

# 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 22, 1969

Senate Called to Order by the President.

Prayer by the Rev. Mrs. Evelyn S. Grindle of Wayne.

Reading of the Journal of yesterday.

**Papers From the House**

**Non-concurrent Matter**

Bill, "An Act Revising the State Purchasing Law." (S. P. 253) (L. D. 793)

In the Senate April 15, 1969, Passed to be Engrossed In New Draft. (S. P. 430) (L. D. 1440)

Comes from the House, Recommended to the Committee on State Government in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

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

In the House March 20, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-104).

In the Senate April 17, 1969, Indefinitely Postponed in non-concurrence.

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

Mr. Quinn of Penobscot moved to Adhere.

On motion by Mr. Mills of Franklin, tabled and tomorrow assigned, pending the motion by Mr. Quinn of Penobscot to Adhere.

**Communications**

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine

April 18, 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 relating to the Sale of Fireworks" (H. P. 284) (L. D. 360) on which the House indefinitely postponed the Bill, and the Senate

passed it to be engrossed as amended by Senate Amendment "A" in non-concurrence.

Respectfully,  
S 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 18, 1969

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

The Governor of the State having returned to the House:

"An Act relating to Form and Arrangements of Ballots in General Elections" (H. P. 724) (L. D. 942) with his objections to the same, the House proceeded to vote on the question.

"Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; 68 members voted in the affirmative and 57 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,  
S BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

**Joint Resolution**

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

Mr. BERRY: Mr. President and Members of the Senate: I present a resolution and will speak briefly to it. Amongst the many members of the news corps, who have served in the State House, amongst the foremost of those who have earned our respect for their ability and fairness, is Bill Johnson of the Associated Press.

Bill is leaving soon to go to Vietnam. And with him, I know, go all our best wishes, and our fond hope that he will report back from there in the same clear and courageous manner that he's covered events here at Augusta.

## STATE OF MAINE

IN THE YEAR OF OUR LORD  
ONE THOUSAND NINE HUN-  
DRED AND SIXTY - NINE

WHEREAS, the dominant issue of our day is the endless struggle for freedom in Southeast Asia; and

WHEREAS, Willis G. Johnson, Jr., State House wire editor for the Associated Press, by choice is destined to continue his distinguished career in Vietnam, the center of such conflict; and

WHEREAS, his sensitive and gifted treatment of Maine affairs since May, 1966, have already well marked this courageous correspondent as a great credit to his profession; and

WHEREAS, it is deemed fitting and appropriate on the eve of his departure for the Legislature to recognize and pay tribute not only for his services as a journalist, but as a citizen of the world and a trusted friend; now, therefore, be it

RESOLVED: That the members of the Senate and House of Representatives of the 104th Legislature now assembled, extend to Press Representative Johnson their sincere thanks for a job well done and offer their heartiest good luck and Godspeed on his new assignment; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be prepared and presented to Mr. Johnson as a token of our esteem.

(S. P. 440)

Which was Read and Adopted.

Sent down forthwith for concurrence.

**Committee Reports**  
**House**

**Change of Reference**

The Committee on Natural Resources on Bill, "An Act Relating to Regional Planning Commission." (H. P. 828) (L. D. 1067)

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

Comes from the House, the Bill Substituted for the Report and the Bill subsequently referred to the Committee on State Government.

Which report was Read, and the Bill substituted for the report and subsequently referred to the Committee on State Government.

**Leave to Withdraw**

The Committee on Public Utilities on Bill, "An Act Relating to Valuation of Public Utility Property for Fixing Rates." (H. P. 240) (L. D. 295)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Authorizing the Governor to Designate a Municipal Official as Enrolling Officer for the Purpose of Enrolling the Militia." (H. P. 529) (L. D. 700)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on Bill, "An Act to Integrate Activities of the Probate Court into the Superior Court." (H. P. 992) (L. D. 1276)

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.

**Leave to Withdraw -**  
**Covered by Other Legislation**

The Committee on Taxation on Bill, "An Act Providing for a Tax on Soft Drinks." (H. P. 1127) (L. D. 1448)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report was Read.

On motion by Mr. Katz of Kennebec, tabled pending Acceptance of the Committee Report.

**Ought Not to Pass**

The Committee on Education on Bill, "An Act Relating to State Subsidy for School Superintendents." (H. P. 1025) (L. D. 1334)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Ought to Pass**

The Committee on Appropriations and Financial Affairs on Resolve, Authorizing a Study of the Operational Aspects of the Superior and Supreme Courts. (H. P. 404) (L. D. 515)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act Defining the Term Just Value for Purposes of Property Assessment." (H. P. 377) (L. D. 1120)

Reported that the same Ought to Pass.

(On motion by Mr. Barnes of Aroostook, tabled and specially assigned for April 25, 1969, pending Acceptance of the Committee Report.)

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

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

The Committee on Sea and Shore Fisheries on Bill, "An Act Relating to Taking Lobsters by Use of Otter or Beam Trawls." (H. P. 908) (L. D. 1169)

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-215).

The Committee on Public Utilities on Bill, "An Act Creating the Winterport Water District." (Emergency) (H. P. 1045) (L. D. 1373)

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-171).

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

**Ought to Pass In New Draft**

The Committee on Liquor Control on Bill, "An Act Relating to Mandatory Fines on Minors Who Purchase Liquor." (H. P. 903) (L. D. 1164)

Reported that the same Ought to Pass In New Draft and Under New Title. "An Act Relating to Mandatory Fines on Minors Who Violate Certain Liquor Laws." (H. P. 1135) (L. D. 1455)

Which report was Read.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I move that the bill and all of its accompanying papers be indefinitely postponed. And in support of the motion, I would like to bring the attention of the Senate to the document, L. D. 1455, which changes the present law in regard to the sale of liquor to minors, in regard to the penalty only. The present penalty for anyone selling liquor to someone under 21 years of age, is a fine of not more than \$50.

Now, apparently the committee in its wisdom has felt that the Courts need to be restricted in this area. Because they have — it is the endeavor of this bill to change the law from not more than \$50 — which of course gives the Judge an option, gives the Judge discretion, which we lawyers think he ought to have — up to \$50. This would change the law to say, to shackle him, and tie his hands, and say he must impose a penalty of not less than \$25 nor more than \$100 for the first offense; not less than \$50 nor more than \$100 for the second offense; and \$100 for the third and subsequent offenses.

Then it adds "such fines shall not be suspended." Well, this runs counter to the grain of most lawyers, I think. Because we feel that Judges are appointed to exercise discretion. And that when they're given a set of facts with a child, as these would be, under 21, before them, that there are many different circumstances involved. And no two cases are alike.

The situation in one case might not call for a fine at all. And the

situation in another case might call for severe handling. We think that when you shackle the Court, when you try to put them within brackets, and say that they must do so and so, that they must not suspend the fine, that you're displaying a lack of confidence in the Court.

I would ask the good Senator Berry, the Chairman of the Committee, if there's been an experience in this area that leads him and the rest of his good committee members to feel that we can't trust our Courts to have broad general discretion in an area like this. And why they need this law, why do they — why is it necessary to say to our Courts you may no longer exercise discretion, you must impose certain penalties?

Is there such a widespread abuse that it needs to be corrected by saying to the Courts, we no longer have confidence in you, and you must impose penalties which may not be suspended?

What are we doing to the liquor seller? After all, that's where many of us feel that the penalties ought to fall. We feel that the fellow that's got the license, and is promiscuously selling under the counter, and out of hours to minors, that he's the one that should be worked on.

And we understand that, in our limited experience in this area, that he's the one that gets an administrative hearing. He's the one that doesn't go to court. He goes down before an administrative tribunal that doesn't get a court record. He gets maybe a suspension of his license, if he's convicted, but he doesn't get a criminal fine.

But the youth, the minor, is hit over the head. And we're saying, in this Legislature, if we pass this law, that the Judge isn't going to have any discretion. I think we've got a lot of revolt of youth today, and a good deal of it is due to some of our very unreasonableness towards youth. I think that many of them can't see where the moral wrong is. I think many of them don't regard it as morally wrong and a breach of any great code of ethics if they happen to get hold of a can of beer and they hap-

pen to be 20 years old, whereas if they were 22 they would be perfectly free to do it under our code of ethics and the law that we've imposed upon them.

And I think, when we come along with laws like this, we tend to broaden the breach between us and the younger generation. I think we approach this matter of liquor and minors in an irrational way. And I think I've seen officers — I've seen groups of officers spend many, many hours trying to bring to book a minor who made an illegal purchase. I thought to myself, how much more good they would be doing if they were patrolling the highways and really performing their function. I think it gets to be a game of cops and robbers between many of the youth and many of our officers when they find so much attention placed upon curbing something which the youth themselves don't regard as too serious a matter—too serious a blot upon their escutcheon if they happen to transgress these rules that we've imposed.

But principally my objection to this law is that it displays a lack of faith, and a lack of confidence in our Judges. And for that reason — I haven't asked anyone what they thought about it in the Senate, but I appeal to the rest of the lawyers in the Senate for their support in this area, and the rest of you who may agree with that viewpoint.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that Item 6-11, Bill, "An Act Relating to Mandatory Fines on Minors Who Purchase Liquor" be indefinitely postponed. The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am extremely reluctant to engage in a little game of cops and robbers with a future Federal Attorney in the State of Maine. This is really thin ice for a neophyte to be treading.

However, the unanimous report of the Liquor Control Committee was not arrived at in a lighthearted vein. The responsibilities of our young people today, legally, may start at 21. But these halls have

echoed in the past three months to the statements that our young people are capable of assuming responsibility.

However, as the good Senator from Franklin has stated, you're breaking the law if you're 20 and you buy liquor. You're not fooling with it, as he possibly might have insinuated. It's just as serious if you buy it at 20 as if you buy it at 16.

Now, the normal fines passed out today by the Courts for misdemeanors of this type is \$20. And for the first time now, we're saying in order to curb this cops and robbers game the good Senator referred to, we're instituting a graduated fine system.

Now, this isn't going to pick up the fellow who is just by mistake making a purchase of liquor. This is after the young person who is making a game of it, and who is a repeater. And it is felt by the law enforcement people that this is going to be an important tool to curb this growing tendency.

There is no reason why the licensee should be put out of business — which is what happens to him when he is found guilty — and the young person who breaks the law gets away scot-free. Now they don't get away scot-free now, but we do want to make it more difficult for them to do it. The loss of the license is a very, very serious thing. It's far more important than to be able to go to court and appeal and postpone loss of license for say two years. Under our present administrative hearing procedure, the license is lifted immediately upon being found guilty. And that puts the licensee out of business. But the young person, unless he has a strong deterrent, the few that are doing this are going to keep it up.

Your committee feels that this is good legislation, asked by the law enforcement people. And I hope you will vote against the motion of my good friend, Senator Mills. I would request a division.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: As a Senator from Kennebec,

I must vote against the motion of the Senator from Franklin, Senator Mills. But on an equal basis, I will find it hard on the second reading to vote for the bill, unless it is amended to take out the last sentence. The last sentence is very, very clear. It says, "such fines shall not be suspended."

I have a feeling of humility that the Legislature should not attempt to impose its judgment all the time in an inflexible manner on the judiciary of the State. So I hope you will vote against the motion of Senator Mills this morning, but let's look forward hopefully to somebody amending this tomorrow.

The PRESIDENT: Is the Senate ready for the question: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS: May I address a question to the good Senator from Cumberland, Senator Berry, through the Chair, sir? That is, if I withdraw my motion, would you go along with an amendment that would be consistent with our Republican Floor Leader's current suggestion?

The PRESIDENT: The Senator from Franklin, Senator Mills, poses a question through the Chair. The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President, I certainly would give such an amendment very serious consideration.

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

Mr. MILLS: With that assurance, and faced with almost inevitable defeat, I withdraw my motion.

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

The Committee on Taxation on Bill, "An Act Relating to the Jet Fuel Tax." (H. P. 1054) (L. D. 1386)

Reported that the same Ought to Pass in New Draft. (H. P. 1136) (L. D. 1456)

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 Providing for the Observance of Certain Legal Holidays on Monday." (Emergency) (H. P. 699) (L. D. 899)

Reported that the same Ought to Pass in New Draft. (H. P. 1117) (L. D. 1436)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "D" (H-196).

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

#### Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Sunday Sale of Liquor If January 1st Falls on Sunday or Monday." (H. P. 775) (L. D. 1008)

Reported that the same Ought to Pass.

Signed:

Senators:

BERRY of Cumberland  
BOISVERT of Androscoggin  
CONLEY of Cumberland

Representatives:

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

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

Signed:

Representative:

HICHENS of Eliot

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

Which reports were Read.

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

#### Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Relating to Sale of Liquor Not to be Consumed on the Premises." (H. P. 826) (L. D. 1065)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-212).

Signed:

Senators:

BERRY of Cumberland  
BOISVERT of Androscoggin  
CONLEY of Cumberland

Representatives:

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

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

Signed:

Representative:

HICHENS of Eliot

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

Which reports were Read.

On motion by Mr. Conley of Cumberland, the Majority Ought to Pass, as Amended Report of the Committee was Accepted in non-concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted, and the Bill, as Amended, tomorrow assigned for Second Reading.

#### Senate

##### Leave to Withdraw

Mr. Letourneau for the Committee on State Government on Resolve Proposing an Amendment to the Constitution Reducing the Voting Age to Nineteen Years. (S. P. 33) (L. D. 91)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.



**Ought Not to Pass -  
Covered by Other Legislation**

Mr. Kellam for the Committee on Education on Bill, "An Act Relating to the Payment of Subsidy for the New Programs of Special Education for Handicapped Children." (S. P. 235) (L. D. 710)

Reported that the same Ought Not to Pass - Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

**Ought Not to Pass**

Mr. Logan for the Committee on Business Legislation on Bill, "An Act Establishing the Quality Rating of Gasoline." (S. P. 328) (L. D. 1208)

Reported that the same Ought Not to Pass.

Which report was Read.

(On motion by Mr. Bernard of Androscoggin, tabled and specially assigned for April 25, 1969, pending Acceptance of the Committee Report.)

Mr. Logan for the Committee on Business Legislation on Bill, "An Act Relating to Dealers in Antiques." (S. P. 393) (L. D. 1317)

Reported that the same Ought Not to Pass.

Which report was Read.

Thereupon, on motion by Mr. Logan of York, Recommitted to the Committee on Business Legislation.

Sent down for concurrence.

**Ought to Pass - As Amended**

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 120) (L. D. 382)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-86).

Mr. Moore for the Committee on Public Utilities on Bill, "An Act to Authorize the Portland Water District to Engage in Sewer Collection and Treatment to Protect the Purity of Sebago Lake." (S. P. 324) (L. D. 1086)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-85).

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

**Divided Report**

The Majority of the Committee on Education on Bill, "An Act Relating to Minimum School Year." (S. P. 344) (L. D. 1210)

Reported that the same Ought Not to Pass - Covered By Other Legislation.

Signed:

Senators:

KATZ of Kennebec

STUART of Cumberland

Representatives:

CUMMINGS of Newport

RICHARDSON of Stonington

ALLEN of Caribou

CHICK of Monmouth

MILLETT of Dixmont

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

Signed:

Senator:

KELLAM of Cumberland

Representatives:

KILROY of Cumberland

WAXMAN of Portland

Which reports were Read.

Mr. Katz of Kennebec moved Acceptance of the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Kellam of Cumberland, tabled and specially assigned for April 24, 1969, pending the Motion by Mr. Katz of Kennebec to Accept the Majority Ought Not to Pass Report of the Committee.

**Divided Report**

The Majority of the Committee on State Government on Resolve Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for his Duties and for Vacancies in the Office of Governor. (S. P. 325) (L. D. 1087)

Reported that the same Ought Not to Pass.

Signed:

Senators:

LETOURNEAU of York  
WYMAN of Washington

Representatives:

DENNETT of Kittery  
MARSTALLER of Freeport  
STARBIRD of Kingman  
DONAGHY of Lubec  
RIDEOUT of Manchester

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

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

WATSON of Bath  
D'ALFONSO of Portland

Which reports were Read.

On motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned, pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Providing for Sessions of the District Court for Central Hancock at Bucksport." (S. P. 69) (L. D. 190)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin  
QUINN of Penobscot

Representatives:

BERMAN of Houlton  
DANTON  
of Old Orchard Beach  
BRENNAN of Portland  
FOSTER of Mechanic Falls  
MORESHEAD of Augusta

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

Signed:

Senator:

VIOLETTE of Aroostook

Representatives:

HESELTON of Gardiner  
HEWES of Cape Elizabeth

Which reports were Read.

On motion by Mr. Anderson of Hancock, the Majority Ought to Pass Report of the Committee was read and Accepted, the Bill Read Once and tomorrow assigned for Second Reading.

#### Final Report

The Committee on Veterans and Military Affairs submitted its Final Report.

Which was Read and Accepted.  
Sent down for concurrence.

#### Joint Resolution

Out of Order and under suspension of the rules the Senate voted to take up the following Paper from the House.

#### STATE OF MAINE

#### IN MEMORIAM

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIXTY - NINE

WHEREAS, on April 18, 1969, the State of Maine lost a valued civil servant and faithful friend in the death of Raymond O. Gidney, Jr., of East Vassalboro; and

WHEREAS, he served honorably, faithfully and with a deep sense of dedication as reporter in both the Legislative and Judicial Branches of State Government; and

WHEREAS, through his unique ability and unrelenting drive the precise spoken word of nine Legislatures has been accurately recorded and preserved for posterity; and

WHEREAS, his untimely passing is a great and tragic loss to his family, his friends and the people of this State; now, therefore, be it

RESOLVED: That the members of the 104th Legislature now assembled tender their deepest sympathy to the bereaved family with assurances of sharing their personal loss; and be it further

RESOLVED: That in token of our lasting affection an engrossed copy of this Joint Resolution be immediately forwarded by the Secretary of State to Nora Ann MacDonald Gidney, wife of the deceased. (H. P. 1141)

Which was Read and Adopted in Concurrence.

#### Second Readers

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

#### House

Bill, "An Act Relating to Apportionment of Cost of Con-

struction of State Aid Bridges." (H. P. 1129) (L. D. 1451)

Bill, "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles," (H. P. 1131) (L. D. 1453)

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

#### House - As Amended

Bill "An Act Providing for Maintenance of Certain Roads in Baxter State Park." (H. P. 230) (L. D. 286)

Bill, "An Act to Remove the Prohibition Against Running Horse Racing During Certain Weeks in the Months of June and July." (H. P. 452) (L. D. 589)

Bill, "An Act Relating to Penalty for Sale of Diseased Horses." (H. P. 537) (L. D. 716)

Bill, "An Act Relating to Sick Leave for Teachers." (H. P. 759) (L. D. 979)

Bill, "An Act Relating to Agreements Between Municipalities and State Highway Commission in Laying Out Certain Highways." (H. P. 1029) (L. D. 1338)

Bill, "An Act Creating a Sewer District in the Town of Jackman." (Emergency) (H. P. 1095) (L. D. 1412)

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

#### Senate

Bill, "An Act Relating to Expert Witness Fees as Court Costs." (S. P. 103) (L. D. 312)

Bill, "An Act Relating to Settlement or Release of Claims in Personal Injury and Property Damage Actions." (S. P. 105) (L. D. 318)

Bill, "An Act Relating to Trial Costs" (S. P. 106) (L. D. 313)

Bill, "An Act Increasing the Number of Official Court Reporters." (S. P. 137) (L. D. 434)

Bill, "An Act Changing Name of State Council on Economic Education to Maine Council on Economic Education." (S. P. 419) (L. D. 1413)

Bill, "An Act Relating to Electrician's Licenses." (S. P. 438) (L. D. 1461)

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

Sent down for concurrence.

#### Senate - As Amended

Bill, "An Act to Amend the New England Higher Education Compact." (S. P. 237) (L. D. 711)

Bill, "An Act Providing Free Tuition at State Colleges for Students from Low Income Families." (S. P. 345) (L. D. 1211)

Which were 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 Revising the Laws Relating to the Practice of Dentistry. (S. P. 264) (L. D. 868)

An Act to Change the Name of Eastern Maine General Hospital to Eastern Maine Medical Center. (S. P. 361) (L. D. 1225)

An Act Relating to Compensation of Electricians Examining Board and Membership of Oil Burner-men's Licensing Board. (H. P. 505) (L. D. 676)

An Act Amending the Liability of Landowners Law. (H. P. 735) (L. D. 953)

An Act Establishing a Scenic Highway Board. (H. P. 837) (L. D. 1075)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

An Act Relating to Residence of Write - in Candidates on Ballots. (H. P. 889) (L. D. 1148)

An Act to Study Desirability of Extending Route 161 from St. Francis to Canada. (H. P. 928) (L. D. 1189)

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

#### Emergency

An Act Relating to the Camp Trip Leader's Permit Under Fish and Game Laws. (H. P. 814) (L. D. 1053)

This being an emergency measure and having received the affirmative votes of 30 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.

#### Orders of the Day

The President laid before the Senate the first 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 Committee and Board of School Directors." (H. P. 1088) (L. D. 1342)

Tabled — April 9, 1969 by Senator Mills of Franklin.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Read and Accepted in c o n c u r r e n c e, the Bill Read Once and tomorrow assigned for Second Reading.

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

An Act Relating to Trailers Being Securely Fastened. (H. P. 51) (L. D. 52)

Tabled — April 16, 1969 by Senator Barnes of Aroostook.

Pending — Motion by Senator Tanous of Penobscot to Indefinitely Postpone Bill.

On motion by Mr. Tanous of Penobscot, the motion was withdrawn.

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 third tabled and specially assigned matter:

Bill, "An Act Relating to Privately Owned Business, Trade and Technical Schools." (H. P. 1112) (L. D. 1432)

Tabled — April 16, 1969 by Senator Mills of Franklin.

Pending — Enactment.

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

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

Bill, "An Act Relating to The Requirements for a Board of Registration." (H. P. 1103) (L. D. 1421)

Tabled — April 17, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

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

Mr. BELIVEAU of Oxford: Would the Secretary kindly advise us of the status of this bill, please?

The SECRETARY: This bill comes from the House, the Ought to Pass in New Draft, under same title, report read and accepted. The bill in New Draft passed to be engrossed as amended by House Amendment A. In the Senate, April 16, read once, House Amendment "A" adopted, and today assigned for second reading.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BELIVEAU: Reviewing L. D. 1421, I focused on the amendment for the first time. And I believe the amendment would create some real mechanical problems if it were adopted. You will note that the amendment, which is filed under Number H-153, provides for the appointment of a member to the Board of Registration, shall be based upon the party having the majority of the enrollees in the respective city or town.

In my opinion, the enrollment, regardless of the party, whether it be Democrat or Republican, is not a true indication of the political feeling of a particular community. We have several communities in this state that are — that have Democratic majority, which vote Republican. Although, thank the good Lord, there aren't too many of these. That was an aside, and it wasn't directed to the merits of my argument. And the converse, of course, is equally true, that there are many communities in this state that have a Republican

majority which consistently vote Democratic.

I do not believe that the amendment accomplishes anything, because I believe that the test should be based upon the last gubernatorial or presidential vote. If we're going to make a determination as to the political feelings of a particular community it should be based upon some recorded test, so to speak. And this can best be done through the results of a gubernatorial election.

Now, therefore, Mr. President, I am going to move for the indefinite postponement of House Amendment "A".

The PRESIDENT: The Chair would inform the Senator that the Senate would have to reconsider its action whereby it adopted House Amendment A, under suspension of the rules.

Mr. BELIVEAU: I so move.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves, under suspension of the rules, that the Senate reconsider its action whereby it adopted House Amendment "A". Is it the pleasure of the Senate? The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: I ask for division.

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

Mr. BELIVEAU: Mr. President, and Members of the Senate: If someone would explain the reason behind this amendment for the Members of the Senate, I am particularly concerned, or would like to know why there is a need for this particular amendment. Maybe someone could clarify this for me.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford to suspend the rules and reconsider Adoption of House Amendment "A".

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

Bill, "An Act Requiring the Licensing of Sewage Treatment Operators." (S. P. 434) (L. D. 1452)

Tabled — April 17, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Thereupon, the Bill, as amended, was Passed to be Engrossed.

Sent down for concurrence.

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

HOUSE REPORT — Leave to Withdraw from the Committee on Taxation on Bill, "An Act Relating to Motor Fuel Tax on Fuels Sold to or Used by Jet and Turbo Jet Aircraft." (H. P. 645) (L. D. 833)

Tabled — April 18, 1969 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

Thereupon, the Senate voted to Accept the Leave to Withdraw Report of the Committee in concurrence.

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

HOUSE REPORT — Leave to Withdraw from the Committee on Taxation on Bill, "An Act Exempting Jet and Turbo Jet Fuels from the Sales and Use Tax." (H. P. 713) (L. D. 927)

Tabled — April 18, 1969 by Senator Sewall of Penobscot.

Pending — Acceptance of Report.

Thereupon, the Senate voted to Accept the Leave to Withdraw Report of the Committee in concurrence.

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

Bill, "An Act Relating to Election of Clerks of the Judicial Courts." (S. P. 254) (L. D. 791)

Tabled — April 18, 1969 by Senator Quinn of Penobscot.

Pending — Adoption of Senate Amendment "A" (S-83).

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

Mr. BERRY of Cumberland: Mr. President, if the motion is in order, I would move that this bill and

all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Legislative Document 791, Bill, "An Act Relating to Election of Clerks of the Judicial Courts," be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: I explained the reasons why I felt we should have this bill last week. I have them here before me. I could repeat them, but I don't propose to belabor this further. And I hope the Senate will reaffirm the position which it took last week in favor of this bill.

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

Mr. BERRY: Mr. President and Members of the Senate: When this matter came up before, I don't believe enough emphasis was placed on the fact that this is a real step backwards in our problems of County Government.

We are in a process, certainly, where we're trying to cut down on the County Government costs, where we're trying to simplify our County Government procedure. And two years ago we made real progress when we removed from politics this particular position.

It certainly is going really backwards to undo the good action that was done two years ago. I am very loathe to oppose a very good friend of mine who was in the Senate with me when this bill was passed, but I do feel that this is a real serious problem, and the appointment of the Clerks should be left where it is.

Everybody who had the job was protected under the grandfather provision. We're talking about efficiency in government. And I believe here is a very good place where we can stand up and be counted. I hope you support my motion which I can assure you is very sincerely made. And I would request a division.

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

Mr. WYMAN: Mr. President and Members of the Senate: I'm sorry that I'm drawn into this a bit

further, but if I understand the good Senator from Cumberland, he said that this is an economy measure.

Actually I can't see the economy in it. Because the Clerks of Courts have hired a lobbyist to lobby for them, they have a bill in to increase there — now that they're out from under the scrutiny of the voter, they have a bill in to increase their salary far beyond that approved by the County Commissioners, or the County delegations. And it just seems to me that these salaries are going up. They're disturbing other people in the courthouse. I can't see the economy in it.

And since they've formed an organization, and have a lobbyist, I would say that they're in a different kind of politics. And I hope you will oppose the motion of the good Senator from Cumberland.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I want to heartily concur with the position taken by the Senator from Washington. And I think it was a mistake in the last session that this right of election was ever taken away from us. I would certainly hope that this bill would be passed.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I rise this morning to support the good Senator from Cumberland, Senator Berry, on a motion to indefinitely postpone this L.D. I think that many of us, particularly those of us who are associated with the political life, running for offices, and being elected, know what it is to get out and stump the trail.

And after the election is over we're all happy to recognize the fact that we'd like to see Democrats elected. And I suppose Republicans are happy to see Republicans elected. But I think as far as this one particular item is concerned, I think we're mostly interested in seeing the best quali-

fied individuals serving in a post such as the Clerk of Courts.

And I respectfully look upon the Clerk of Courts in Cumberland County, because I realize certainly the tremendous amount of business that is taking place there daily. And I feel that we need the most competent people serving in that position.

I feel that if we put this back into the electoral field that we could very well end up getting someone who would not be, or perhaps unfortunate enough not to have the real type of professional person that we would like there.

I think that many times both parties have been guilty of so-called filling the ticket in a June primary, for the particular reason of having a completed ticket. And I know that times have gone by where both parties have ended up, after the November elections have come and gone, to find that we have put somebody in office that maybe we probably would like to wish someone else had been nominated prior to that point.

So I think that the Chief Justice of the Maine Supreme Court is in a position of filling these vacancies as they occur. That there is no need or fear that the Court system of the State of Maine would be greatly rewarded by having the best professional persons to fill that vacancy.

So I hope this bill is indefinitely postponed.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I dislike standing here this morning to oppose my good friend Senator Wyman on this matter. But as an attorney, I see no choice but to speak on this issue.

We have in our Clerk of Courts offices throughout the State many other people to consider, other than the Clerk of Courts themselves. We have other people employed in those departments, and in those offices. I feel frankly that if we return to the election system for the Clerk of Courts, we are going to defeat the purpose of these other

people working there, and looking for advancement.

We're defeating the purpose of merit. There are many of these people in my opinion that work there with anticipation of perhaps getting ahead in life. And if we're going to deny them the opportunity to perhaps some day to be appointed to the position of Clerk of Courts, or Deputy Clerk of Courts, then frankly I feel we're doing away with the merit system. And all of you are familiar that we have just gone to this system in our Postal Department. And I think that we should take this into consideration, where merit is involved.

I am changing my position, and I am certainly going to vote to return to the appointment system under our Clerk of Courts. Thank you.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I go along with the opinion of Mr. Wyman. I feel that we don't want to take away the rights from the people to choose whoever they want to to represent them as the Clerk of Courts, or State Senator. If you're going to start with one, we keep going. I feel that this body is a very good body. In some years come, somebody will say, why don't we give the Governor a chance to take and appoint him.

And where I lived in Poland, the Senate of Poland, half of them was elected, and half of them was appointed by the President. And it was a very bad situation there. And I feel that we should give the people their rights to elect whoever they want to.

We have a very good Chief Justice now. But who knows that some day we might be faced with a Chief Justice that might not use the right judgment. And I feel that a majority of people, if they elect somebody, they usually choose the best man. Thank you, sir.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion before the Senate, the motion of the Senator from Cumberland, Senator Berry, Legislative Document 791,

Bill, "An Act Relating to Election of Clerks of the Judicial Courts", be indefinitely postponed. A Division has been requested. As many as are in favor of the motion to indefinitely postpone will rise and remain standing until counted. Those opposed will rise and remain until counted.

A division was had. Eight Senators having voted in the affirmative, and twenty - two Senators having voted in the negative, the motion to Indefinitely Postpone the Bill did not prevail. Thereupon, Senate Amendment "A" was adopted.

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

Mr. BERNARD of Androscoggin: I move that this item be tabled until Friday, the 25th.

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

Mr. WYMAN of Washington: I request a division on the motion.

The PRESIDENT: The Senator from Washington, Senator Wyman, has requested a division. As many as are in favor of the motion to table until Friday, April 25th, will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and twenty - four Senators having voted in the negative, the motion to table did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of L.D. 526, "An Act Relating to Biennial Elections of Penobscot Indians?"

The PRESIDENT: The Chair informs the Senator that the Senate is in possession of that paper, having been held at the request of the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move that the Senate reconsider its action whereby it Receded and Concurred with the House.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby on Legislative Document 526, "An Act Relating to Biennial Elections of Penobscot Indians" the Senate Receded and concurred with the House.

The motion prevailed.

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

Thereupon, on Motion by Mr. Katz of Kennebec, tabled and specially assigned for Friday, April 25, 1969, pending Consideration.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, adjourned until 10 o'clock tomorrow morning.