

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, April 10, 1969

Senate called to order by the President.

Prayer by The Rev. Ondon P. Stairs of Augusta.

Reading of the Journal of yesterday.

**Papers from the House**  
**Non-concurrent Matter**

Bill, "An Act Repealing the Bounty on Bobcat." (H. P. 34) (L. D. 35)

In the Senate April 4, 1969, Passed to be Engrossed in non-concurrence.

Comes from the House, Indefinitely Postponed in non-concurrence.

Mr. Anderson of Hancock moved that the Senate Recede and Concur.

On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending the motion by Mr. Anderson of Hancock that the Senate Recede and Concur.

**Non-concurrent Matter**

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

In the House March 27, 1969, Passed to be Enacted.

In the Senate April 8, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Logan of York, the Senate voted to Adhere.

**House Papers**

Bill, "An Act Relating to Mental Examination of Persons Accused of Crime." (H. P. 1113) (L. D. 1437)

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

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

**Communications**

State of Maine  
Supreme Judicial Court  
Augusta, Maine

April 9, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
State House  
Augusta, Maine  
Dear Mr. Speers:

There are enclosed the Answers of the Justices to the Questions of March 20, 1969.

Respectfully yours,  
s ROBERT B. WILLIAMSON  
Enclosure

**Opinion**

Of the Justices of the Supreme Judicial Court Given Under the Provisions of Section 3 of Article VI of the Constitution - Questions Propounded By the Senate In An Order Dated March 20, 1969.

**Answer of the Justices**  
**TO THE HONORABLE SENATE**  
**OF THE STATE OF MAINE:**

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answer to the question propounded on March 20, 1969.

QUESTION (1): Do any of the limitations, against the passage of an Emergency Bill, contained in Article IV, Part Third, Section 16, of the Constitution of Maine, prohibit the passage of L. D. 919, An Act to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage, as an emergency measure?

ANSWER: We answer in the negative.

The pertinent portion of Section 16 of Part Third of Article IV of our Constitution provides "An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate."

The "right of home rule" constitutionally preserved for municipalities, applies, with certain excep-

tions not here relevant, to cities, towns and plantations, 1 M.R.S.A. § 72 Par. 13, not quasi-municipal corporations. The district here contemplated includes the inhabitants of several towns for each of which is provided a referendum. There is no infringement of home rule. Opinion of the Justices 153, Me. 469, 475.

Whether or not a corporate franchise is extended contrary to constitutional prohibition depends upon definition. The Portland Water District was created by Chapter 433, P. L. 1907 as a "public municipal corporation" which, as a quasi-municipal corporation, was held in **Kennebec Water District v. Waterville** 96 Me. 234, 246, to be "not only a body corporate but also a body politic." See also **Augusta v. Augusta Water District** 101 Me. 148, 152.

"The creation of a body politic and corporate is not the granting of a franchise or license within the meaning of the constitutional prohibition." **Opinion of the Justices, supra.**

It is not necessary at this time to consider whether the word "corporation" applies to other than private corporations.

The extension of corporate power which is neither a franchise nor a license in the first instance, does not become a franchise or license by virtue of such extension.

The constitutional proscription against the sale, purchase or renting for more than 5 years of real estate reflects, we believe, historical concern with the possibility of emergency legislation disposing of, or encumbering without referendum, public lands. That proscription is not applicable to the present proposition.

The Legislature is empowered to find that the immediate enactment of L. D. 919 is necessary for the preservation of the public peace, health or safety, in which event its passage as an emergency bill would not be prohibited by Section 16.

**QUESTION (II-A):** Does the limitation upon the Legislature's power to pass an emergency measure, as follows: "and shall not include an infringement of the

right of home rule for municipalities," found in Article IV, Part Third, Section 16 of the Constitution of Maine, prohibit the passage of L. D. 706. **AN ACT Increasing Borrowing Capacity of Waldoboro Sewer District, as an emergency measure?**

**ANSWER:** We answer in the negative.

The proposed legislation seeks to increase the borrowing capacity of the Waldoboro Sewer District through emergency procedure as provided by Section 16, in Article IV, Part Third of the Constitution of Maine, and the question now raised is whether the Waldoboro Sewer District is a municipality within the meaning of that term as used in the exception clause of Section 16 to the effect that emergency legislation shall not include an infringement of the right of home rule for municipalities.

Our Court has recognized a clear-cut distinction between municipalities and quasi-municipal corporations, and, absent express constitutional limitations, may not entirely deny the power of the Legislature to create, wholly or partly, in town or city limits different public corporate bodies for distinct and different purposes. **Kelley v. School District** (1936) 134 Me. 414, 187 A. 703. Although when the exclusion clause was sent to the people by the Legislature of 1907 municipal districts were not as common as they have become since its adoption, nevertheless we hold that the Legislature had the distinction well in mind when they limited the exclusionary clause of the constitution to municipalities without any suggestion that the term include quasi-municipal corporations. Cities and towns are true municipal corporations exercising the functions of self-government, distinct in concept from the term "municipality." The Legislature has indicated expressly what the lawmakers have in mind when using the term "municipality" i.e. that it includes only cities and towns. 30 M.R.S.A. § 1901 (6); 1 M.R.S.A. § 72 (13). A sewer district is not a municipality. See **Fountain City Sanitary District v. Knox County Election Commis-**

sion (1957) 203 Tenn. 26,308 S.W. 2d. 482.

QUESTION (II-B): If the answer to Question A is in the affirmative, will the constitutional deficiency be cured if the Legislature requires a vote of the inhabitants of the Waldoboro Sewer District before L. D. 706 shall become effective as law?

ANSWER: Since L. D. 706 is constitutional as emergency legislation, we do not reach QUESTION II-B.

QUESTION (III): Does the limitation upon the Legislature's power to pass an emergency measure, as follows: "and shall not include a franchise or license to a corporation or an individual to extend longer than one year" found in Article IV of Part Third, Section 16 of the Constitution of Maine, prohibit the passage of L. D. 1109, AN ACT to Create the Harrison Water District, as an emergency measure?

ANSWER: We answer in the negative.

The proposed Act provides for the creation not only of a body corporate but also a body politic. Its purposes will be purely public, it being invested with the power and duty of maintaining a public water supply. *Augusta v. Augusta Water District* 101 Me. 148.

"The creation of a body politic and corporate is not the granting of a franchise or license within the meaning of the constitutional prohibition." Opinion of the Justices 153 Me. at 475.

QUESTION (IV): Do any of the limitations, against the passage of an emergency measure, contained in Article IV, Part Third, Section 16, of the Constitution of Maine prohibit the passage of L. D. 103, AN ACT to Amend the Charter of the Fryeburg Water Company by Granting Certain Additional Powers and Ratifying and Confirming Certain Acts of said Corporation, as an emergency measure?

ANSWER: We answer in the negative.

Section 16 excludes from matters which may be the subject of emergency legislation:

"1 an infringement of the right of home rule for municipalities,

"2 a franchise or a license to a corporation or an individual to extend longer than one year, or

"3 provision for the sale or purchase or renting for more than five years of real estate."

As the Fryeburg Water Company is a private corporation no infringement of home rule is involved and no issue concerning purchase, sale or renting of real estate is presented.

We conclude that the issue presented by this question is whether the prohibition concerning franchises and licenses which are to extend longer than one year applies to L. D. 103.

The charter which the Fryeburg Water Company received in 1883 contained no limitation in time and could not, in the first instance, have been granted through emergency legislation. It would follow that any addition to its purposes or extension of its area of service by amendment of its charter could not be the subject of emergency legislation.

The 1883 charter empowered the Company to convey "to the village of Fryeburg and vicinity, a supply of pure water for domestic and other purposes." L. D. 103 does not seek to enlarge the nature of this purpose or to extend the area of its operation. The enactment of the proposed Legislation would reflect legislative determination that present conditions require an extension of the Company's physical facilities and of its financing methods to enable it more properly to carry out the purposes for which it was chartered.

The Legislature is empowered to find that the immediate enactment of L. D. 103 is necessary for the preservation of the public peace, health or safety, in which event its passage as an emergency bill would not be prohibited by Section 16.

QUESTION (V): In view of the provisions of the Maine Sanitary District Enabling Act, 38 M.R.S.A. Chapter 11, a general law authorizing the formation of sanitary districts by two or more municipalities under certain terms and conditions, is it within the power of the Legislature to expand by special act of the Legislature the

authority of the Portland Water District, a quasi-municipal corporation, to perform certain governmental functions, namely, the function of assisting certain municipalities in the treatment and disposal of sewage?

ANSWER: We answer in the affirmative.

Article IV, Part Third, Section 14, reads as follows:

“Section 14. Corporations shall be formed under general laws, and shall not be created by special Acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; **and, however formed, they shall forever be subject to the general laws of the State.**” (Emphasis supplied.)

L. D. 919, “AN ACT to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage,” does not provide for the formation of a corporation but rather extends the powers and duties of an existing entity to enable it to render service to certain municipalities.

Where applicable, it will be subject to the general law. In the discussion of this subject found in **Associated Hospital Service of Maine v. Mahoney, et al.**, (1965) 161 Me. 391 at 402 et seq., it is made apparent that the general law supersedes only when conflict arises between provisions of the general law and the provisions of the special legislation. No such conflict is discovered in the present instance.

Section 1066 of 38 M.R.S.A. contains the following language pertinent here:

“A sanitary district consisting of a municipality, 2 or more municipalities, . . . **may only be formed** where the Water and Air Environmental Improvement Commission finds that there is a need . . . for accomplishment of the purpose of providing an adequate, efficient system and means of collecting, conveying, pumping, treating and disposing of domestic sewage and industrial wastes . . . **and that such purposes cannot be effectively**

**accomplished . . . by any existing public agency or agencies . . .**” (Emphasis supplied.)

Section 1066 further provides:

“Section 1066. Provisions supplemental to other law. This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as **supplemental and additional** to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing.” (Emphasis supplied.)

The Maine Sanitary District Enabling Act does not cover the same subject matter or conflict with proposed L. D. 919 in that the general law does not limit or exclude the use of existing chartered districts which can most conveniently and practically be employed to accomplish the desired purpose. The limitation upon the intended scope of the general law is emphasized by the provision that a Sanitary District is not to be formed under 38 M.R.S.A., Chapter 11, where the desired purposes can be effectively accomplished by an existing public agency. The enactment of L. D. 919 will impliedly recognize that the Portland Water District is such an existing agency. Moreover, the quoted provisions of Section 1066, supra, make abundantly clear that the method provided for the forming of Sanitary Districts by one or more municipalities under general law is intended to be “supplemental and additional” to other methods differently conceived and based. The limitations thus imposed upon the use of the general law effectively prevent it from conflicting with or superseding the special legislation contemplated in L. D. 919.

Dated at Augusta, Maine, this seventh day of April 1969.

Respectfully submitted:

DONALD W. WEBBER  
WALTER M. TAPLEY, JR.  
HAROLD C. MARDEN  
ARMAND A. DUFRESNE, JR.  
RANDOLPH A. WEATHERBEE

I respectfully request that I be excused from answering the questions.

**ROBERT B. WILLIAMSON**  
Chief Justice

Which was Read and Ordered Placed on File.

**Committee Reports**  
**House**

**Change of Reference**

The Committee on Legal Affairs on Bill, "An Act Relating to Municipal Park and Conservation Commissions." (H. P. 938) (L.D. 1199)

Reported that the same be referred to the Committee on Towns and Counties.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought Not to Pass**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for a Two-Classroom Building at Somerville Plantation." (H. P. 267) (L. D. 343)

Reported that the same Ought Not to Pass.

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for April 16, 1969, pending acceptance of the Committee Report.)

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for a Prerelease Center for Inmates of Penal Institutions." (H. P. 368) (L. D. 478)

Reported that the same Ought Not to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Construction of a Reception Diagnostic Treatment Center for Persons Committed to any Penal Institution." (H. P. 369) (L. D. 479)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and, except for the tabled matter, Accepted in concurrence.

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, In Favor of Town of

Haynesville for Development of a Recreational Area. (H. P. 423) (L. D. 547)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Fees of Disclosure Commissioners." (H. P. 823) (L. D. 1062)

Reported that the same Ought to Pass.

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 17, 1969, pending Acceptance of the Committee Report.)

The Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Portland Relating to Rotation of Names on Ballots." (H. P. 957) (L. D. 1238)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Entering Into the Interstate Agreement on Qualifications of Educational Personnel and for Related Purposes." (H. P. 984) (L. D. 1268)

Reported that the same Ought to Pass.

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

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

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Temporary Loans by State." (H. P. 85) (L. D. 94)

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-159).

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

**Ought to Pass In New Draft**

The Committee on Education on Bill, "An Act Relating to Privately Owned Business, Trade and Technical Schools." (H. P. 274) (L. D. 350)

Reported that the same Ought to Pass In New Draft Under Same Title. (H. P. 1112) (L. D. 1433)

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

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

The Committee on Legal Affairs on Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 424) (L. D. 548)

Reported that the same Ought to Pass in New Draft under title of "An Act Relating to Boilers and Unfired Steam Pressure Vessels." (H. P. 1100) (L. D. 1417)

Comes from the House, the report Read and Accepted and the Bill in New Draft subsequently-recommitted to the Committee on Legal Affairs.

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

(See Action later in today's session.)

**Divided Report**

The Majority of the Committee on Towns and Counties on Bill, "An Act Relating to Appropriating Money by Municipalities for Ambulance Service." (H. P. 534) (L. D. 705)

Reported that the same Ought to Pass.

Signed:

Senators:

PEABODY of Aroostook  
MILLS of Franklin

Representatives:

WIGHT of Presque Isle  
DYAR of Strong  
HAWKENS of Farmington  
HANSON of E. Vassalboro  
CROMMETT  
of Millinocket

LABERGE of Auburn

FORTIER of Waterville

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

Signed:

Senator:

MARTIN of Piscataquis

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 Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I don't observe the Senator from Piscataquis. I don't believe he is in the hall. This Minority Report is his and, if my observation is correct, I would request that someone else place this on the table.

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

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending Acceptance of Either Report.

**Divided Report**

Five members of the Committee on Labor on Bill, "An Act Relating to Powers of Board Under State Employees Appeals Board Act." (H. P. 821) (L. D. 1060)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

McTEAGUE of Brunswick  
GOOD of Westfield  
BEDARD of Saco  
CASEY of Baileyville

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

Signed:

Senators:

TANOUS of Penobscot  
PEABODY of Aroostook

Representatives:

HASKELL of Houlton  
HUBER of Rockland  
DURGIN of Raymond



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

Which reports were Read.

On motion by Mr. Tanous of Penobscot, tabled and specially assigned for April 16, 1969, pending Acceptance of Either Report.

#### Senate

##### Ought Not to Pass

Mr. Hoffses for the Committee on Inland Fisheries and Game on Bill, "An Act Providing for a Guest Fishing License." (S. P. 136) (L. D. 420)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Mr. Anderson for the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Lengthening the Open Season on Beaver by the Commissioner of Inland Fisheries and Game." (S. P. 79) (L. D. 239)

Reported that the same Ought Not to Pass.

Which report was read.

On motion by Mr. Moore of Cumberland, tabled and specially assigned for April 15, 1969, pending Acceptance of the Committee Report.

##### Ought to Pass - As Amended

Mr. Tanous for the Committee on Legal Affairs on Bill, "An Act to Change the Name of Eastern Maine General Hospital to Eastern Maine Medical Center." (S. P. 361) (L. D. 1225)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-73).

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

Resolve, Authorizing Maurice and Elizabeth M. Woodside to

Bring Civil Action Against State of Maine. (H. P. 387) (L. D. 497)

Bill, "An Act Relating to Expansion of a Building for Maine Employment Security Commission." (H. P. 504) (L. D. 675)

Bill, "An Act Appropriating Funds to Operate the Board of Pesticides Control." (H. P. 676) (L. D. 875)

Bill, "An Act Relating to Age of Girls Committed to Stevens School." (H. P. 936) (L. D. 1197)

Bill, "An Act Relating to Area of and Borrowing Power of the Corinna Water District." (H. P. 942) (L. D. 1203)

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

#### House - As Amended

Bill, "An Act Establishing an Occupational Safety Rules and Regulations Board." (H. P. 338) (L. D. 447)

Which was Read a Second Time.

On motion by Mr. Dunn of Oxford, tabled and specially assigned for April 16, 1969, pending Passage to be Engrossed.

#### Senate - As Amended

Bill, "An Act Increasing Salaries of Official Court Reporters." (S. P. 62) (L. D. 185)

Which was Read a Second Time.

Mr. Sewall of Penobscot then presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-74, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

#### Enactors

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

An Act Concerning the Administration and Program of the New England Interstate Water Pollution Control Commission. (H. P. 906) (L. D. 1167)

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:

**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 — April 2, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

On motion by Mr. Wyman of Washington, recommitted to the Committee on State Government in non-concurrence.

Sent down for concurrence.

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

**SENATE REPORT** — Ought Not to Pass from 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)

Tabled — April 3, 1969 by Senator Anderson of Hancock.

Pending — Acceptance of Report.

On motion by Mr. Anderson of Hancock, retabled and specially assigned for April 16, 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 as Amended by Committee Amendment "A" Filing H-120 from the Committee on Transportation on Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 398) (L. D. 508)

Tabled — April 3, 1969 by Senator Peabody of Aroostook.

Pending — Acceptance of Report.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: For those of you who haven't had an opportunity to read this document, very briefly, it provides for extending the over-all length of our trailer trucks an additional five feet to sixty feet. I think it is time that we focus on this prob-

lem and make a determination now of whether we want the length of these vehicles to continue to be increased.

As we all know, regardless of the reasons that have been advanced by the supporters of this document, the undisputed fact is that it will legalize another additional five feet in the trucks length. We have been very generous with the trucking industry in the past, and I believe that the Maine law has kept pace with the development of similar legislation in other states because it is my understanding that fifty-five feet is the maximum length that is permitted or allowed by our neighboring New England States.

It is my opinion that this legislation would be of benefit to one special interest group and, of course, would be a great inconvenience to the motoring public, to the citizens of the State. I think it is important to note also that the American Automobile Association has reminded us in several bulletins that I have read that every time we liberalize the weight, height and length of vehicles on our highways that this contributes and weakens our highway safety program.

I have some figures here which were submitted to a Congressional committee, and which appeared in an article in the Washington Daily News, which I quote: It says, "Heavy trucks accounted for 1.5 per cent of all vehicle registrations in 1964, traveled 5.3 per cent of the total mileage in the country, but were involved in 11.6 per cent of the fatalities in this country." As a member of the Highway Safety Committee in Maine, we are very concerned with this bill which would extend or lengthen the trucks to sixty feet. Again, I believe we have a responsibility to the motorists and citizens of this State to restrict the additional lengthening of these vehicles. Therefore, Mr. President, I move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that House Paper 398, Legislative Document 508, "An Act Relating to Length of Certain

Motor Vehicles," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Gordon.

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: L. D. 508 is an act permitting the increase of truck-trailer units an extension of up to five feet. At present the trailer unit's length is fifty-five feet. This bill would allow an over-all length of sixty feet, and I might remark that our neighbor state does have a limit of fifty-five feet, plus five for overhang, so they in essence have sixty feet. However, this bill further states that the semi-trailer box, that trailer, will be limited to the standard forty - five feet now used.

This particular legislation was discussed at length by the Transportation Committee, and was naturally opposed by the railroads. Actually, as I recall, the only general opposition was from the railroads, and they stated that their opposition was to competition. Therefore, I do feel that this opposition is competition.

The trucking industry in Maine for a long time has been striving diligently for progress, progress that will better enable us in Maine to deliver the goods more economically.

This act will help remedy two problems the trucking industry is confronted with. No. 1, the auto carrier. Autos, as we know, are slightly longer than they were a few years ago, and they are having problems carrying the same number of autos on their auto - carrier units. Secondly, it will enable them to pick up the so - called standard forty-five foot box in Boston or other areas south of Maine with a normal tractor. As it is now, the trucker must send out - of - State to pick up this box a sub - tractor or a specially built tractor to bring the forty - five foot box into Maine. I think this not only creates a hardship for the trucker, I think it creates a hardship for all of us who are shipping or bringing goods into the State of Maine. This is not only costing the trucker money, I think it is costing all of us in Maine money. I will

reiterate again that this bill does have written into it now the forty - five foot box limit. Thank you.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I do not rise to belabor this point on this bill. I think the good Senator from Cumberland, Senator Gordon, has covered it very well. I just want to remind this body that this bill was considered, reconsidered and amended, and it came out of Committee unanimously Ought to Pass. I would request a division on the vote.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that Bill, "An Act Relating to Length of Certain Motor Vehicles," be indefinitely postponed.

As many as are in favor of the motion of the Senator from Oxford, Senator Beliveau, that this bill be indefinitely postponed will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed in non - concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass as Amended by 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 — April 3, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Quinn of Penobscot, retabled until later in today's session.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Taxation on Bill, "An Act Relating to Refund for Malt Liquor Excise Taxes." (H. P. 785) (L. D. 1018)

Tabled — April 3, 1969 by Senator Wyman of Washington.

Pending—Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and specially assigned for April 16, 1969, pending Acceptance of the Committee Report.

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

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

Tabled — April 3, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Mills of Franklin to Recede and Concur.

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

MR. MILLS of Franklin: Mr. President, if I may, I would ask leave to withdraw my motion in order for the good Senator from Cumberland to make an opposite motion.

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

Thereupon, on motion by Mr. Stuart of Cumberland, the Senate voted to Insist and Request a Committee of Conference.

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

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

Tabled — April 4, 1969 by Senator Quinn of Penobscot.

Pending — Enactment.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: On this Bill, L.D. 891, An Act Relating to Compensation of the Panel of Mediators," when our constituents elected us to this Senate,

I believe, among other things, they expected us to come here and hold down government expense and waste and to keep down taxes as much as we could.

At the present time this panel of mediators are receiving compensation for their services of twenty - five dollars per day. When the Legislature meets in special session they are paid twenty dollars per day. When the Governor's Council acts or serves they are given compensation of twenty dollars per day. Now this panel is presently receiving twenty - five dollars per day, and when they accepted membership on this panel they apparently were satisfied to serve at that sum.

Now, I believe it is time that we held the line on increased compensation and government expense, and when a panel comes before us in this day and age, when we are having such a hard time to find money to meet the necessary government expense, it seems away out of line that they come here and ask to double their per diem compensation from twenty - five to fifty dollars a day, and the only thing in this bill is that one item. I move this bill be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that House Paper 691, Legislative Document 891, Bill, "An Act Relating to Compensation of the Panel of Mediators," be indefinitely postponed.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: In all fairness to this panel, and I am sure in behalf of the Labor Committee, sufficient evidence was presented to us that these individuals who are on this panel actually in most locations put in two days in one. Their mediation starts in the early hours of the morning and carries through to the late hours in the evening. Many, many of these days actually are considered two working days. Any working man in any mill in the State would receive more compensation than they do or have asked for if they were to put in the same number of hours.

In all fairness to them again I should point out that sufficient funds for the cost of administration of this act are provided in the Executive Budget, so that we are not in any way increasing the cost of operations. It will be consumed, I assume, from the Executive Budget and taken from some other department, so that it isn't actually costing us any more money. Thank you.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: If this board works two days, if they come down here and start and work into the second day, they would get compensation for two days, and instead of getting compensation of twenty - five dollars per day they would want compensation of fifty dollars per day or a hundred dollars per day.

Now, he says the money comes out of the Executive Budget. Where does that money come from? From the taxpayers' pockets. I hope you will go along with me and support my motion that this bill be indefinitely postponed.

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

Mr. ANDERSON of Hancock: Mr. President, I heartily concur with the Senator from Penobscot, Senator Quinn, and I would hope that we go along with the indefinite postponement.

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

Mr. HOFFSES of Knox: Mr. President, I would like to pose a question through the Chair to the good Senator from Penobscot, Senator Tanous. The question is: What are the hours that this Board of Mediation puts in these days that they work in relation to a day which the members of this august body put in while they are in session?

The PRESIDENT: The Senator from Knox, Senator Hoffses, poses a question through the Chair, which the Senator may answer or not, as he so desires.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am bothered this morning because two of my great friends here have taken a position on the economy line that I don't think is warranted. I think my good colleague, the good Senator from Penobscot, Senator Quinn, could reflect on what is paid to other boards of this type in the State, and consider whether it is good economy to hold down in an area like this on these per diem amounts.

We are all aware of the appraisal boards, and when this appraisal board comes into the county the county commissioner that serves on that appraisal board gets a hundred dollars a day, and the people who function, the appraisers who function with him. That calls for expert opinion, of course, and you have to pay for it. I feel that on a board such as this, where you are mediating important disputes, I should expect to pay something more than nominal fees.

Brother Quinn knows that when we lawyers go into court we don't work for twenty-five dollars a day, we don't work for fifty dollars a day. And I think we ought to be fair, when we are looking around and having tribunals doing the same kind of work that we do, and doing it in the name of the State of Maine, I don't think that is the point to squeeze.

Isn't it true - I am not sure - but isn't it true that this committee was unanimous on this bill? We all believe in economy and we want to save money, we have got to save money, but there is a wrong place to do it, and I think that is when you are asking your citizens to give up their daily work and come down here and perform a function like this. I don't think it could quite be compared to our function in the Legislature.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: When the compensation was originally determined for this sort of an activity it was considered that twenty - five dollars a day was a reasonable allowance, and

those members that joined that panel joined it with that knowledge and it must have been acceptable to them.

Now, it is time that we held the line in this Legislature, and I hope we start right in now by doing it. When the vote comes I ask for a "Yea" and "Nay" vote.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise in support of the position of the good Senator from Penobscot, Senator Quinn. I think we have a lot of these commissions and panels and so forth, and some of them are getting exorbitant compensation and some are not getting any. I serve on a commission and we don't get any compensation. I don't expect any. Of course, I am just a farmer; I am not an attorney.

But I know of a case where a gentleman from my county serves on a commission down here and he gets \$241 a week, and he puts in on an average about eight hours a week on that job. I think it is time we hold the line.

The PRESIDENT: Is the Senate ready for the question? A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of the Senators present and voting. Will all those who are in favor of ordering a roll call rise and remain standing until counted?

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will state the question before the Senate once more. The question is on the motion of the Senator from Penobscot, Senator Quinn, that Bill, "An Act Relating to Compensation of the Panel of Mediators," be indefinitely postponed. If you are in favor of the motion for indefinite postponement you will vote "Yes"; if you are opposed you will vote "No."

The Secretary will call the roll.

#### Roll Call

YEAS: Senators Anderson, Barnes, Bernard, Berry, Conley, Dunn, Duquette, Gordon, Greeley,

Hoffses, Kellam, Letourneau, Levine, Logan, Martin, Moore, Peabody, Quinn, Reed, Stuart, and Wyman.

NAYS: Senators Beliveau, Boisvert, Cianchette, Hanson, Katz, Mills, Minkowsky, Sewall, Tanous, Violette, and President MacLeod.

A roll call was had. Twenty-one Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought to Pass in New Draft under same Title (H. P. 1104) (L. D. 1422) from the Committee on Health and Institutional Services on Bill, "An Act Relating to Incurables at Juvenile Training Centers." (H. P. 409) (L. D. 520)

Tabled — April 9, 1969 by Senator Stuart of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft under same Title Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "B", Filing No. H-158, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Prohibiting Furnishing Liquor to Certain Persons." (S. P. 211) (L. D. 620)

Tabled — April 9, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

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

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

HOUSE REPORT — 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 — April 9, 1969 by Senator Barnes of Aroostook.

Pending — Acceptance of Either Report.

Mr. Barnes of Aroostook moved acceptance of the Ought Not to Pass Report "B" of the Committee.

Thereupon, on motion by Mr. Wyman of Washington, retabled and specially assigned for April 15, 1969, pending the motion by Mr. Barnes of Aroostook to Accept the Ought Not to Pass Report "B" of the Committee.

The President laid before the Senate the eleventh tabled and specially assigned 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 — April 9, 1969 by Senator Tanous of Penobscot.

Pending — Motion by Senator Dunn of Oxford 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 and Members of the Senate: Two years ago this same document, in essence, was introduced and discussed at great length. We discussed particularly the Supreme Court requirement under the so-called "one man one vote" rule, and after considerable research we concluded that the State of Maine, and particularly our county commissioners' set-up, was under no obligation to comply, as it was not in violation of this "one man one vote" edict.

If you will read the document and review on a county by county

basis the division along various municipal lines, you will find in many counties there is some real objection as to the make-up of the various county commissioner districts. Very briefly, this bill would divide the counties into three commissioner districts, and an individual would be elected at large within these districts. There is also a formula on Page 7 of the document which outlines the procedure to be followed during the transition from our present system to the system as outlined in this bill.

We are under no requirement, under the Supreme Court ruling, to reapportion or to create county commissioner districts. It is my opinion that this would create a very real hardship, it would confuse the issue, and there is no need for it at this time. Certainly the standard that we must consider in passing and enacting legislation is whether or not it will serve a useful purpose and, further, whether there is a need for this legislation. I submit that there is no need, and this can be reflected by the Majority Report of the Committee on Towns and Counties.

This document did not succeed in passage two years ago, and I trust it will not today. So, I urge the members to vote against the pending motion to accept the Minority Ought to Pass Report so that the Majority Ought Not to Pass Report will in time prevail.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I believe the purpose of this bill is simply to assure representation from all parts of each county on the board of county commissioners, and to see that they do not all reside in one particular area of the county. If you do believe this is desirable I request your support. I request a division.

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

Mr. WYMAN of Washington: Mr. President, it seems to me this is merely in keeping with what we have done in the Senate. We have

redistricted the Senate so that one senator represents one area, one district, and there are no districts with more than one senator. It seems to me it is proposed to do the same thing with county government. I certainly am in favor of the motion of Senator Dunn to accept the Ought to Pass Report.

The PRESIDENT: The question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Creating County Commissioner Districts." As many as are in favor of accepting the Minority Ought to Pass Report of the Committee will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative, and twenty - one Senators having voted in the negative, the motion did not prevail.

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

Sent down for concurrence.

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

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

Tabled — April 9, 1969 by Senator Conley of Cumberland.

Pending — Motion by Senator Katz of Kennebec to Indefinitely Postpone Bill.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I find myself again as a member of the Liquor Control Committee trying to keep alive a bill which I feel is important just for the sake of clean air around the employees of the Liquor Commission.

If the members of the Senate would take the time to just casually look at the L. D., No. 1007, the law as it presently reads now, it says: "Neither the Commission

nor any employee shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller-brewer, licensee, or any representative of the same" — and from here on in is the new part of the law — it says: "under circumstances which reasonably be construed as influencing or improperly relating to past, present or future performance of his official duties."

I think it is quite clear, the intent of the additional phrasing of this law. I think it does kind of relieve people from the air of suspicion of perhaps always being receptive of some gift for something that they might have performed. The fact is, I know, if one goes down into the cafeteria to have dinner, or is in a restaurant having lunch, and a member of the Liquor Commission is seen with an individual, he is automatically under suspicion of perhaps receiving something.

I just see no reason for us to kill this bill. I think it would be for the best interests of everybody concerned if it continued to live. I hate to get embroiled in a battle with the Majority Floor Leader over this item, but I think, Members of the Senate, that this was the recommendation of the Legislative Research Committee, and I understand it was the unanimous recommendation of the Legislative Research Committee that this item be submitted to this session of the Legislature for enactment, so I hope the motion to indefinitely postpone does not prevail.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I feel that this bill has a lot of merit. I believe we need something like this to keep Caesar's wife beyond suspicion.

It wasn't too long ago that I heard rumors of certain cases of liquor that were found in a certain person's garage that was connected with this agency. Now, I think this sort of thing should help to prevent that. I don't think this bill is to prevent a man having a cup of coffee with any member of this



outfit, but I do think that they should be restrained as to what they should be receiving as members of this Commission or their employees. I think there is a lot of good in this bill and I hope it is not indefinitely postponed.

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

Mr. WYMAN of Washington: Mr. President, I am a bit confused. I move this be tabled until the next legislative day.

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

Thereupon, on motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending the motion by that same Senator that the Bill be Indefinitely Postponed.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby on Bill, "An Act Revising Laws Relating to Boilers and Unfired Steam Pressure Vessels," (H. P. 424) (L. D. 548), the Ought to Pass Report of the Committee was Accepted.

On further motion by the same Senator, the Bill was Recommitted to the Committee on Legal Affairs in concurrence.

The President laid before the Senate the matter retabled earlier in today's session on motion by Mr. Quinn of Penobscot, 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).

On motion by Mr. Logan of York, retabled and specially assigned for April 15, 1969, pending Acceptance of the Committee Report.

On motion by Mr. Hoffses of Knox, the Senate voted to take from the table the thirteenth tabled and unassigned matter:

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

Tabled—March 27, 1969 by Senator Hoffses of Knox.

Pending—Enactment.

Thereupon, this being an emergency measure and having received the affirmative votes of 31 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.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, adjourned until 9:30 tomorrow morning.