

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

Wednesday, April 23, 1969

Senate called to order by the President.

Prayer by the Rev. Arthur G. Christopher of Augusta.

Reading of the Journal of yesterday.

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

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

In the Senate April 11, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-200) and House Amendment "B" (H-224) in non-concurrence.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would like to speak briefly about this bill. It came before my committee. It was discussed in the House yesterday and, although I have the feeling that most everyone knows what this is all about, it seems that many in the House did not, so I would just like to take a minute to explain what this is all about.

This is a Georgia based outfit that seems to have a lot of money, moving into Maine and desiring to take over a lion's share of the eyeglasses business. They want to advertise in newspapers, radio and television, and they are doing this now. They tell you to come and buy your glasses where the smart set do. Their game is to lure you in with their advertising and then send you to their optometrist and he will send you back with a prescription for glasses.

Now, this company has hired a battery of lobbyists to defeat this bill. The bill will prohibit advertising in this health profession. Now, these lobbyists are almost too much for a new legislator like me to cope with. One of them said the other night that this just isn't a health problem. But it is a health problem. The need is not to get

more glasses on people's noses, but to get more people examined and make the right diagnosis. The need is to provide glasses for those that need glasses, and not to sell glasses to those that don't need them. The need is also to examine for glaucoma, which is a serious eye disease and can lead to blindness. Now, I don't think this company's optometrists are going to examine for glaucoma — at least in their TV ads they don't say so. I don't think they are more apt to send a patient home and tell him to do eye muscle exercises, telling them that they don't really need glasses. This is big business with them and they are in it to sell glasses. So, it really is a health problem.

If some of you will go to Portland and look at their headquarters on Congress Street you will know what I am talking about. They have a large headquarters with neon signs, and their optometrist right adjoining them. This is big business, and I am not against big business per se, but I don't think it should enter the health profession. We don't need big business to tell the consumer they need more surgery, more dentures or more eyeglasses. If big business wants to use their money to tell the public how to avoid surgery, dentures and eyeglasses, then I am all for it, and this they should do, but of course they won't because there is no money in it.

My main point is that the public does not need more glasses; they probably need less. This company wants to make wearing eyeglasses so appealing that everyone will want to run in and buy them whether they need them or not. I don't know how many of you have seen their TV commercials, but they are very attractive. If they succeed with their advertising, then conceivably the price could come down a little, but is the common good served when some people are fitted unnecessarily in order to lower the cost for others? Should we extract all the teeth of the people in the community just to lower the price of dentures?

This is legislation that we need to protect the public, and it won't be easy. The lobbyists are working hard to defeat it, and I think we ought to prove to Maine citizens that this Legislature can protect them and that the big money cannot always win everything they want. So, I move that the Senate recede from its former action whereby this bill was passed to be engrossed.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, moves that the Senate recede from its former action whereby this bill, "An Act Relating to Solicitation of Eye Services and Appliances," was passed to be engrossed. Is this the pleasure of the Senate?

The motion prevailed.

The same Senator then moved that House Amendment "A" be adopted.

House Amendment "A", Filing No. H-200, was Read and Adopted in concurrence.

On further motion by the same Senator, House Amendment "B" was Indefinitely Postponed and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Non-concurrent Matter

Resolve, Permitting Ice Fishing on Second Chase Lake, Aroostook County. (S. P. 296) (L. D. 1001)

In the Senate April 16, 1969, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-76), in non-concurrence.

On motion by Mr. Barnes of Aroostook, the Senate voted to Adhere.

Joint Order

WHEREAS, modern society is dependent upon efficient communication and modern communication rests largely in the hands of our office secretaries; and

WHEREAS, the secretary has become more and more a key person in the operation of an office and has come to be depended upon not merely for a high level of technical skills in the operation of

complex machines and in taking of shorthand, but also has been given responsibility for countless details; and

WHEREAS, the important role that secretaries play in the economic and governmental life of America has been recognized by establishing the last week in April as secretaries week; and

WHEREAS, the Governor of the State of Maine, Kenneth M. Curtis, has proclaimed the period from April 21st through April 25th as SECRETARIES WEEK and Wednesday, April 23, 1969, a SECRETARIES DAY in the State of Maine and has urged that the citizens of Maine pay tribute to the secretaries of our State, and to their constant improvement of the secretarial profession which has made it truly a silent partner in American business; now, therefore, be it

ORDERED, that the Senate concurring, that the Maine State Legislature recognize and pay tribute to secretaries everywhere and to the more than 24,500 members of the National Secretaries Association, the largest professional women's association, with chapters throughout the United States and Canada, and affiliate chapters in 11 foreign countries. (H. P. 1142)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Communications

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

April 22, 1969

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

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

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

Messrs. MORESHEAD of Augusta
BERMAN of Houlton
BRENNAN of Portland
Respectfully,
S/BERTHA W. JOHNSON
Clerk of the House
Which was Read and Ordered
Placed on File.

**Committee Reports
House**

Change of Reference

The Committee on State Government on Bill, "An Act to Establish a State Department of Family Relations." (H. P. 1051) (L. D. 1382)

Reported that the same be referred to the Committee on Judiciary.

Comes from the House, the Bill substituted for the Report and subsequently referred to the Committee on Legal Affairs.

Which report was Read, the Bill Substituted for the Report and subsequently referred to the Committee on Legal Affairs in concurrence.

Ought Not to Pass

The Committee on Education on Bill, "An Act Relating to Conveyance of Secondary Pupils." (H. P. 426) (L. D. 550)

Reported that the same Ought Not to Pass.

The Committee on Business Legislation on Bill, "An Act to Permit Nonstock Corporations to Engage in Consumer Credit Counseling." (H. P. 799) (L. D. 1039)

Reported that the same Ought Not to Pass.

The Committee on Education on Bill, "An Act Relating to Interest on Ministerial and School Funds." (H. P. 982) (L. D. 1266)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Education on Bill, "An Act to Create A School Administrative District in the Town of Jay." (H. P. 428) (L. D. 552)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill Substituted for the Report and the Bill subsequently Indefinitely Postponed.

Which report was Read and Accepted.

Ought to Pass

The Committee on Public Utilities on Bill, "An Act Creating the Harrison Water District." (Emergency) (H. P. 867) (L. D. 1109)

Reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Increasing Certain Fees for the Secretary of State's Office." (H. P. 910) (L. D. 1171)

Reported that the same Ought to Pass.

The Committee on State Government on Resolve, Changing the Name of Mud Pond in Oxford County to Twilight Pond. (H. P. 968) (L. D. 1250)

Reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Setting off a Portion of the Town of Perry to the State of Maine for the Pleasant Point Reservation." (H. P. 1058) (L. D. 1389)

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

Ought to Pass - As Amended

The Committee on Public Utilities on Bill, "An Act Increasing Borrowing Capacity of Waldoboro Sewer District." (Emergency) (H. P. 535) (L. D. 706)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-209).

The Committee on Judiciary on Bill, "An Act to Give the Commissioner of Veterans Services Power to Acquire Land by Eminent

Domain." (Emergency) (H. P. 634) (L. D. 822)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-206).

The Committee on Education on Bill, "An Act Concerning the Training of Barbers." (H. P. 661) (L. D. 848)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-205).

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

The Committee on Public Utilities on Bill, "An Act to Expand the Purposes of the Portland Water District to Authorize it to Engage in Treatment and Disposal of Sewage." (Emergency) (H. P. 705) (L. D. 919)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-210).

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Reappropriate Balance of Appropriation for Vocational Building at the Men's Correctional Center." (Emergency) (H. P. 795) (L. D. 1036)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-204).

The Committee on Natural Resources on Bill, "An Act Providing for State Contribution to the Cooperative Soil Survey." (H. P. 904) (L. D. 1165)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-207).

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

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

The Committee on Business Legislation on Bill, "An Act Relating to Guarantees by Corporations." (H. P. 592) (L. D. 773)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-185).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-185) as Amended by House Amendment "A" (H-226) thereto.

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

Ought to Pass In New Draft

The Committee on State Government on Bill, "An Act Relating to Approval of Appointment of Assistant County Attorney for Hancock County." (Emergency) (H. P. 197) (L. D. 244)

Reported that the same Ought to Pass In New Draft With New Title. "An Act relating to Approval of Appointment of Assistant County Attorneys for Hancock and Washington Counties." (H. P. 1137) (L. D. 1459).

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

Which report was Read.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: At the conclusion of my remarks I would invite someone to please place this on the table, because I want to criticize a section of the bill and suggest possibly that the committee might be agreeable to a change in it.

Certainly there would be no objections to increasing the appropriation for Hancock and Washington Counties and to give them assistance in the prosecution of cases, but the thing that is distasteful to me, and I think it

will be perhaps to some of you, upon reflection, is the provision, which is not new here, but which has been in bills in the past, and which was struck down to some extent two years ago, and that is the provision that the appointment of an assistant county attorney be approved by any justice of the court, by a justice of the court who may be resident in the county, if there is one and, if not, by the Chief Justice of the Supreme Judicial Court. The reason is that the county attorney for the county ought to have control over his assistant. If I am county attorney in Hancock County, I want that man working for me and I want him to be doing my work in court, and I want him answerable to me. It jars on my sense of constitutionality to say that some judge is going to have the approval of that appointment, because that is another branch of government, the judicial branch, and I don't think that you want your prosecutors to be satisfactory and pleasing to the judges. It is nice if they happen to be, but they shouldn't be amenable to them and they shouldn't be in any way appointed by them. They should be in the executive branch of the government, they should be prosecuting in court, and they shouldn't be beholden to the judge, because the judge may have definite ideas that prosecution shouldn't necessarily follow. He certainly should be independent in his actions.

If this county attorney's assistant has to look for his approval to the court with whom he has to differ right along in points of law, then he isn't going to be able to differ as efficiently as he ought to be able to.

I know two years ago we had some bills like this, and we took out those provisions that are not new at this time, and have been carried on because for some unknown reason they got into the statutes that justices should approve of these appointments of assistant county attorneys, and we took them out to some extent. I would hope that the State Government Committee might be willing

to do that here, and I would ask for somebody to put this bill on the table and perhaps talk it over with them. Thank you.

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

Thereupon, on motion by Mr. Anderson of Hancock, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

The Committee on Labor on Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law." (H. P. 95) (L. D. 104)

Reported that the same Ought to Pass in New Draft. (H. P. 1115) (L. D. 1434).

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-181).

Which report was Read.

Mr. Tanous of Penobscot moved Indefinite Postponement of the Bill and all Accompanying Papers.

Thereupon, on motion by Mr. Barnes of Aroostook, tabled and specially assigned for April 30, pending the motion by Mr. Tanous of Penobscot to Indefinitely Postpone the Bill and Accompanying Papers.

Divided Report

The Majority of the Committee on Education on Bill, "An Act Relating to School Attendance of Pupils Over Sixteen Years of Age." (H. P. 985) (L. D. 1269)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-194).

Signed:

Senators:

STUART of Cumberland
KELLAM of Cumberland

Representatives:

CHICK of Monmouth
WAXMAN of Portland
CUMMINGS of Newport
MILLETT of Dixmont

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

Signed:

Senator:

KATZ of Kennebec

Representatives:

RICHARDSON of Stonington

KILROY of Portland

ALLEN of Caribou

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-194) and House Amendment "A" (H-201).

Which reports were Read.

Mr. Stuart of Cumberland moved Acceptance of the Majority Ought to Pass as Amended Report of the Committee.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I do not arise to oppose this motion, but to point out the fact that we are not solving a problem; we are sweeping it under the rug. There is no question but that present education in Maine is not serving the needs of many youngsters who are emotionally disturbed or who are slow learners, or who are just not getting anything out of what we are offering.

This bill, instead of attempting to offer them something to retain their interest, is sweeping it under the rug and saying "Let's throw them out." I will not oppose the motion, however.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

Thereupon, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once.

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

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to the Wear-

ing of Fluorescent Clothing When Hunting." (H. P. 61) (L. D. 63)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-211).

Signed:

Senators:

HOFFSES of Knox

ANDERSON of Hancock

MARTIN of Piscataquis

Representatives:

LEWIN of Augusta

THOMPSON of Belfast

PORTER of Lincoln

BOURGAIN of Fort Kent

KELLEY of Southport

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

Signed:

Representative:

ROCHELEAU of Auburn

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-211).

Which reports were Read.

On motion by Mr. Hoffses of Knox, the Majority Ought to Pass as Amended Report of the Committee was Accepted in concurrence and the Bill Read Once.

Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Repealing the City Manager Provisions in the Charter of the City of Hallowell." (H. P. 964) (L. D. 1244)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot

CONLEY of Cumberland

Representatives:

NORRIS of Brewer

CUSHING of Bucksport

WHEELER of Portland

BAKER of Orrington

SHAW of Chelsea

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

Signed:
Senator:
KELLAM of Cumberland
Representatives:
COX of Bangor
COTE of Lewiston

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

Which reports were Read.
On motion by Mr. Conley of Cumberland, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Divided Report

The Majority of the Committee on Claims on Resolve, to Reimburse Elmer L. Rogers of Berwick for Well Damage by Highway Construction. (H. P. 719) (L. D. 937)

Reported that the same Ought Not to Pass.

Signed:
Senators:
GORDON of Cumberland
QUINN of Penobscot
Representatives:
CURTIS of Bowdoinham
LINCOLN of Bethel
MORGAN of

South Portland
QUIMBY of Cambridge
MARQUIS of Lewiston
SHELTRA of Biddeford

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

Signed:
Senator:
LOGAN of York
Representative:
CROTEAU of Brunswick

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

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

Divided Report

Five members of the Committee on Education on Bill, "An Act Requiring Childhood Education Programs for Five - year Olds." (H. P. 377) (L. D. 486)

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

Signed:
Senators:
KATZ of Kennebec
STUART of Cumberland
KELLAM of Cumberland

Representatives:
MILLET of Dixmont
WAXMAN of Portland

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

Signed:
Representatives:
KILROY of Portland
RICHARDSON of Stonington
ALLEN of Caribou
CHICK of Monmouth
CUMMINGS of Newport

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

Which reports were Read.
Mr. Katz of Kennebec moved acceptance of Report "A", Ought to Pass, of the Committee.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I just looked up this bill and I assume what this is is the sub - primary, requiring all towns to have one. I must say that the Town of Woolwich does not have a sub - primary. I vote against it each year, and my wife votes for it. I am going to be consistent here in the Senate. I think the House used considerable wisdom in indefinitely postponing it.

I know there are many arguments for it, but I feel, myself, especially in rural areas, these youngsters are pretty young to be transported all over creation to try to get there for half a day. I also go back maybe a little further to a basic philosophy in which I feel, generally speaking, we as parents are more and more passing off our own failures to that of the school department. My youngsters have not gone and had the benefit of the sub - primary and I basically can't see where it has hurt them. In fact, I feel that in many instances it helped. I feel that this is an option that should be left up to the individual towns and,

therefore, I would request a division on this motion so I will have the opportunity to vote against it.

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

Mr. KATZ: Mr. President and Members of the Senate: There is only one possible basis that a community decides not to operate a kindergarten, and that is dollars and cents. There is only one possible basis for making the opportunity for kindergarten available to the remaining ten per cent who do not presently have it in the State of Maine, and the only possible motivation is to give them an equal opportunity for a quality education.

You see before you speaking now a man who went to kindergarten for two years. I got off to a slow start. And I want you to know that I consider kindergarten absolutely essential in education. Actually the whole trend of education, substantially from what we have learned in the Head Start Program, is that the earlier the youngster gets an opportunity to get together in a social group and start his education the better it is from an educational point of view. I hope that in the division you support the motion to accept Report "A".

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Kennebec, Senator Katz, that Report "A", Ought to Pass, of the Committee be accepted will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Thereupon, the Ought Not to Pass Report "B" of the Committee was Accepted in concurrence.

Divided Report

Five members of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for the

Appointment of the Secretary of State by the Governor. (H. P. 357) (L. D. 465)

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

Signed:

Senators:

LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

WATSON of Bath
STARBIRD of Kingman
D'ALFONSO of Portland

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

Signed:

Senator:

WYMAN of Washington

Representatives:

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

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

Which reports were Read.

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

(See action later in today's session.)

Senate

Referred to the 105th Legislature

Mr. Gordon for the Committee on Transportation on Bill, "An Act to Encourage and Assist the Expansion of Scheduled 'Third-Level' Air Carrier Operations Serving the State of Maine." (S. P. 326) (L. D. 1088)

Reported that the same be referred to the 105th Legislature.

Which report was Read and Accepted.

Sent down for concurrence.

Change of Reference

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars for Reconstruct Route 6." (S. P. 358) (L. D. 1222)

Reported that the same be Referred to the Committee on Highways.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Berry for the Committee on Liquor Control on Bill, "An Act Repealing Right of Appeal from Decisions of Administrative Hearing Commissioner to the State Liquor Commission." (S. P. 149) (L. D. 430)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-87).

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.

Ought to Pass in New Draft

Mr. Boisvert for the Committee on Liquor Control on Bill, "An Act Relating to Peddling Under Liquor Laws." (S. P. 289) (L. D. 931)

Reported that the same Ought to Pass In New Draft and Under New Title: "An Act Relating to Distribution of Malt Liquor." (S. P. 441) (L. D. 1464)

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

Second Readers

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

House

Resolve, Authorizing a Study of the Operational Aspects of the Superior and Supreme Courts. (H. P. 404) (L. D. 515)

Bill, "An Act Relating to Sunday Sale of Liquor if January 1st Falls on Sunday or Monday." (H. P. 775) (L. D. 1008)

Bill, "An Act Relating to Mandatory Fines on Minors Who Violate Certain Liquor Laws." (H. P. 1135) (L. D. 1455)

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

Bill, "An Act Relating to the Jet Fuel Tax." (H. P. 1136) (L. D. 1456)

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

On Bill, "An Act Relating to Mandatory Fines on Minors Who Violate Certain Liquor Laws" (H. P. 1135) (L. D. 1455), previously set aside at the request of Mr. Berry of Cumberland, the same Senator then presented Senate Amendment B and moved its adoption.

Senate Amendment "B", Filing No. S-93, was Read.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I don't have the bill in front of me. I wonder if through the Chair I could ask to have an explanation of this amendment?

The PRESIDENT: The Senator from Kennebec, Senator Katz, poses a question through the Chair which may be answered by any Senator who so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This amendment strikes out the mandatory minimum time for the first violation as was discussed in our debate yesterday.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As I understand the objections that were raised yesterday, it appeared that this bill, particularly in the last sentence of L.D. 1455, states that such fines shall not be suspended. Now, as I understand this from reading the amendment, and maybe I am reading it erroneously, that language remains in the bill, and it merely replaces "fifty dollars" with "twenty - five dollars". As far as permitting the judge to make his own determination of whether or not the fine should be suspended, apparently

this language remains in the bill and it prevents the court from suspending a fine if it feels that it should. I would like to know whether my interpretation is correct, that the last sentence remains in the bill as it is, as we read it, in 1455?

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

Mr. BERRY of Cumberland: Mr. President, my recollection of the principal objections by the good Senator from Franklin, and I note that he is not present now, yesterday were that the judges should have the determination whether there should be a minimum mandatory fine. In other words, if the judge felt that for the first offense there are extenuating circumstances, the young person could be found guilty, but the judge wanted to have the right not to levy a minimum fine. I said that I would give this request very, very serious consideration as an amendment, which I have done.

I do not recall that there was at least major objection to the mandatory part of the fine. I feel that we have gone a major part of the distance in removing the ceiling on the first offense. Now, we are concerned here with a serious juvenile drinking problem. I think the bill as it stands is a fair bill and does give the courts reasonable discretion as requested by the good Senator.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Adoption of Senate Amendment "B".

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

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Relating to Taking Lobsters by Use of Otter or Beam Trawls." (H. P. 908) (L. D. 1169)

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

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

Which was Read a Second Time.

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

Senate Amendment "A", Filing No. S-91, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non - concurrence.

Sent down for concurrence.

Bill, "An Act Providing for the Observance of Certain Legal Holidays on Monday." (Emergency) (H. P. 1117) (L. D. 1436)

Which was Read a Second Time.

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

Mr. TANOUS of Penobscot: Mr. President, I offer Senate Amendment "A" and move its adoption. I realize that my pet bill on fire-crackers was defeated, it was given its demise, and I want to mention to you that I am not trying to do away with the Fourth of July, even though my bill was defeated. It is an amendment which provides for certain technicalities which were omitted originally.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-88, was Read and Adopted.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed as amended in non - concurrence and sent down for concurrence?

The Chair recognizes the Senator from York, Senator Logan.

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

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

Which was Read a Second Time.

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its action of yesterday whereby Committee Amendment "A" was adopted.

On further motion by the same Senator, Committee Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "A", Filing No. S-90, was Read.

Thereupon, on motion by Mr. Quinn of Penobscot, tabled and specially assigned for May 2, 1969, pending Adoption of Senate Amendment "A".

Senate

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

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

Sent down for concurrence.

Senate - As Amended

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)

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)

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 Relating to Expenses of State Liquor Commission. (S. P. 152) (L. D. 433)

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

An Act Revising the Form of New Bonds and the Procedure for Cremation of Old Bonds. (S. P. 362) (L. D. 1226)

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

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

An Act Relating to Secondary School Tuition. (H. P. 373) (L. D. 482)

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

An Act to Improve the Management of the Indian Township Forest Resources and Passamaquoddy Trust Funds. (H. P. 394) (L. D. 504)

An Act Increasing Tax on Milk Producers for Promotional Purposes. (H. P. 401) (L. D. 512)

An Act Relating to Safety Devices for Railroad Utilities. (H. P. 440) (L. D. 564)

(On motion by Mr. Gordon of Cumberland, tabled and tomorrow assigned, pending Enactment.)

An Act Increasing and Relating to Disposition of Fees Payable to Maine Milk Commission. (H. P. 503) (L. D. 674)

An Act Relating to Appropriating Money by Municipalities for Ambulance Service. (H. P. 534) (L. D. 705)

An Act Relating to Taking Possession of Animals Unlawfully Detained. (H. P. 538) (L. D. 717)

An Act Relating to Political Committees and Political Advertising. (H. P. 684) (L. D. 883)

An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee. (H. P. 1119) (L. D. 1439)

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 30, 1969, pending Enactment.)

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

Resolve, in Favor of Rodrigue J. Albert, M.D. of Fort Kent and Peoples Benevolent Hospital of Fort Kent. (H. P. 456) (L. D. 593)

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

Resolve, Authorizing Forest Commissioner to Convey Certain State Lots in Franklin County. (H. P. 945) (L. D. 1206)

Which was Finally Passed 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 Highways on Bill, "An Act Relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike." (H. P. 371) (L. D. 511)

Tabled — April 15, 1969 by Senator Duquette of York.

Pending — Acceptance of Report.

On motion by Mr. Letourneau of York, retabled and specially assigned for April 30, 1969, pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass from the Committee on Legal Affairs on Bill, "An Act Amending the Charter of Portland Relating to Title of Chairman of the City Council." (H. P. 998) (L. D. 1300)

Tabled — April 15, 1969 by Senator Conley of Cumberland.

Pending — Acceptance of Report.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for May 1, 1969, pending Acceptance of the Committee Report.

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

HOUSE REPORTS — from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Moose" (H. P. 728) (L. D. 946) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 16, 1969 by Senator Martin of Piscataquis.

Pending — Acceptance of Either Report.

On motion by Mr. Martin of Piscataquis, retabled and specially assigned for April 25, 1969, pending Acceptance of Either Report.

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

Bill, "An Act Relating to Outdoor Advertising." (H. P. 670) (L. D. 861)

Tabled — April 16, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (H. P. 603) (L. D. 784)

Tabled — April 16, 1969 by Senator Beliveau of Oxford.

Pending — Enactment.

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

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

HOUSE REPORT — Ought to Pass in New Draft Under Same Title (H. P. 1106) (L. D. 1423) from the Committee on Public Utilities on Bill, "An Act to Regulate Sewer Utilities." (H. P. 481) (L. D. 635)

Tabled — April 17, 1969 by Senator Letourneau of York.

Pending — Acceptance of Report.

On motion by Mr. Letourneau of York, retabled and specially assigned for April 25, 1969, pending Acceptance of the Committee Report.

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

Bill, "An Act to Authorize the Commissioner of Sea and Shore Fisheries and the Commissioner of Inland Fisheries and Game to Manage Alewife Fishing Where No Rights Have Been Granted to

Others or Where Municipalities Fail to Act." (S. P. 277) (L. D. 872)

Tabled — April 17, 1969 by Senator Logan of York.

Pending — Passage to be Engrossed.

On motion by Mr. Logan of York, retabled and specially assigned for April 25, 1969, pending Passage to be Engrossed.

The President laid before the Senate the eighth 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 17, 1969 by Senator Anderson of Hancock.

Pending — Motion by Senator Conley of Cumberland to Substitute Bill for the Report.

On motion by Mr. Wyman of Washington, retabled and specially assigned for April 30, 1969, pending the motion by Mr. Conley of Cumberland to Substitute the Bill for the Report.

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

RESOLVE, Relating to Fishing in First Chase Lake, Aroostook County. (H. P. 892) (L. D. 1151)

Tabled — April 18, 1969 by Senator Barnes of Aroostook.

Pending — Passage to be Engrossed.

Thereupon, the Resolve as Amended, was Passed to be Engrossed in concurrence.

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

Bill, "An Act Relating to a Maine - New Hampshire Interstate School Compact." (S. P. 387) (L. D. 1378)

Tabled — April 18, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. KATZ of Kennebec: Mr. President, I can't table this without

a sense of embarrassment, but the fact is the State Department is negotiating with New Hampshire and we are not ready to pass this bill yet. I certainly hope that somebody would table it until next Wednesday.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and specially assigned for April 30, 1969, pending Passage to be Engrossed.

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

RESOLVE, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 12) (L. D. 12)

Tabled — April 18, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Berry of Cumberland to Reconsider Indefinite Postponement.

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

Mr. BERRY of Cumberland: Mr. President, I am very happy to advise you, sir, that I am not going to table this article.

Mr. President and Members of the Senate: This proposal was the first one filed at the current session of the 104th Legislature to deal with the problem of lowering the voting age. I do hope that pride of authorship or the political affiliation of any of the several people who have concerned themselves with this problem is not going to be an issue in this matter. I personally feel that the merits of the bill itself are what are at take and whether it is a Republican that signs it or a Democrat that signs it is immaterial. This is the bill that should be worked on to handle this problem of whether the voting age be 18, 19, or 20, with or without adult rights. I believe that we would be in unity of purpose if we were to reconsider our action and pass this bill to be engrossed and work on this one and the solution of this very important problem.

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

Mr. KATZ of Kennebec: Mr. President, I hope that this Legislature comes out with some change in the voting age for young people. There is presently one more Constitutional Amendment, I understand, within the Committee on State Government, and I would hope that the one they have in State Government can be used as a vehicle to reflect all the debate as they have heard it all session long. On that basis I would oppose the motion to reconsider our action on this particular bill.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: To repeat what the good Senator from Cumberland has stated, I think it is imperative that we keep this bill alive so that when we have all three or four documents before us we can then make a valued judgment, and determine which one has a practical chance of passage. We have all listened to the debate on this. We know the merits of this and I think the great majority of us here believe the voting age should be reduced to a certain age. Now, whether it is 18, 19, or 20, that is something that will be determined at a later date.

We all believe that the 18, 19, or 20 year - old should have a real voice in the problems and decisions that are affecting us. This can only be done by reducing the voting age. Now, I think it is imperative that we reconsider the indefinite postponement of the bill so that later in the session we can make a final determination at that time as to which bill we want to support. So I urge you all to support the pending motion to reconsider indefinite postponement.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I would still like to see this bill indefinitely postponed. We have other measures coming, we have

an eighteen - year - old bill in the House and they amended it to nineteen years old. It can be amended down, the House is waiting for us to move, and I certainly hope the Senate will not go along with the motion of the Senator from Cumberland, Senator Berry.

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

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

The PRESIDENT: The Senator from Cumberland, Senator Berry, requests a division. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate indefinitely postponed Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years.

As many as are in favor of the motion of the Senator from Cumberland, Senator Berry, to reconsider its action will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Bill, "An Act Requiring Immunization of Dogs Against Rabies." (S. P. 433) (L. D. 1450)

Tabled — April 18, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Wyman of Washington to Reconsider Engrossment.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending the motion by Mr. Wyman of Washington to Reconsider Engrossment.

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

Bill, "An Act Increasing Compensation of Members of

Board of Hairdressers." (H. P. 227) (L. D. 283)

Tabled — April 22, 1969 by Senator Mills of Franklin.

Pending — Motion by Senator Quinn of Penobscot to Adhere.

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

Mr. MILLS of Franklin: Mr. President, noting the absence by reason of illness, of my good friend and seatmate, Senator Hanson, I would respectfully request that someone else, since I have spoken on this, would put it on the table, and perhaps keep it there until he gets back, or give it a special assignment and then get it assigned over again, if you will.

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

Thereupon, on motion by Mr. Logan of York, retabled and specially assigned for April 25, 1969, pending the motion by Mr. Quinn of Penobscot to Adhere.

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

SENATE REPORTS — from 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) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — April 22, 1969 by Senator Beliveau of Oxford.

Pending — Acceptance of Either Report.

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

Mr. BELIVEAU of Oxford: I am reluctant to ask this to be tabled and finally, I hope, until Friday of this week.

The PRESIDENT: The Chair will rule the Senator is out of order. The tabling motion is not debatable.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: I won't say a word except to move to table this until Friday.

The PRESIDENT: The Chair will rule the Senator from Franklin, Senator Mills, is out of order. A tabling motion is not debatable.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and specially assigned for April 25, 1969, pending Acceptance of Either Report.

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

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

Tabled — April 22, 1969 by Senator Katz of Kennebec.

Pending — Motion by Senator Beliveau of Oxford to Suspend the Rules and Reconsider Adoption of House Amendment "A". Filing H-153.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: As I mentioned yesterday, this bill before you in its present form was the result of the unanimous vote of the Committee on Election Laws. An amendment was added to it in the House which changes substantially the nature of the bill. You will find it under Filing No. H-153, which requires that the amending Section 143, requiring that the individual be enrolled in the party having the majority of the enrollees in the respective city or town. It is my understanding that this bill was a result of inquiry and investigation by the Governor's Office, the Secretary of State's Office, that the bill in its form, without the amendment, was the result of the joint efforts of the Secretary of State's Office and the Governor's Office, when they both agreed that this bill was exactly what was needed to return the decision of selecting the members of the board of registration to the

municipal officials rather than making it a state project.

Many of those who were in support of the bill, who were generally concerned with it, connected with it, are opposed to this amendment which would leave the appointment of a chairman of the board to the party having the majority of enrollees in the respective cities or towns. Now I discussed yesterday the pros and cons to this measure where party enrollment in many areas is not a true reflection of the party strength and how actually, if we are going to approach it in this way, it should be based on the last gubernatorial vote. But even in considering that further, I believe I concluded that the amendment would defeat the purpose of this bill, that if we are going to adopt the amendment we should kill the bill itself. So I would strongly request that my motion to suspend the rules and reconsider the adoption of this amendment prevails. What I intend to do, in turn, is to move the indefinite postponement of the amendment itself.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I must oppose the motion for suspension of the rules and reconsideration. The amendment does indeed point a finger at the party enrollment as the deciding factor as to who shall be the third member of the board of registration. It is about as reliable an indicator as any in this state where we have a cult of individualism where sometimes the Governor is chosen not as a member of the party but as a popular individual. So, I think that this point can be argued equally well both ways, and I urge you to vote against the motion for suspension of the rules, and I would ask for a division.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Oxford, Senator Beliveau, that the Senate suspend the rules in order to reconsider adoption of House Amendment "A".

As many as are in favor of suspending the rules will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

The PRESIDENT: On the matter tabled earlier in today's session at the request of Mr. Katz of Kennebec, Bill, "An Act Relating to Mandatory Fines on Minors Who Violate Certain Liquor Laws" (H. P. 1135) (L. D. 1455), the Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President, I noticed that there is a Senate Amendment, under Filing No. S-89, which I presume is going to be proposed, therefore, I move the indefinite postponement of Senate Amendment "B".

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec to Indefinitely Postpone Senate Amendment "B".

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

Mr. MILLS of Franklin: Just to inquire, Mr. President, is the Clerk in possession of Bill, "An Act Requiring the Licensing of Sewage Treatment Operators" (S. P. 434) (L. D. 1452) which yesterday was Passed to be Engrossed?

The PRESIDENT: The Chair would answer in the affirmative, the Bill having been held at the request of the Senator.

The Chair recognizes the same Senator.

Mr. MILLS: Mr. President, I now move for reconsideration of the passage to be engrossed, which I would have opposed yesterday except for my temporary absence from the body. I was out in the

hall at the moment. I would do this with the intention of moving to indefinitely postpone the Bill.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate reconsider its action whereby Bill, "An Act Requiring the Licensing of Sewage Treatment Operators" (S. P. 434) (L. D. 1452), was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I must oppose the motion of the Senator from Franklin, Senator Mills. The old saw that this was a unanimous committee report doesn't mean too much because this was a non - controversial matter before us.

The matter is quite meritorious, in my opinion. I don't think it is the biggest bill that we have before us, however, it does start to tackle a problem that is similar to another bill which was tabled today again, the Act to Regulate Sewer Utilities. This points up the problem that sewerage treatment plants are becoming extremely expensive to operate. The consumer has a great deal of money invested in it and he has to pay for this money through his sewer charges. So each one of us with our constituents back home has quite a bit at stake in this matter of pollution and how we go about it.

Now, the proposal to see that there are qualified people to operate such plants seems to have a certain amount of merit to it. Obviously these plants can continue to function without qualified people to run them as they have in the past, but your committee feels, the industry feels, and the Department of Health and Welfare feels that the matter is getting to a point where there is, as they say, a big investment here, and that some regulation is indicated. I think this is good legislation, I think it is needed, and I hope you will oppose the motion of my good friend, Senator Mills.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I recall that we went into this in some detail last week, and it isn't any purpose of mine now to debate it further to any extent, but this is another step on the part of — when you don't like them you call them the "bureaucrats in Augusta," and when you are with them they are the "good and faithful servants in Augusta" — but this is another step toward licensing and centralization of power here in Augusta. We started many years ago licensing the various professions, and we have moved — I remember in 1937 we licensed barbers for the first time — and we have run through the gamut of just about everything you do today so it requires a certificate in Augusta.

I think we are getting down to the bottom of things when we say that the man that cleans out-houses has also got to get a license in Augusta. Under the interpretation of Section 4, under the definitions, I am sure it would apply because it is a water treatment that is given and pumped out. I just don't think that we ought to subject our citizens in this State to the licensing requirements that are here called for.

There has been no showing that this is an exercise of the police power that is necessary at this time. I have a young man who runs a trailer park that I own that is in this business, and he likes this bill. The reason he likes it is that it actually will be restricting business and it won't be so easy for the other fellow to come along and take some of the jobs that he gets. I don't think that is a worthy purpose, and I think that is the reason behind a good deal of this licensing of people so that you restrict the business. It goes back to the pilots' association, as you know, you can't be a pilot to bring a ship into a harbor unless you pay a tremendous fee and you are practically born into the busi-

ness. Then other businesses get restricted in the same way, and all in the name of public safety and exercising police power. So, Mr. President, I move that this bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would inform the Senator that his motion is out of order. A motion to reconsider takes precedence.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My memory may be failing me. I don't recall any debate on this particular bill, which is entitled "An Act Requiring the Licensing of Sewerage Treatment Operators," last week, and the good Senator hasn't given us much facts, but quite a lot of emotion. So, I think that, if he does want to give the Senate the benefit of some actual, factual thinking, he should.

This bill is not going to cost anybody anything. I think the appellation that he applied to this type of a plant is not in order. It is a complicated technical process. As usual in such cases, we have proper grandfather clauses in here so operators of existing plants are protected in their livelihood. Considering these facts and the other statements, I hope that you will oppose his motion, and I request a division.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I would rise in opposition to the motion of Senator Mills. I feel that this bill is just one more step toward the improvement of pollution abatement, which I am sure we are all interested in. This is a bill that is being backed by our Department of Health and Welfare, and I am sure that they are not just after the fee for the license at all.

We had a bill before us recently that would license cesspool cleaners, and I think the intent of that particular bill was more or less to try to control the ultimate

dumping areas where a cesspool cleaner would dispose of his product. This was one way that control could be brought about, by licensing these particular people and bringing to them the fact that it wasn't proper to spread this stuff on land overlooking a municipal water supply, for instance, as has happened numerous times in my county.

One fact that was brought to my attention on this particular bill was that a new sewerage treatment plant was put into operation after much study by a delegation from Androscoggin County, and this particular young man who was hired to operate this new facility was mighty proud of the fact that he had numerous certificates where he had attended various schools and seminars on the proper operation of treatment plants. Now, this particular gentleman lost his job simply because he brought it to light, to my attention and to the attention of the people in charge of the treatment plant, that after his eight hours were in there was no one there sufficiently qualified to operate this sophisticated equipment that needed proper attention, and that certain overflow valves were allowed to go into operation which allowed the effluent to overflow and by-pass the treatment plant. This overflow also contaminated not only a municipal water supply but, in my judgment, impaired a new state park that was under construction to which this Legislature granted certain sums of money. Now, this particular gentleman referred to me that he lost his job because he brought this to the attention of certain members of the Androscoggin County delegation and I, for one, followed it through. I can foresee the wisdom of the Department of Health and Welfare in promoting this bill. I simply say that I stand pat and oppose the motion of Senator Mills.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: As a member of this com-

mittee that signed this bill out Ought to Pass, I certainly wanted oftentimes to rebel against licensing and concur with many of the remarks of the Senator from Franklin, Senator Mills. But, as I have said so many times before, I live away down at the end of one of our major rivers, in fact, two of our major rivers and, for instance, several times last summer I would wake up in the morning and go out and you could smell chickens as if you were by one of the poultry houses. The problem is that whenever there is a breakdown in a treatment plant or some such thing, the by-pass is pulled and this waste is put into the water course.

My feeling is, and the reason I supported this, that someone has to stand responsible for the treatment of these plants, and until you get some control over them in some form of a license, then you are going to have very little control. My feeling in going for this bill was that until this time you are really not going to have any enforcement as far as these plants are concerned, because presently there seems to be no recourse because this is only a temporary thing, but it does do a considerable amount of damage though. I would hope that the motion to reconsider does not prevail.

The PRESIDENT: Is the Senate ready for the question? As many

as are in favor of the motion of the Senator from Franklin, Senator Mills, that the Senate reconsider its action whereby Bill, "An Act Requiring Licensing of Sewerage Treatment Operators" was passed to be engrossed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Mr. Conley of Cumberland moved that the Senate reconsider its action of earlier in today's session on Resolve, Proposing an Amendment to the Constitution providing for the Appointments of the Secretary of State by the Governor (H. P. 357) (L. D. 465), whereby it Adopted the Ought Not to Pass Report "B" of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and specially assigned for April 25, 1969, pending Reconsideration.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.