State employees, with certain relaxation relative to attendance at conventions where they have banquets and dinners, and that is what this amendment incorporates. I certainly hope the Senate will oppose the motion of the good Senator from Cumberland, Senator Berry.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I rise to support the motion of the good Senator from Cumberland, Senator Berry, the motion to indefinitely postpone this amendment.

I would state very briefly that the Liquor Control Committee originally had two bills before them in relation to this matter. Both bills were given very lengthy hearings, and I can't recall at the moment any opposition to the proposed bill that is now before us. In fact, the so-called "drys" were in almost complete agreement that the restrictions that are now imposed on the Liquor Commission, or the people involved in the field of dealing with liquor, put them under tremendous hardships and certainly I think the finger of suspicion is always being pointed at them.

I think the good Senator from Washington, Senator Wyman, has pointed out a good example by the fact that he said it is particularly in the field of liquor that these people should have these barriers around them, because of the fact that they are dealing with such a commodity. I feel, myself, that the fact that they are dealing with this commodity does put them always in the view particularly of the Legislature and the businessmen who deal with this commodity.

I think the one reason that Mr. Murphy, the Chief Enforcement Officer, has been able to live up to his reputation, and the fact that many seem to dislike him so, is because of the fact that he has remained clean; not because necessarily of the law that is on the books, but because of the fact that this is his feeling as to running his administration, that nobody in that department is going to be tainted by taking gratuities to influence them in the manner of being derelict in their duties. So, I think we should kind of clean the air around them and let them act and do their jobs as we are able to enjoy our work every day without the finger of suspicion or, at least, even the air of suspicion being around them. I hope that the Senate will defeat the amendment that is now before us.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that this amendment be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many as are in favor of the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "A" be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I am convinced from this debate that liquor is a very special case, and I am convinced that the existing law has been something of a straight jacket for the

employees of the Liquor Commission. I am also aware of the fact that Maine has been singularly free from any scandal or charges of impropriety on the part of the very good people who work for the Liquor Commission, but I think that the straight jacket that is presently imposed on them is a sensible one and, therefore, I move indefinite postponement of this bill.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I would request a division on that motion.

The PRESIDENT: A division has been requested. Is the Senate ready for the question?

As many as are in favor of the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Relating to Accepting Gratuities by Liquor Commission Members and Employees," Legislative Document 1007, be indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

The Chair would remind the Senate members of the Senate Rule that unless you ask to be excused that you vote on all motions.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.