

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 1, 1969

Senate called to order by the President.

Prayer by Rev. Fr. Leo J. Cyr of Van Buren.

Reading of the Journal of yesterday.

Papers From The House Non-concurrent Matter

Bill, "An Act Relating to Full-time State's Attorneys." (S. P. 243) (L. D. 1294)

In the Senate March 6, 1969, referred to the Committee on Judiciary.

In the House March 19, 1969, referred to the Committee on State Government, in non-concurrence.

In the Senate April 29, 1969, the Senate voted to Insist.

Comes from the House, that Body having Adhered.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I note on the calendar that it is May 1st and we are faced this morning with the moment of truth with respect to the reference of a couple of bills, bills which have been on our calendar for weeks and weeks and weeks without having been referred to committee.

I will not even take a look at the merits of the bill - I don't know what the merits pro and con are - but in my legislative experience I have never seen an occasion when a bill failed of reference.

Mr. President, the alternatives to us this morning are to recede and concur with the House, which is the position that has been strongly opposed by the majority of this body on a couple of occasions, and the alternative is to let the bill die without reference. I think this is not sound legislative process, and I think it would be an admission of failure of the 104th Legislature. Therefore, Mr. President, I move that the Senate recede from its former action and concur with the House in the reference of this bill.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede and concur with the House.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: The other morning I received a communication from my valued and respected floor leader that there was a concession in regard to these bills. He knows that he sent me a note to that effect. He indicated that the matter had been straightened out, and would I take these matters off the table, would I get them off the table. I readily went along with him, trusting that in his position of leadership he knew whereof he spoke. The indication was definitely a concession that these matters go to the Judiciary Committee, and that he was in that frame of mind. I presumed that of course he had some backing for his statement.

I, against the better judgment of the good Senator from Penobscot, Senator Quinn, prevailed upon him to do likewise with the companion bill, believing, as I did, that there was indeed a concession. We both, acting on that, took those matters off the table and didn't even ask for a committee of conference. We insisted so that the matter could go down to the other body, and there be agreed upon, as I felt that an agreement was in the offing. Instead of that, there was an absolute adherence down there. If we stick to our position here, then there is left in the offing and still alive the one bill which the people in opposition apparently, to the position we have taken, prefer to have acted upon, and all of the vehicles are cut off except that one.

We feel that if any one of these bills is to be kept alive they all should be kept alive.

I do state seriously here that I did this under a misapprehension the other day in removing these matters from the table, feeling that a concession had developed and been arrived at.

We don't want certain bills never to be heard and a choice given to certain people to hear one of the

three. We think if they are to be heard that all of them should be heard, because there is merit in this situation and it isn't centered in just one of the bills. So, I feel the choice should be made to hear all of the matters and not just one of them.

If we recede and concur here, we are giving in completely, and I have been completely misled on the floor of this Senate.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The remarks of the Senator from Franklin, Senator Mills, regarding being misled are completely accurate and completely true. Based upon representations which had reached me I urged him and I urged the Senator from Penobscot, Senator Quinn, in complete good faith, that the bills be removed from the table, that apparently we saw the light of day.

This has been an emotionally packed affair from the start. I don't know whether positions were changed but, the way it has worked out, I was in error and the advice I gave them was bad advice.

But, I think, even more overriding than this is not the question of which committee hears the bill - if the Reference of Bills Committee had these bills in front of us today we certainly, rather than jeopardize the bills, we certainly would have reviewed our action. But particularly to the new members of the Senate, I want to say that the basic issue here today is not whether these bills are heard by the Committee on Judiciary, not whether they are heard by the Committee on State Government, but whether you, as members of the Senate, will get a chance to hear them after they come out of committee, because the decision is going to be yours, and it is always yours, and not that of a committee. This is basically the question facing us this morning.

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

Mr. LOGAN of York: Mr. President and Members of the Senate:

I have come to this legislative body and I have been very careful to try to be a good representative of the people in my district. I have tried to speak judiciously and I have tried to act with wisdom. It would be an embarrassment to me, and I think to the rest of us, and an admission of the failure of our legislative system if this bill were to die here. It would be inexplicable, unexplainable, and it would make me personally feel as if I had failed in this Legislature.

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

Mr. BELIEVEAU of Oxford: Mr. President and Members of the Senate: Several weeks ago, I believe, six or eight weeks ago, we discussed at length and debated at length these three bills, and several reasons were raised as to why many of us, at least the majority of this body, felt that the bills revising our county attorney system, and in some instances creating a new district attorney system, should be referred to the Committee on Judiciary. We debated it at great length at that time and in several instances we concluded that the bills should be referred to the Committee on Judiciary, and we did that for many varied reasons.

I concur strongly with the remarks and comments of Senator Mills. After these documents were placed on the table, and finally removed from the table with the understanding that it was suggested the members of the other body would be changing their position so that this bill could be referred to Judiciary, it now appears that they have changed their position on it. I think it is a matter of principle with us as well. The members of the Senate have acted and taken a position on a particular matter. Are we to change our minds on this? Is there any compelling reason why we should change our position and refer this to the Committee on State Government? Aren't the reasons and arguments that were presented several weeks ago just as valid and convincing today as they were then?

I strongly oppose the motion to recede and concur because I believe that if this bill is going to receive a fair hearing and be passed upon by persons who possess an expertise in this area it should be referred to the Committee on Judiciary.

We have acted on this in several instances, and I think it is imperative that we remain consistent on this matter and once again defeat the pending motion so that, if further action is taken, the bills should be referred to the Committee on Judiciary where they will receive the type of hearing that they are entitled to. I request a division.

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

Mr. BERRY of Cumberland: Mr. President, I request a roll call.

The PRESIDENT: The Senator from Cumberland, Senator Berry, requests a roll call.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I wish to say a few words on the pending matter. I am very strongly opposed to the motion of Senator Katz, and I would say this: if this bill dies here then it is no fault of ours. It is the other body that has taken a position that they will not discuss the matter or have it go to the only committee which it properly should be heard by.

I am sponsoring a bill of similar nature on the county attorneys, and I have been as upset as anybody here that it has been kicked around all through the session, but I certainly feel that county attorney matter, to receive the hearing it is entitled to, should be referred to the Judiciary Committee. If it happens that this bill does not get referred to the Judiciary Committee, does not get referred to any committee, the Judiciary can still consider the aspects of this bill when they consider one of the other pending matters, so I would hope that the body would maintain a firmness in this position and vote against the motion to recede and concur.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I have no license to stand up here and discuss this matter with all the legal fraternity, but I would like to call your attention to the fact that all these people who have spoke in opposition to the motion of Senator Katz are attorneys, members of the legal profession. Now, I don't want to cast any reflection on the legal profession, I have a great respect for them and their ability, but who do they think they are if they think they are the only ones who can hear a bill? There are other people here, I think, just as capable - probably they haven't got the legal training - but I think they have got the common ability and horse sense to hear a bill just as well as the members of the legal fraternity.

I am wholeheartedly in favor of the motion made by Senator Katz, and I am going to support it.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: These bills are very important bills, they are technical bills, and I feel that they should be referred to the committee that has the knowledge by training and experience to know exactly what should be done for the best interests of the State. Therefore, I oppose the motion of the good Senator from Kennebec, and I hope you will go along with me.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think I have heard a lot of word - mincing up to now, and I think I would like to put a few facts out. I accuse the Senator from Franklin of playing politics, pure, common, ordinary politics. I accuse the Senator from Oxford, Senator Beliveau, of playing party politics. The Senator from Franklin, Senator Mills, seems to have an obsession on the

candidacy of the Attorney General for the Governorship. He has maintained what I consider an inflexible, unjudicial attitude on this matter, and the proof is that the assignment of a bill for a committee hearing has been forced to stay on the table until May 1st practically. This doesn't indicate to me that he has a broad viewpoint on matters of this kind when he lets this particular obsession with him carry him away. And I think that Senator Beliveau is putting party politics ahead of good government. Now, these, Members of the Senate, in my opinion, are what is behind this whole situation.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I don't know whether I ought to feel pleased or what by being omitted by my fellow Senator from Cumberland County, but I would assure you that I am not a member of the Judiciary Committee, and I have sponsored a bill for a change in the county attorney system which I feel has merit. I want to present that bill and have it presented before a body which has some expertise in the field covered by the bill.

Now, if some of the other Senators here are wrapped up in other people's candidates for other offices, fine, let them go to it. But I have a particular bill and I am not running for anything else besides the job I now have, and I want to have it heard. If they want to have a forum for some kind of a show before some other committee, then that is his problem, but I want my bill heard by Judiciary.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I hadn't planned to talk on this. I think that most everything has been said, but I do object very strenuously to the inferences of a member of this body casting whatever remarks or whatever meanings he may wish to place on the positions taken by members

of this body with reference to this bill. I suppose he is also going to cast remarks on what my position ought to be and imply motives to it.

I personally have made no decision on the merits of any of these bills. I have privately, and I think publicly before this body, stated that I thought Judiciary—and I am not one who thinks that Judiciary is more qualified to hear bills than any other committee—but I do sincerely feel that this committee has the qualifications to hear this type of bill because we are the ones who live with the law, we are the ones who work in it every day of the week. We have members on this committee who are past county attorneys, who are past judges, all of which have made all the aspects of the law their livelihoods. I don't think that we have any greater amount of brains or capacity to make decisions. I don't think that I am particularly qualified, or more qualified, to pass decisions on fish and game bills or on education bills, but I have felt right along that the position taken by this body that these bills ought to be referred to Judiciary was the right decision.

I will say this: that I do not like this morning to have the remarks made and the positions taken that this body and some of its members are the only people that have shown obstinacy with regards to this matter. We have on two or three different occasions indicated that the position of this body is that these bills are to be heard before the Judiciary Committee, and, if other people feel differently, I am not going to question their motives. I do not like the motives of the people who have held this line up to now questioned. I hope that the motion of the good Senator Katz does not prevail.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I rise to debate one more time because I have a feeling that this debate also, hopefully, is going to cover automatically the next measure that comes before us this morning.

First, Mr. President, I would like to extend my personal good wishes to all this morning for a Happy Law Day, May 1st, and say that I do not share in questioning anyone's motives here this morning, nor do I throw charges of obstinacy. I rise purely and simply to refresh your memories that the question here this morning is: if you do not support this motion to recede and concur, then this bill and the one that follows it is dead, without the Legislature having a chance to make any judgment about it one way or another. It is that simple.

Now, I would direct your attention away from the validity of the argument of which is the correct committee. That really isn't the valid point here this morning. The ball game is all over, it is the last of the ninth inning, and your decision is not who was right and who was wrong, who is obstinate and who is not. Your question is: shall the Senate of the State of Maine and shall the House of the State of Maine have a chance to have these bills heard and subsequently have a chance to take action on them? It is that simple really.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would just say, with reference to the words just spoken by the great Majority Floor Leader, the Senator from Kennebec County, Senator Katz, that it is unfortunate that the same speech wasn't delivered to the members of the other body yesterday.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: As in the remarks of Senator Katz, I think it is quite clear to all of us that the rights or wrongs, the merits, the prejudices, the prides, and all the rest of this, are simply not germane any more. When we cast our votes we are going to be deciding whether for the first time in the history of this legislative body our legislative processes

will go down, a fact, if it occurs, which will be duly noted in the press.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I somewhat hesitate to rise really in regard to this bill. Being on the Reference of Bills Committee, I originally felt that this bill should go to the Committee on State Government. When I first came in here I had every thought and idea that I would vote for the motion to recede and concur. To be honest with you, I still haven't really made up my mind, but I am certainly wavering, simply because I feel as if possibly the integrity of this body itself is at stake at this time.

I spoke the other morning about a motion to adhere. I think maybe we can learn something here at this time, but this is a pretty tough motion, especially to be allowed on a reference of bills and, therefore, I do feel as if the other body is responsible for this motion. Therefore, the outcome of this bill is, in a sense, their responsibility; not this Senate's. If you will look at yesterday's calendar you will find that we had a bill that was introduced, and if you will look at this morning's calendar in the House, there is presently a bill this morning that is being introduced. Therefore, although this particular bill, if it is defeated, may not be heard, I for one, as a person who is on the Reference of Bills Committee, would be perfectly willing to sign another bill, and maybe we could learn from this experience and start over again, and act more like legislators than a bunch of youngsters playing a game, which I feel as if is taking place at this time. I do feel that the integrity of this Senate in its working relationship with the other branch is at stake at this time.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur on Bill, "An Act Relating to Full-time State's Attorneys," which comes from the House, that

body having adhered. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of at least one-fifth of those Senators present and voting. All those Senators in favor of a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The pending question is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur on Bill, "An Act Relating to Fulltime State's Attorneys," which in the Senate was referred to the Committee on Judiciary, in the House referred to the Committee on State Government in non-concurrence, in the Senate, April 29th, the Senate voted to insist. The bill comes from the House, that body having adhered. The pending motion is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede and concur with the House. A "Yes" vote will mean you agree that the Senate should recede and concur. A "No" vote means no.

The Secretary will call the roll.

Roll Call

YEAS: Senators Barnes, Berry, Dunn, Hoffses, Katz, Logan, Moore, Peabody, Sewall, Stuart, Tanous, and President MacLeod.

NAYS: Senators Anderson, Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Kellam, Letourneau, Martin, Mills, Minkowsky, Quinn, Reed, and Violette.

ABSENT: Senators Hanson, Levine, and Wyman.

A roll call was had. Twelve Senators having voted in the affirmative and seventeen Senators having voted in the negative, with three Senators absent, the motion did not prevail.

Thereupon, the Senate voted to Adhere.

Non-concurrent Matter

Bill, "An Act to Provide for full-time County Attorneys." (H. P. 1013) (L. D. 1321)

In the House March 11, 1969, Referred to the Committee on State Government.

In the Senate April 29, 1969, Referred to the Committee on Judiciary, in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Mr. Katz of Kennebec, the Senate voted to Adhere.

Non-concurrent Matter

Resolve, in Favor of Town of Harrington for Medical Care of an Indigent. (H. P. 543) (L. D. 722)

In the House April 23, 1969, Passed to be Engrossed.

In the Senate April 25, 1969, Minority Ought Not to Pass report Accepted in non-concurrence.

Comes from the House, that Body having insisted and Asked for a Committee of Conference.

On motion by Mr. Katz of Kennebec, the Senate voted to Insist and Join in a Committee of Conference.

Non-concurrent Matter

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

In the Senate April 22, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-269), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Joint Order - S. P. 445 - Relative to Legislative Research Committee Study of L. D. 1208 - Bill, "An Act Establishing the Quality Rating of Gasoline."

In the Senate April 29, 1969, Read and Passed.

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

On motion by Mr. Bernard of Andorscoggin, the Senate voted to Insist and request a Committee of Conference.

Non-concurrent Matter

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

In the House February 25, 1969, Passed to be Engrossed.

In the Senate April 24, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference, with the following conferees appointed on its part: RIDEOUT of Manchester, HARDY of Hope, and HASKELL of Houlton.

On motion by Mr. Cianchette of Somerset, the Senate voted to Insist and Join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators:

SEWALL of Penobscot
STUART of Cumberland
CIANCHETTE
of Somerset

Joint Order

WHEREAS, Mr. Richard Herbert, formerly of Millinocket, has devoted 41 years of active service to Great Northern Paper Company and is their oldest living retiree; and

WHEREAS, Mr. Herbert is a life member of the International Brotherhood of Firemen and Oilers and the oldest living member of unionized labor in the State of Maine; and

WHEREAS, Mr. Herbert will celebrate the 100th anniversary of his birth on Thursday, the first day of May, 1969; and

WHEREAS, the citizens of Millinocket, along with leading national, state and local union officials, will assist his family and friends in the celebration of this special anniversary at Portland; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Maine Legislature join the celebration by extending to this distinguished senior citizen its heartiest congratulations and special recognition of this memorable occasion; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be transmitted forthwith to Mr. Herbert. (H. P. 1161)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bill, "An Act Relating to Sick Leave under Lewiston City Charter." (H. P. 1160) (L. D. 1481)

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

Which was referred to the Committee on Legal Affairs and ordered printed in concurrence.

Communications

Capitol Planning Commission
State Office Building

Augusta, Maine

To the Honorable Senate
And House of Representatives
Of the One Hundred and
Fourth Legislature

Transmitted herewith is a report entitled "Capitol Planning Commission Master Plan Report."

This report is submitted in accordance with the provisions of Chapter 458 of the Public Laws of 1967 which created the Capitol Planning Commission and instructed said Commission to establish a master plan for the orderly development of future state buildings and grounds in the Capitol Area of the City of Augusta.

Respectfully submitted,

Capitol Planning Commission
S RODNEY W. ROSS, Chairman.
(S. P. 448)

Which was Read and, with accompanying papers, Ordered Placed on File.

Sent down for concurrence.

Committee Reports House

Change of Reference

The Committee on Towns and Counties on Bill, "An Act Relating to Compensation of Councilmen of City of Biddeford and Prohibiting Contracts of Councilmen and Mayor with the City." (H. P. 1055) (L. D. 1387)

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

The Committee on Towns and Counties on Bill, "An Act Increasing Compensation of Councillors of Town of Mechanic Falls." (H. P. 1105) (L. D. 1424)

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

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 Towns and Counties on Bill, "An Act Relating to Municipal Park and Conservation Commission." (H. P. 938) (L. D. 1199)

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 and Accepted in concurrence.

Ought Not to Pass

The Committee on Natural Resources on Bill, "An Act Relating to Cutting of Trees Near Waterways and Highways." (H. P. 148) (L. D. 174)

Reported that the same Ought Not to Pass.

The Committee on Natural Resources on Bill, "An Act Relating to Certain Exemption to the Law Regulating the Alteration of Wetlands." (H. P. 291) (L. D. 367)

Reported that the same Ought Not to Pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Approval of Appointment of Assistant County Attorney for Washington County." (Emergency) (H. P. 299) (L. D. 375)

Reported that the same Ought Not to Pass.

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

Mr. MILLS of Franklin: Mr. President, I noticed the absence of the good Senator from Washington County, Senator Wyman. I wonder if perhaps his seatmate would put this on the table for a few days until he comes back.

Thereupon, on motion by Mr. Logan of York, tabled and specially assigned for May 6, 1969, pending acceptance of the Committee Report.

The Committee on Judiciary on Bill, "An Act Relating to a Surcharge on Fines Resulting from Moving Motor vehicle convictions." (H. P.) (L. D. 1155.)

Reported that the same Ought Not to Pass.

The Committee on Taxation on Bill, "An Act Relating to Reimbursement by State to Municipalities in Lieu of Taxes on State - Owned Property." (H. P. 970) (L. D. 1258)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

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

Ought to Pass

The Committee on Judiciary on Bill, "An Act Amending the Post Conviction Statute." (H. P. 560) (L. D. 741)

Reported that the same Ought to Pass.

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

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

The Committee on Natural Resources on Resolve, to Authorize the Grant of Flowage Rights to the Auburn Water District. (H. P. 839) (L. D. 1077)

Reported that the same Ought to Pass.

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

Which report was Read.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: This bill which was heard in the House yesterday was a matter of a great deal of confusion and quite a bit of controversy.

This morning I find on my desk some fifteen to twenty pages of literature that I am supposed to digest and then come up with an opinion in favor of the water district.

This bill came about, it is claimed, because the Vocational Technical Institute located over there in East Auburn next to the lake acquired land bordering the

lake. The water district, which supposedly has eminent domain rights, and rights to raise or lower the level of the lake at will, desires to raise the level of the lake one foot. The raising of this body of water would flood some portions of this state - owned land which this Institution is located on.

I do have a letter which I would like to read into the record. This is from the Central Maine Vocational Technical Institute, and it is addressed to Mr. Earle Tarr, Superintendent, Auburn Water and Sewerage District. "The survey unit at Central Maine established the level of the water in Lake Auburn at 261.60, the proposed height after raising the lake one foot." In other words, the water level has already been raised one - foot. "We find this level would cause no problems to our shoreline or inconvenience of any nature. I trust that the Commissioner of Education, or anyone else with authority, may grant this permission based on the information contained in this letter. After my review I find no problem or situation of inconvenience by raising the water level one - foot from the present level of 260 feet."

I live up beyond the lake, and going by there the last week and a half, I noticed the level of the lake has gone up and down like a yo-yo a number of times, and I can see no immediate danger to any of the property owners. However there seems to be some question that if this level is raised - and I must add it has already been raised - if the lake is raised, it will flood a portion of the roadway at the northwestern tip of the lake.

I went over that road early this morning and the water level was about a foot below the top of the road, so there appears to be no danger there. Some of the property owners have called some of my colleagues and complained that the water district, acting in good faith after the level was raised, were supposed to go back and dump fill, gravel, rocks, what - have - you, to protect part of their shorelines from eroding. Now, this is the only point that I have been able to find that hasn't been fulfilled. Perhaps

the water district at this time of the year may be loaded down with a lot of work I am not aware of. But this seems to be the only legitimate complaint that I have come across. In the public hearing that took place in front of Senator Berry's committee, I happened to be there when the man representing the water district made a statement that one purpose for raising the level of the lake a foot would be to assist in the early spring thaw the icing condition that occurs. The intake line is on the eastern tip of the lake and when the wind blows in that direction it blows in this slush - ice or needle - ice, however you want to define it, and this ice piles up onto that east shore and eventually extends down to the floor of the lake, blocking the intake line. This is a problem, I agree, and that particular statement is true. However, raising the level of the lake one foot will at no stretch of the imagination relieve the condition because the intake pipe is three or four feet off the bottom of the lake, and the ice extends clean to the bottom of the lake. I have been there in the winter time, I dove on the pipe, I have seen the condition. This brings up the point that perhaps the time is not too far in the future when some of the testimony heard in some of these committees may have to be taken under oath. I certainly would go along with that thinking.

Before I can read over all this material, and since I do represent Auburn, and I do live within stone - throwing distance of some of these shore property owners, I feel that I would have to study this a few nights and perhaps make a little private survey of my own and talk to some of these people to see just what their complaints are. None of them have yet contacted me. I feel it only prudent that my good colleague from Lewiston would perhaps table this until Wednesday.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for May 7,

1969, pending Acceptance of the Committee Report.

Ought to Pass - As Amended

The Committee on Judiciary on Bill, "An Act Relating to Lack of Privity as a Defense in Action Against Manufacturer or Seller of Goods Under the Uniform Commercial Code." (H. P. 167) (L. D. 206)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-252).

The Committee on Education on Bill, "An Act Permitting Approval of Early Childhood Education Programs." (H. P. 378) (L. D. 487)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-251).

The Committee on Judiciary on Bill, "An Act Amending the Marriage Laws." (H. P. 1034) (L. D. 1344)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-253).

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for Indian Affairs." (Emergency) (H. P. 209) (L. D. 259)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-270).

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

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act Granting Veterans a Property Tax Credit in Lieu of an Exemption." (H. P. 743) (L. D. 961)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HANSON of Kennebec

Representatives:

HARRIMAN of Hollis
SUSI of Pittsfield
DRIGOTAS of Auburn
WHITE of Guilford
ROSS of Bath
COTTRELL of Portland

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

Signed:

Senator:

MARTIN of Piscataquis

Representative:

FORTIER of Rumford

Comes from the House, the Minority Ought to Pass Report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

On motion by Mr. Quinn of Penobscot, tabled and specially assigned for May 6, 1969, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on State Government on Resolve, Proposing an Amendment to the Constitution to Grant Adult Rights to Persons Twenty Years of Age and to Reduce the Voting Age to Twenty Years. (H. P. 614) (L. D. 802)

Reported that the same Ought to Pass.

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

RIDEOUT of Manchester
DENNETT of Kittery
WATSON of Bath
MARSTALLER

of Freeport
DONAGHY of Lubec

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

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

D'ALFONSO of Portland
STARBIRD of Kingman

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

Amended by House Amendment "A" (H-264).

Which reports were Read.

On motion by Mr. Katz of Kennebec, the Majority Ought to Pass Report of the Committee was Accepted in concurrence.

House Amendment "A", Filing No. H-264, was Read.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and tomorrow assigned pending Adoption of House Amendment "A".

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Placing All State Forest Department Employees on the Merit Service Step System." (H. P. 301) (L. D. 377)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York
BELIVEAU of Oxford

Representatives:

DENNETT of Kittery
DONAGHY of Lubec
RIDEOUT of Manchester
D'ALFONSO of Portland
WATSON of Bath
MARSTALLER

of Freeport

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft with New Title: "Placing All Unclassified State Forestry Department Employees in the Classified System." (H. P. 1156) (L. D. 1478).

Signed:

Representative:

STARBIRD of Kingman

Comes from the House, Recommended to the Committee on State Government.

Which reports were Read.

On motion by Mr. Beliveau of Oxford, Recommended to the Committee on State Government in concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act to Create Traffic Violations Bureaus in the District Courts." (H. P. 768) (L. D. 988)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin
VIOLETTE of Aroostook

Representatives:

DANTON

of Old Orchard Beach
HEWES of Cape Elizabeth
BRENNAN of Portland
HESELTON of Gardiner

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

MORESHEAD of Augusta
BERMAN of Houlton
FOSTER

of Mechanic Falls

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

Which reports were Read.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I would move for the acceptance of the Majority Ought to Pass Report, and would also express the hope that perhaps in the expedition of our business that we might act on this today. It isn't a very complicated question. It is a question where lawyers, making a reasonable approach on both sides, differed in their beliefs as to the advisability of this legislation, and either side had a good deal of merit, I think.

The bill, L. D. 988, provides that in the district court system there may be a traffic violations bureau which involves certain minor crimes. When we speak of crimes we don't ordinarily think, of course, of the traffic violations which do take up so much of the time of the district courts, passing a stop sign, - we are referring to things that are technically crimes - speeding over the speed limit to a certain degree, passing a stop sign, many of these - perhaps I shouldn't say trivial - but of a

nature which don't involve an animated attempt to injure society perhaps, or with a mind of a criminal. Under such bureau as might be set up, it is perhaps best to consider what matters may not be considered and by considering the things that are outside of the bureau, you can see that the only ones left are very trivial in nature. That is, driving to endanger, driving a motor vehicle to endanger, could not be considered by this bureau, a reckless driving could not, recklessly causing death, an offense resulting in an accident, when an accident is involved, operating while under the influence of intoxicating liquor or narcotic drugs, or that recently instituted crime of while impaired of the last legislature, driving after suspension or revocation of an operator's license. Operating without a license, operating an unregistered motor vehicle, passing a stopped school bus even could not be under this, exceeding the speed limit of more than fifteen miles an hour. So that leaves you in the class of crime which would be exceeding the speed limit by some one mile an hour to fifteen, and anything above that could not be considered by this traffic bureau. Loaning or altering a license or permit, in death caused by violation of the law, leaving the scene of an accident, taking a motor vehicle without consent, homicide or assault committed by means of a motor vehicle - speaking of that, you wonder how that could happen perhaps, assault committed by means of a motor vehicle. I saw one time where a man ran over his wife in the driveway, it was assault by means of a motor vehicle. Failure to report an accident, passing on hills and curves. Well, after you see all that, you just wonder, you realize just how trivial the offenses are that could be handled.

It would be a relief, I think, to many of us lawyers if we had this statute, because someone will be going through town from New Hampshire or a distant part of the State, and they will be picked up by a state trooper or a local constable and charged with exceeding the speed limit by five or ten miles an hour, or something of this

sort, and they need to go home and they can be represented only by a lawyer. So, according to our bar rules, we are supposed to charge a reasonable fee for that service. I won't let any secrets out of school if I say we don't work very hard for what we get. We notify the court that so and so is supposed to be there and ask what is the fine going to be, and we send them up the fine. Under this system, he can do it himself. Perhaps it does get after the practice of law a little, cut down on the practice of law, but it is in an area where we think it is in the public interest that it should happen.

Whether there is anything vicious involved, or not even vicious, but conscious violation of the law, or where the fellow probably ought to be in there before the judge, then he has to be before the judge, and you'll see it in that page two of the act. Well, that was the thinking - I think it fairly represents the thinking - of the majority of the committee, and I would like to see it acted on today.

I believe that there is some authority now to do this, but the Chief Judge of the District Court System felt that the legislature needed to enunciate it a little more clearly if he were to put it into effect. Certainly, if this act is passed, I think it would be a convenience to the traveling public.

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

Thereupon, on motion by Mr. Quinn of Penobscot, tabled and specially assigned for May 6, 1969, pending the motion by Mr. Mills of Franklin to accept the Majority Ought to Pass Report of the Committee.

Senate

Leave to Withdraw -

Covered by Other Legislation

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Public Assistance Payments in Boarding Homes." (S. P. 258) (L. D. 862)

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

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Stuart for the Committee on Health and Institutional Services on Bill, "An Act Relating to Barber Technicians." (S. P. 360) (L. D. 1224)

Reported that the same Ought to Pass.

Mr. Katz for the Committee on Education on Bill, "An Act Relating to Sharing Costs in a School Administrative District." (S. P. 122) (L. D. 384)

Reported that the same Ought to Pass.

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

Ought to Pass In New Draft

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 55) (L. D. 226)

Reported that the same Ought to Pass in New Draft under Same Title. (S. P. 449) (L. D. 1483)

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

Bill, "An Act Relating to Retirement of Chief Liquor Inspector." (H. P. 943) (L. D. 1204)

(On motion by Mr. Minkowsky of Androscoggin, temporarily set aside.)

Bill, "An Act to Prevent the Pollution of the Waters of China Lake." (H. P. 1153) (L. D. 1475)

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

Bill, "An Act Relating to Tuition Charges for Special Education Classes." (H. P. 1154) (L. D. 1476)

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for May 7, 1969, pending Passage to be Engrossed.)

The President laid before the Senate the matter previously set aside at the request of Mr. Minkowsky of Androscoggin, Bill, "An Act Relating to Retirement of Chief Liquor Inspector" (H. P. 943) (L. D. 1204).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MINKOWSKY of Androscoggin: Mr. President and Honorable Members of the Senate: Too often, I think, older people, although these days you can't call a person over 65 old, feel somehow that they are all washed - up. But I believe anyone, regardless of his age, can find something interesting, exciting, challenging and even quite rewarding to do with his time after retirement.

Oliver Wendell Holmes once said, "If you haven't cut your name on the door of fame by the time you reach age 40, you might as well put up your jackknife." In the case of our Chief Liquor Inspector, he not only has cut his name on the door of fame but, in reality, has cut the door down. Thomas Jefferson wrote his masterful appeal to Congress for the abolition of slavery in 1790 when he was 84 years old. Psychologist George Laughton maintains that our own mental powers keep on growing until we are 60 or so, and from then on mental ability ebbs slowly.

Anyone who finds himself bored or doesn't know what to do with his time after he reaches age 65 should begin to investigate other things which interest him. It is never too late unless one starts feeling sorry for himself. My advice to Mr. Murphy, who is approaching retirement age, is: "Look around, you may have a whole new world to find in a field outside of State Government. In fact, he might attain fame after the age of 70, should he ever decide to take up writing, regarding his years of experience as Chief Liquor Inspector.

No man should be granted special privileges in State Govern-

ment under the statutory law because no man is indispensable.

Mr. President and Members of the Senate, I now move the indefinite postponement of L. D. 1204.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Cianchette.

Mr. CIANCHETTE of Somerset: Mr. President, I note the absence of the Senator from Kennebec, Senator Hanson, this morning, who signed the Minority Report and who moved for that report yesterday, and I would hope that somebody would table this until next week sometime.

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

Thereupon, on motion by Mr. Mills of Franklin, tabled and specially assigned for May 6, 1969, pending the motion by Mr. Minkowsky of Androscoggin to Indefinitely Postpone the Bill.

House - As Amended

Bill, "An Act Relating to Inspection of County Jails." (H. P. 414) (L. D. 525)

Bill, "An Act Relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595)

(On motion by Mr. Katz of Kennebec, temporarily set aside.)

Bill, "An Act to Permit Administrative Units to Operate Classes for Trainable Children." (H. P. 508) (L. D. 679)

Bill, "An Act Relating to Working Capital of State Liquor Commission." (H. P. 619) (L. D. 807)

Bill, "An Act Relating to Truth in Packaging." (H. P. 951) (L. D. 1230)

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

The President laid before the Senate the matter previously set aside at the request of Mr. Katz of Kennebec, Bill, "An Act Relating to Age Requirement for Kindergartens" (H. P. 414) (L. D. 595).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Item 7-5 was the bill we

debated briefly yesterday. I missed the exciting prospect of voting together with my good friend, Senator Kellam from Cumberland, yesterday, because he and I both signed the Minority Report, and on that basis I today would move for the indefinite postponement of this Bill, and say very briefly that what it does is to make the requirements for the entrance age for kindergarten children stiffer. If you are in favor of making it mandatory for youngsters to be older when they enter kindergarten you will vote against my motion. If you feel that this is a move in the wrong direction, and you would like things to remain as they are, then you will vote for my motion. I would ask for a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Bill, "An Act Relating to Age Requirement for Kindergarten" (H. P. 458) (L. D. 595), be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: It gives me considerable pleasure to follow Senator Katz and agree with him as to the nature of this particular bill and what the disposition should be. It is my feeling that the children should not have to wait another year to start school and thereby be a year older when they get out, if they should happen to fall within this particular birthday situation. I would like to point out to everyone that obviously, if they start school a year later, that of course follows right through the whole school program. I know in my own situation, it used to be January 1, and then they moved it back to October 15 since I went to school, and I was born on October 21. I hate to think of having to squeeze under those tiny desks a year longer than I did anyway, and I think they should leave the law the way it is.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I disagree. I think it is better that they be a little older.

This is the issue here and this was brought out at the hearing. There were knowledgeable people in education that said that it is better that they be a little older, and I think this is borne out. I know my own youngster started early, young for his class, and he has had a bit of a problem. And I think many times we have found that children that go to school, then they go to prep school, if they have been young, then they have to repeat the years. So, I think the majority of those who spoke at the hearing felt it was better that they be little older, and that is the issue here. I hope that you will vote against the motion for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that Bill, "An Act Relating to Age Requirement for Kindergartens" (H. P. 458) (L. D. 595), be indefinitely postponed. A division has been requested.

As many as are in favor of the motion to indefinitely postpone this bill 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 twelve Senators having voted in the negative, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Provide for Registration of Snowmobile Trailer Dealers." (S. P. 185) (L. D. 587)

(On motion by Mr. Tanous of Penobscot, tabled and specially assigned for May 8, 1969, pending Passage to be Engrossed.)

Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act." (S. P. 245) (L. D. 754)

Resolve, Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors." (S. P. 443) (L. D. 1474)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Debt Limit of the Waterville Sewerage District." (S. P. 272) (L. D. 910)

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

Sent down for concurrence.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President, shortly we are going to get into Enactors, and I call the Senate's attention to 8-3 and, Mr. President, may I ask that when we reach 8-3, that the Senate be permitted to recess briefly while Republicans, and presumably Democrats also, caucus on this? If this is agreeable, the Republicans will caucus here in the Senate Chambers.

ENACTORS

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

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

An Act Repealing Provision for Student Tuition in Coordination of Public Higher Education. (H. P. 408) (L. D. 519)

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

(Off Record Remarks)

Mr. Reed of Sagadahoc was granted unanimous consent to address the Senate.

Mr. REED: Mr. President, the Democrats will caucus in the Judiciary Room.

Senate In Recess

Called to order by the President.

Emergency

An Act Increasing the Sales Tax and the Cigarette Tax, and Removing the Sales Tax Exemption

on Trade-in Credit for Vehicles. (H. P. 1138) (L. D. 1458)

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I don't know as it is proper to sort of report the action of the Democratic caucus as such, but I would say that we did feel at this time we would not support the tax package. This does not mean that eventually we will not support it, I am just saying that at least at this time.

I think that the reason is at least two-fold. One is that we have not looked over to any degree the Part II package which came out only today. Secondly, that I feel somewhat committed to the Democrats at the other end of the corridor. I feel that some of them voted for enactment believing that we here in the Senate would hold it up. Therefore, I would first want them to caucus on this subject to get their feelings as far as we, as Democrats here in the Senate, what our course of action would be.

As I said at the beginning, this does not in any way mean that we want to be obstructionists, but it does mean that at this time we would like more time to consider this tax package before we vote for it.

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

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for May 7, 1969, pending Enactment.

Orders of the Day

The President laid before the Senate the first 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 23, 1969 by Senator Tanous of Penobscot.

Pending—Acceptance of Report.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would like to apologize to this honorable body for having this item on the table up to this period of time. The Chairman of the Legal Affairs Committee, the good Senator from Penobscot, Senator Tanous, explained to the Senate that neither Senator Kellam nor I were present at Legal Affairs neither the day that this bill was heard or at the time it was reported out of Committee. Not that I take any great issue on that, but the fact is that there is a companion bill to this bill that is scheduled to be heard on the 13th day of May, and I don't care to make any great motion on this thing at this time, but I do think it would only be fair that this body have the opportunity of reviewing both these L. D.'s at the same time. So, Mr. President, at this time I would like to move that this bill be recommitted to the Committee on Legal Affairs.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that House Paper 998, Legislative Document 1300, be recommitted to the Committee on Legal Affairs in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Inland Fisheries and Game on Bill, "An Act Providing for Adequate Fishways in Dams and Other Obstructions." (H. P. 857) (L. D. 1099)

Tabled—April 29, 1969 by Senator Bernard of Androscoggin.

Pending—Acceptance of Report.

On motion by Mr. Levine of Kennebec, retabled and specially assigned for May 6, 1969, pending Acceptance of the Committee Report.

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

HOUSE REPORT — Ought to Pass 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 29, 1969 by Senator Moore of Cumberland.

Pending — Motion by Senator Barnes of Aroostook to Indefinitely Postpone Bill and Report.

Mr. Barnes of Aroostook was granted leave to withdraw his motion to Indefinitely Postpone Bill and Report.

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

The Chair recognizes the Senator from York, Senator Letourneau.

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: In reference to this bill which would bring the sewer districts under the jurisdiction of the Public Utilities Commission, we back home are highly opposed to this measure.

We have had a sewerage district in Sanford since 1949, and through all these years the citizens have been well served. We have kept the operation at a low cost, and in due modesty I want to say that I think we have—and I know, I have been told by the P.U.C.—we have the best operated district in the State of Maine. It is the lowest-cost operating sewerage district with a sewerage treatment unit.

Now, I believe that the Public Utilities Commission is overloaded with work, and this would give them a greater amount of work, and it would increase their costs of operation and would require a new appropriation. I assume that the functions of the Commission should be oriented to policing the large utilities that affect the cost of living of all the people of our State, and not be burdened with the rather small problems of the communities that are much more aware and can handle their own problems to the satisfaction of the citizens that are involved. It all comes

down to this: whether we as a community can operate our own sewerage district? We have done so, and I am sure that any other communities, as well as Sanford, can find intelligent men to operate their districts. For those reasons I would move indefinite postponement.

The PRESIDENT: The Senator from York, Senator Letourneau, now moves that Bill, "An Act to Regulate Sewer Utilities," be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I would like to just speak briefly on this bill because I feel that these sewer districts should come under the Public Utilities Commission because the public, the people, have no recourse if there should be an increase in the sewer rate; they have to go somewhere.

Now, I know that some of these sewer districts have been run very well, and the one in Brunswick is run well. They certainly don't want me to be speaking for this bill today, but I feel it is in the interest of the public. If I might state just one small little grievance that I have had: I have been the treasurer of a fraternity in Brunswick at Bowdoin College for a number of years, and we have a sprinkler system in this fraternity house and we have to pay a separate water bill just for the sprinkler. And then we have to pay a sewer bill. There are four bills: the regular one, and then a separate one because we have a sprinkler system. Now, we have to pay a sewer bill in case the sprinkler system goes off, because the water has to run down the drain in the cellar floor. Of course, there is no drain in the cellar floor, and if the sprinkler system went off the water would have to run out the front door. So they charge us two or three dollars, which we have been paying for years and years. Several people, the treasurers before me and those of other fraternities, have gone to them because they just don't think this is fair, but the sewer district,

although it is a fine sewer district, and doing a great job, they are not willing to concede this point. This is the type of thing that should be taken to the Public Utilities Commission. Those are my thoughts on this bill.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: The Public Utilities Committee studied this bill very carefully all winter. We had it and we discussed it with many of the trustees of the different water districts that came before us. They were all in support of it except Sanford; the trustees from Sanford were opposed to this bill.

But, according to the good Senator from York, apparently they have nothing to worry about if it is the best operated one and the most economically operated one there is in the State. They certainly haven't anything to worry about.

Now, these are sewer utilities, sewer districts. This does not include the municipal sewer districts; this is just the sewer districts. It is a utility today, a major utility. I don't know how many we have authorized—I should have looked it up this winter, but back in 1965 the Legislature authorized the creation of sixty-four sewer districts, and thirty-six of these districts are active today, are in operation. Now, under the jurisdiction now which extends to the Public Utilities four of the districts have the Public Utilities controlled eminent domain, seven of the districts their securities, and nine of them the control of their rates.

Now, this bill, its only purpose is to protect the public, protect the homeowner who owns the home and pays taxes. It serves no other purpose. The Governor, in his message to us in February, emphasized this very strongly, that he felt that the Public Utilities should control them. Back in '62 the Research Committee came out with the same report, that very definitely Public Utilities should control the sewer districts.

I had no idea of the vast expansion of the sewer districts until I spent the winter talking about them. I feel that it is a good bill, it is very necessary to protect the public, and that is the purpose of the bill. I hope the motion to indefinitely postpone does not carry, and I request a division.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: It is with great reluctance that I rise to oppose the motion of my good friend and seatmate, Senator Letourneau, with whom I have had the pleasure of serving in the Legislature back in 1947. We have always been very, very good personal friends, and I am sure that my position here nor his will have no bearing on that, but I do oppose his motion, and I also feel that this bill has great merit.

We can go back and study the evolution of the sewerage disposal system in our State. We have seen them come from a situation ten or twelve years ago where I would say that ninety per cent of the sewer facilities were departments of our towns or departments of our cities. As such, the voters of the municipalities had a direct control through their votes over what their elected public officials did with regard to the sewer systems in their own municipalities. If the municipal officials in the City of Portland or the Town of Van Buren wanted to expend X amount of dollars for sewer systems the voters of those communities had an opportunity to vote on it.

Now, through the creation of sewer districts, including not only sewer districts within the territorial limits of one municipality, but because of the great necessity for cleaning up our waters and taking care of our sewerage problems we have created districts and agencies that in many instances are no longer, in a sense, directly responsible, or over which the voters of the districts themselves do not have any direct voice, except in the initial approval of the district itself, and now they no longer have any. Most of the trustees in those districts are not even elected.

They are appointed by the municipal officials, and I have no quarrel with that; that is fine with me. But I think that we have created systems that for all purposes in practice today are utilities.

Now, certainly if a city or town has a sewerage department within the framework of its own municipal operation, certainly I think if they can handle such problems themselves—at least, there is a large argument or a valid argument saying that the voters themselves can handle the problem on their own level, and this legislation exempts this type of sewerage system.

But we do have systems today involving millions of dollars of expenditures, and once the district is created the voters no longer have any voice at all in whether or not or how much money is going to be spent by the district or how they are going to spend it, what is going to be the policy of rates, or what is going to be the policy of extensions of their sewer district, and certainly I think that somewhere along the line there should be a regulatory system imposed to make sure that these districts at all times do what they ought to be doing. I submit to you that at this time under our own laws there is no system where the policies of these districts or whatever they do can be reviewed. If a member of that district has any complaint, he has no place to go but to complain to the trustees themselves who made the decision.

Now, we have come to accept, I think, as a very beneficial and useful purpose the regulation of our utilities. We regulate, without question, telephone rates. We regulate, without question, our water rates and our light rates. And we feel that this is in the best interest of our people. Our systems of sewerage disposal have today arrived at the point where they are as much utilities as water is, or lights, telephones or other means of communications.

I do know that if this law goes into effect it is going to require some additional personnel in the Public Utilities Commission and, in that sense, it may also require some additional expenditure of

money. But I submit to you that it is in the best interest of all our people that we do so.

Certainly, if a district is going to initiate a policy that is going to extend sewer mains or plans, or whatever they may be, and if the people of that district are not satisfied with that, the users of that district, and again in the structure of rates and the apportionment of rates between the various users, industrial users, residential users, and other types of users, they want to make sure that all these rates are consistent and that they are equitable. I submit to you that the time has come where I think there ought to be an avenue for users of sewerage systems to have an authority such as the Public Utilities Commission have the regulatory power that can be used if the necessity arises.

Certainly if a district is going to be able to make plans and expend millions of the ratepayers dollars, those ought to be reviewed to make sure that they are the proper plans. I also respectfully submit to my good friend, Senator Letourneau, that I have no doubt that his district is as well run as he says it is and, if that is the case, he need have no fear of what the Commission would do with regard to his district.

I am counsel for two districts in Van Buren that are regulated by the Commission and, rather than reject their regulatory power over us, very often we welcome it, because they are of great assistance to us in working out some of the problems that we have in regard to our lights and in regard to some of our water rate problems and other areas in our districts. So it is not, in a sense, I really believe, setting up a system where somebody is going to tell these districts you have got to do this, you have got to do that, you have got to do this and you have got to do that. This isn't the way our regulatory agencies operate at all, but they are a safeguard to make sure that things are done right. I do hope that you will vote against the motion of my good friend, Senator Letourneau.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: At this juncture in the legislative process, or perhaps just a little after this, I am not sure which, when anything has financial implications to the budget or to the funds we are going to raise, whether it be to save money if it is not passed, or if it is going to cost money if it is passed, we have an indication from the Appropriations Committee as to what the financial implications are. The only suggestion that we have here in this bill is the statement of facts at the end of the bill merely stating: "Sufficient funds are provided in the Executive Budget for the administration of this act." Well, that doesn't mean that it is free if we pass it. That means that there is money there apparently for it, but we would like to know, some of us, Mr. President, from the Appropriations Committee what type of memorandum it may have received or what type of information it can give the Senate at this time as to the financial implications here of this bill.

Supposed it is rejected at this time and defeated, then certainly it has an impact on the budget, because the amount of money that is apparently set aside for it will be liberated for something else, for allocation by the Appropriations Committee for some other purpose. In looking at this bill, we realize that you can't run a thing like this for nothing. You can't take over the sewerage systems of the State for regulatory purposes and set up the minor bureaucracy that would be necessary without it costing a considerable amount of money. I think that we should be fully advised as to the financial implications here, and I would ask if the Appropriations Committee is in a position to advise us at this time in this regard.

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 support of the views expressed by Senator Violette. In my own community the cities of Lewiston and Auburn

have joined together for a sewerage authority where the material will be pumped across the river into Lewiston, which will be the physical location of a new plant jointly shared by the two cities. But in talking to someone in the third house I was assured that this was a bad bill and that the City of Auburn would oppose it in that their sewerage district wasn't about to be regulated by the P.U.C. Further, I had a conversation with the attorney representing the Auburn Sewerage District over this flowage right, and the question was put to him last night, "What is the stand of the district in Auburn?" His comment is that their books are in very good shape. If this bill becomes a law, the P.U.C. has certain requirements where some of these districts may have to change their method of book-keeping. He assures me that as far as Auburn goes they could care one way or the other how this goes.

But the thought comes to mind that, if this bill is passed and becomes effective in October, I wonder how many sewer districts will make an attempt to raise the rates before October? I am certainly for this bill. I feel that the constituents I represent should have the right to a public hearing, and that the rates should be set by the Public Utilities.

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

Mr. DUQUETTE of York: Mr. President and Members of the Senate: May I state that in the Supplemental Budget you have before you, which you received this morning, there is provided there in this budget four new employees for the Public Utilities Commission. They requested six, I believe, and we granted four.

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

Mr. LETOURNEAU of York: Mr. President and Members of the Senate: In regards to more personnel and expenditure for the P.-U.C. affecting this matter, at the rate that these sewer districts are coming in, from what you read on your calendar, we are going

to wind up with a tremendous amount of sewer districts and it is going to cost a lot of money. I can't see this. I can't see why anybody can't operate their own sewer district in a proper manner. After all, these trustees are elected, and we elect them once a year.

I am sure that, speaking for Sanford especially, they would hesitate before they would go about raising the rates. I am sure if it is operated efficiently you will have good rates.

If you are under the P.U.C. there may come a time when you will want something done in a hurry, and you will probably stamp your feet outside the Public Utilities Commission and wait. We have had that experience in Sanford when American Cyanamid came in. When they decided to come into Sanford they came in on their own, and they decided to build a plant there, which was a large plant of a high-grade company, and they said "Look, we want the water and sewer when we start building our plant." We did have to go to work and run our water mains and our sewer lines down there, and if we had had to come up here and wait, well, I don't know what would have happened; they might have moved to some other place.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: We have heard a great deal of debate on the money involved here and the additional personnel that may be required, but at no time has it been suggested that there is abuse in this area. I think that this L.D., as every document that appears before us, must be exposed to the test of whether or not there is a very real need for this legislation. Is there a need to impose this regulation on the citizens of the State? No one has presented an argument to me this morning that there has been abuse in this area, that regulation is badly needed to avoid situations which are detrimental to the citizens of this State.

We know that in Oxford County, we have sewerage districts up

there, and we have had no difficulty with them. This is another instance, another attempt by people who are acting in good faith, of course, to impose additional authority on the P.U.C. Now, in other times past we have had situations where the P.U.C. has expanded its jurisdiction for a very valid reason, but there has been no argument presented to us this morning that there is a real need for this regulation, that there is a need to expand the P.U.C. by adding additional personnel, giving them an additional appropriation, and imposing additional regulations in an area which we do not have today. Again I believe, in my opinion, that this bill fails the test as to need.

It also has been mentioned this morning that in some instances trustees are appointed and in others they are elected. That is correct. And as far as rate regulations are concerned, that the P.U.C. would review this and make certain that they are reasonable and equitable rates. I submit that if it appears there is abuse in this area, and if the laws have to be changed, let's change them on the municipal level to provide appeals from the decisions of the trustees either to the city counsel or the board of selectmen and let them review the rates and see whether they are reasonable or not, rather than delegating this to the P.U.C.

I am definitely opposed to this L. D. because I do not believe it is in the best interests of the citizens of the State, and I support the pending motion.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It was refreshing to hear my good friend, the Senator from Oxford, Senator Beliveau, say that we should be able to appeal our complaints and our grievances from the board of trustees of the sewer district to the municipal officials. I am sure with his legal, well-known and recognized ability that he is talking about an impossible situation.

There are abuses in the field. In one community not too far from here I am personally acquainted because I pay it. I pay a water bill each year of forty dollars and I pay a sewer bill of sixty-eight dollars to dispose of the same water that I am paying forty dollars for. I think this highlights the problem that we have today, and that is the high cost of our sewerage services. The abuse, I would remind the good Senator, is that the customer has no appeal. If I don't like my forty dollar water rate all I have to do is drop a five cent postcard—soon six cents under a Republican Administration—to the P.U.C. and I will get attention, I can assure you, but I could talk myself blue in the face to the board of trustees about my sixty-eight dollar sewer charge. I think this is the problem, and this is good legislation.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Again taking a page out of the book of my good friend, the distinguished Senator from Penobscot, Senator Quinn, I suggest that here is a lucrative area where we might both join together, Senator, and hold the line. If you want to save money, I mean, these are the areas where you can really do it, because a hundred thousand dollars is riding on this.

I got this information since we started the discussion this morning from a member of the Appropriations Committee, and now I am answering the question I asked a few moments ago. Legislative Document 1483, of course, is a voluminous document, but on Page 18, however, the Public Utilities Commission provisions are there, and the provision for a Director of Rates and Research, Director of Utility Service, one Utility Engineer First Class — there is a Roman Numeral I after his name, and I guess that means he is First Class—and one Utility Accountant, ungraded, and related travel expense, for the first year of the biennium they have \$44,650.,

and in the second year of the biennium they have \$46,400. Adding the two together I get \$91,050. Then applying the usual ten per cent understatement, we come up with roughly \$100,000. So, I agree with the statements that have been made that there has been no case made out here for abuse or certainly for the investment of \$100,000 as a starter in this area. Of course, \$100,000 for the first biennium, the way these things grow, there will be lots more work for them to do and lots more areas for them to regulate, and before you know it they will be up into the quarter of a million dollar class. I think it is a good time for us to apply the maxim that has been so accurately used in this session of "holding the line" on this roughly \$100,000 item.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I might clear up a minor misunderstanding here. The item in L. D. 1483, as Senator Mills says, of approximately \$100,000 has absolutely nothing to do with this L. D. before us at the present time. I think anyone can appreciate that on the Appropriations Committee we cannot possibly anticipate whether an L. D. will be passed or will not be passed, so the budget supplemental document certainly does not have any figures in it to anticipate whether or not a measure will be passed and attempt to fund it.

I am sure that this L. D. will have a price tag on it. I am frank to admit that I don't know what it is. It is still in the early stages of action here. When the time comes, if it lives and becomes an enactor there will be a price tag on it, and at that time I will be able to answer specific questions on the document.

I would say in support of this measure, that the entire State is aware and concerned about pollution, which will result, I am sure, in time, providing we get some of the promised federal funding, that there will be many, many very sophisticated sewerage

treatment plants built throughout the State. This is going to be necessary to clean up our rivers. Therefore, I think that some regulatory agency is essential. Thank you.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: If this bill wouldn't cost in the area of \$100,000 in the next biennium, and the Appropriations Committee doesn't know what it would cost, and has no idea of it at this time — I will say that the reason I said what I did say was because one good member of the committee whom, I am sure, thought he was referring me correctly, did refer me to that section in this regard. Our conversation was very brief and there may have been a misunderstanding back and forth, but I did understand that that material on Page 18 applied to this subject matter. However, if the Appropriations Committee doesn't know what this would cost, and can't advise us what it would cost, and no one knows what it would cost, I think it is very poor legislation to be enacting at this time.

I would suggest that our Appropriations Committee, which is set up for this purpose of advising the Legislature on costs of items, do give us a report before we pass further on this legislation. I would suggest, if anyone agrees with that sentiment, that it might be placed on the table until the Appropriations Committee can advise us.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am afraid that the good Senator from Franklin, Senator Mills, is engaging in some tactics here to defeat the bill. He is certainly confusing Page 18, L. D. 1483 under the Public Utilities Commission with this bill, and perhaps confusing some of the members of the Senate.

Actually the Appropriations Committee and the Executive Department have got together, for the first time in my knowledge, and

beefed up the general operations of the Public Utilities Commission. Now, we have 151 water companies in this State, and we have what are reported to be high electric rates and, yet, historically the Public Utilities Commission has been starved for money and staff. If this section of the Supplemental Budget goes through, for the first time the Commission is going to be able to put in the field traveling auditors, traveling accountants and engineers, to investigate some of the situations which up to now they haven't been able to do. I believe that time will reveal that they will be able to absorb within this appropriation the cost of the L. D. now under discussion. I would hope you would vote on the merits of the bill with the assurance that the money will be provided.

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

Mr. ANDERSON of Hancock: Mr. President, I move this L. D., 1423, be tabled unassigned.

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

Mr. BERRY of Cumberland: Mr. President, I request a division on the tabling motion.

The PRESIDENT: As many as are in favor of the motion of the Senator from Hancock, Senator Anderson, that this bill be tabled unassigned will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

The PRESIDENT: The pending question before the Senate is the motion of the Senator from York, Senator Letourneau, that Legislative Document 635, Bill, "An Act to Regulate Sewer Utilities," be indefinitely postponed. A division has been requested. As many as are in favor of the motion to indefinitely postpone the bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Eight Senators having voted in the af-

firmative, and twenty-one Senators having voted in the negative, the motion did not prevail.

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

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

JOINT ORDER — Relative to Legislative Research Committee to Study L. D. 511. (S. P. 447)

Tabled — April 30, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Mr. Katz of Kennebec moved the pending question.

Thereupon, the Joint Order received Passage.

Sent down for concurrence.

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

Bill, "An Act to Authorize Attorneys-at-Law to Take Acknowledgements on Deeds and Other Written Instruments." (H. P. 559) (L. D. 740)

Tabled — April 30, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am sure it is rather obvious to those who have looked at the table that we have here five bills which I tabled yesterday which have the common denominator of the legal profession. This caught my eye yesterday when four of them happened to be bunched together, and I felt that they were worthy of perusal.

In connection with the item before us, L. D. 740, under the present law if you become a notary public you pay six dollars and you have the commission to be a notary public for six years. I don't know what this bill does other than save all the attorneys six dollars. I move its indefinite postponement.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Bill, "An Act to Authorize Attorneys-at-Law to Take Acknowledgements on Deeds and Other Written Instruments," be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I certainly wouldn't try to hold the line on an item involving six dollars, but I would suggest to you—and, I consider, at the hands of the good Senator who has just spoken, I have been under personal attack a couple of times today, but that is all right, that is his nature, and if he wants to debate that way, I don't mind. If it came from anyone else I think I would.

Mr. President, there is a law today that notaries public and justices of the peace have the same authority—an attorney at law has the same authority as they. That was through the last Legislature. Since that time many attorneys at law have been taking acknowledgements to deeds and other written instruments in their capacity as attorneys at law. As a matter of fact, attorneys at law have married people under the omnibus law that went through two years ago giving them that authority. It was, however, felt by the sponsor of this bill that it needed to be spelled out more specifically in regard to deeds and written instruments that go on the records of the Registry of Deeds, and this is in the nature of corrective legislation.

I just wonder if all of this research in legal matters has been inspired by some personal interest here or whether the Senator is really acting as a mouthpiece in this regard. But, anyway, we accept his criticism and we accept his scrutiny, and we like to have the security of a good engineer, such as he is, because if there is one area where the legal profession needs help it is in the area of technique and technical things that only an engineer is qualified to pass upon. We do, I am sure, those of us on the Judiciary Committee, welcome his intrusion into this area.

We had a Senator two years ago who had been on the Committee and who had wanted to go back on the Committee and didn't, and we used to bring him in. We had a ground rule with him though that I would like to apply to Senator Berry, and I think you will recognize who I am speaking about, this Senator. He liked our work and enjoyed participating, but we put him under a sanction. We said "If you are going to be in here and participate in these executive sessions, and so forth, you aren't going out there on the floor of the Senate and use what you hear here against us." Now, if we could make a bargain like that with Senator Berry, I am welcoming him right now to our public sessions and our executive sessions, the few that remain, and we won't drink a toast together in the executive committee, but we will welcome you as a friend and as a friendly critic. Thank you very much.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I am sorry that my good friend, the Senator from Cumberland, has taken the attitude he has toward attorneys. I very rarely see him coming before the Judiciary Committee on hearings we have there to enlighten himself as to some of the matters we consider, but I will assure him that this bill is not to save six dollars or a seven-year appointment as a notary public, but it merely is a matter of convenience.

Many times an attorney makes out a deed and takes it to the registry to be recorded for his client and frequently finds that he has overlooked to put the seal on it. So he has to go back to his office, and maybe it is miles away from the registry. So this is a matter of convenience to take care of situations like that.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Berry, that House Paper 559, Legislative Document 740, Bill, "An Act to Authorize Attor-

neys-at-Law to Take Acknowledgements on Deeds and Other Written Instruments," be indefinitely postponed. As many as are in favor of the motion for indefinite postponement will say "Yes"; those opposed, "No."

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I request a division. I would just like to say this: One of the sad things in my life in the Legislature has been the fact that I haven't been able to address gentlemen such as Senator Quinn and Senator Mills as "brother." I notice when they get into debate and address each other there is a real mutual admiration society going, and us shovel and hoe boys who build buildings and work away in the engineering profession are just left outside. It seems to me my wished-to-be brothers are saying an awful lot for six dollars every seven years here.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: This is really a small matter, I am sure, as far as the legal profession is concerned. We notarize deeds and perform our services for no fee in most instances. I am sure we all do. We don't make any money notarizing instruments.

I can speak for myself. I am a one-man office in East Millinocket, and somebody comes in to have a deed notarized. If it happens that my time has run on my appointment I have to leave my office and go downstreet and get a notary to come up or take the people downstreet to find another notary to notarize the papers. To me in a small community this would be a great convenience. When our time lapses on our appointment—we can't apply before it lapses; we have to wait until our time lapses, and then we have to re-apply and be reconfirmed by the Governor and the Council on this and re-appointed. I think it would be a great convenience, at least for attorneys in small communities. I would request the sup-

port of my fellow Senators in this matter.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion to indefinitely postpone Bill, "An Act to Authorize Attorneys-at-Law to Take Acknowledgements on Deeds and Other Written Instruments," will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

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

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

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

Tabled—April 30, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In attracting the attention of the Senate to L. D. 312, presented by my good friend, Senator Mills, I do want to point out that the salient feature of this bill is two-fold. First, it removes a fifty dollar ceiling on witness fees, which will put costs up. Second, it deletes the ability of the presiding justice to allow these costs, it takes the brakes off.

Once again here we have an L. D. which will increase the costs of legal services to the public. In my opinion, this is a bill which several of the proponents have expressed a philosophy in opposition. In other words, they have been saying "We want to keep costs down. We don't want to increase fees or salaries or per diem expenses in other fields, but in our own fields, not only let's increase them, but let's take the ceiling off and remove from the presiding judge the right to approve such costs." I think this is a bill which

will significantly increase costs of law to the public. I move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Legislative Document 312 be indefinitely postponed.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Perhaps as a matter of explanation on this bill, the amount of compensation to be paid as an expert witness fee has been at fifty dollars for many, many years. I think in committee it was expressed that it had been about twenty some years since this fee had been placed into effect. At the time it was placed on the books this was considered then pretty much the top amount of what it would cost you to have a doctor come in on a case or have another expert witness attend court, and this is generally what it would cost you to have him come in for a day.

Now, it is recognized today that all fees and all expenses have gone up. It is no longer within the realm of reasonableness to expect that a witness such as a doctor, or another expert witness, is going to come to court for that amount of money. The people who generally watch these bills, this one, as well as those that follow on the calendar here today, are the people who are directly related to the insurance field. They are always, always very careful that any of these bills, if it affects their interest, they come in and object very strenuously to these types of bills. The fact is that there was no opposition to this bill in committee by any of these people. There was some gentleman representing some of these interests who indicated he would like to see a \$150 ceiling put on this. He recognized that because of the increase in fees generally over the past fifteen or twenty years that this was no longer realistic, and he was aware of it. But he felt that a ceiling ought to go on it.

Another one representing the same type of interest indicated that probably it was just as well

if you put no ceiling on it because if you did have someone come in for only a short part of a day, if you did put \$150 on it, you probably would automatically be setting his fee for that amount, and he thought that by having no ceiling on it you would leave it within the amount of reasonableness as to what his fee would be.

Now, I state again that this is, in a sense, bringing legislation up to today's standards. As I say, there was no objection to the legislation itself in committee. The committee felt that it was good legislation and that it was really bringing up to date what has become obvious is no longer a reasonable amount. I would hope that the Senate would go along with this bill.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: In reading this bill I am bothered by the word "expert". Our society today makes experts of anyone, dishwashers, bottlewashers, gravediggers or anything. I would like to have someone explain that word to me. What does it mean in this bill?

The PRESIDENT: The Senator from Piscataquis, Senator Martin, poses a question through the Chair which any member can answer if he so wishes.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Under this legislation, and under present law as used, certainly no dishwasher, Senator Martin, would be recognized by the court and compensated by the court as an expert witness. The "expert" designation has to be a designation that the court recognizes after qualifications have been advanced. Many times, as you know, in the field of real estate appraisal, just anybody can't get that "expert" designation and can't be qualified in court unless they have demonstrated to the satisfaction of the court that they have got those characteristics and that peculiar knowledge under which they may qualify.

I would use an illustration to illustrate perhaps the need for this type of legislation. And I want to say that personally it isn't going to affect me, it isn't going to bother me in any particular regard, but I am sure the committee did feel it was a reasonable thing. If, for instance, the State of Maine is trying a very important murder case, and some expert in the field of pathology - you will recall the one in Suffolk County in Massachusetts over the years has been used a great deal. There was a man there, the Chief Pathologist for Suffolk County who was on the faculty of Harvard College Medical School and was recognized throughout the world in the area of pathology, and he was used many times in Maine in murder cases when the cause of death was at issue, and it would be absurd for us to think that such a man could be brought here and used for a number of days at fifty dollars a day, and that is the ceiling applied. This does give the court the power in regard to these things to set a reasonable sum for each day's attendance. The arguments that were advanced to the committee were that in most instances - well, real estate appraisers, when I was active with them eight years ago, the least that you could get them for was a hundred dollars a day, and many of them were going to one hundred and fifty, and I am sure that by today it is two hundred dollars a day for a real estate appraiser who is recognized in the field. Under this law, the present law today, it is limited to fifty dollars. I am sure if we were to engage a good engineer, if Senator Berry were to be called as an expert witness in the field of utility engineering, I am sure that he would qualify for the expert fee. And if they used his time day after day, I am afraid he would be impoverished if he were limited to fifty dollars.

As I say, this doesn't mean anything personally to us, but it is a reasonable approach.

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

Mr. LOGAN of York: Mr. President and Members of the Senate:

I think there is merit on both sides of this. I recognize readily that fifty dollars is inadequate for many expert witnesses. On the other hand, having no limits whatsoever makes me a little nervous. I notice that the fee is set by the courts. This Senator would be a little happier if we did have a ceiling on it perhaps of a reasonable size. If I am alone in this feeling so be it. If not, perhaps somebody would join me and perhaps we might table it pending a suitable amendment. Thank you.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would just submit that it was the feeling of all the people concerned that the reasonableness of the fee itself is set by the judge. Certainly I am perfectly willing to leave it in his hands as to what he would allow as a daily rate to any expert witness, except in the case of a murder where the State would be hiring an expert and then, of course, the State is free to hire the expert at any cost that it wishes to pay for it, which I think would be in the State's favor in that instance.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I joined in the Majority Ought to Pass Report on this bill because in ten years of experience in Penobscot County as a prosecuting officer I found in many instances of arson, murder and other cases of that type, you had to have men of particular experience to assist you, and many times their testimony proved the case. And many times you had to go down to Boston to get men who would qualify. I felt that a judge hearing the case has experience enough to know what a reasonable fee would be, and that it ought to be left to him to determine that.

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

Mr. TANOUS of Penobscot: Mr. President and Members of the

Senate: I don't want to belabor this point, but I think it ought to be pointed out to the members of this Senate that there are two aspects to this particular bill: one is criminal and one is civil. Now, the civil aspect of this bill does in no way cost the State or the County any money. This is purely a personal matter for the plaintiffs and the defendants in the case, and this is their own cost which would be set by the court. The only area where it would be costly, I mean, would involve the State, would be in criminal matters. As pointed out by Senator Quinn, and the good Senator Berry from Cumberland, who is so interested in law enforcement in our State and adequate laws, they should favor this because then we could get better witnesses and prosecution cases from out of state, and you can get better cooperation locally by the experts in this field.

Also another point, we have three law-making bodies in this State; we have the executive, we have the legislature, and we have the courts, and I feel their hands shouldn't be tied any more than this legislature's hands should be tied when we want to reconvene. I think they should be given independent judgment on these matters. Thank you.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I thank the good Senator for his cognomen of one interested in law enforcement, and I would just express a word of appreciation for his support of the several measures that have gone down to defeat, trying to buttress our law enforcement agencies in the State, and I would welcome his support in the future on some other bills of this nature that are coming up.

I am concerned with the cost to the public in this bill; not to the State of Maine. This is what I consider is the problem here. I recall back two legislatures ago, where we had the so-called lawyers' bills. They were reasonably numerous and they were reasonably significant, and one of them

removed the ceiling on lawyer's fees. Another was the so-called Contingency Fee Bill. Some of these fees and costs to the public get up into pretty big figures, and in some cases they don't seem to receive rather careful screening. There is talk going around the State of six-figure settlements with reasonably five figured legal fees involved now, which is just exactly what we were concerned about when these laws were passed. Now I cite this to prove that it is the public that pays.

I think that there shouldn't be some kind of a limit on fees such as this. We have gone along for years and years and years with a fifty-dollar limit and now we have to completely remove the limits and say the sky is it. I hope you will vote with me and I would request a division.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Bill, "An Act Relating to Expert Witness Fees as Court Costs" (S. P. 103) (L. D. 312), be indefinitely postponed. A division has been requested. As many as are in favor of the motion to indefinitely postpone the bill will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion to Indefinitely Postpone prevailed.

Sent down for concurrence.

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

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

Tabled — April 30, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

Mr. Berry of Cumberland moved that the Bill be retabled and tomorrow assigned, pending Enactment.

On motion by Mr. Mills of Franklin, a division was had. Twenty-one Senators having voted in the affirmative, and six Senators having voted in the negative, the motion to retable the Bill prevailed.

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

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

Tabled — April 30, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Enactment.

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

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

Tabled — April 30, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending Enactment.

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

Bill, "An Act Relating to Closed Season and Minimum Size of Atlantic Salmon." (S. P. 278) (L. D. 873)

Tabled — April 30, 1969 by Senator Martin of Piscataquis.

Pending — Adoption of Senate Amendment "A", Filing S-113.

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

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

Tabled — April 30, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

Mr. Katz of Kennebec moved the pending question.

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 twelfth 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 30, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. Katz of Kennebec presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-116, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

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

Mr. LOGAN of York: Mr. President, I would respectfully inquire

if the Senate is in possession of Legislative Document 104, Bill, "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law."

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

Mr. LOGAN: Mr. President, I move that the Senate reconsider its action of yesterday whereby it noted to indefinitely postpone the Bill and Report.

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. Logan of York to Reconsider Indefinite Postponement.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.