

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, May 8, 1969

Senate called to order by the President.

Prayer by the Rev. Claude J. Wivell of Augusta.

Reading of the Journal of yesterday.

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

Resolve, Providing Funds for Dental Education. (S. P. 201) (L. D. 610)

In the Senate May 2, 1969, Minority Ought to Pass report Read and Accepted and the Resolve on May 6, 1969, Passed to be Engrossed.

Comes from the House, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Mr. Stuart of Cumberland moved the Senate Insist and ask for a Committee of Conference.

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

Mr. KELLAM of Cumberland: Mr. President, I think at this stage of the procedure of the Legislature it would be well to try to speed things up and I would move that we recede and concur on this particular matter.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that the Senate recede and Concur.

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Mr. STUART of Cumberland: Mr. President, I request a division.

The PRESIDENT: As many as are in favor of the motion of the Senator from Cumberland, Senator Kellam, that the Senate recede and concur with the House will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

The PRESIDENT: Is it the pleasure of the Senate to Insist and

ask for a Committee of Conference?

The motion prevailed.

(See action later in today's session.)

Non-concurrent Matter

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

In the House April 29, 1969, Passed to be Enacted.

In the Senate May 1, 1969, Indefinitely Postponed, in non-concurrence.

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

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

Non-concurrent Matter

Bill, "An Act Providing for a Presidential Preference Primary." (H. P. 516) (L. D. 687)

In the House April 24, 1969, Minority Ought to Pass in New Draft (H. P. 1151) (L. D. 1473) report Read and Accepted and the Bill, in New Draft, on May 2, 1969, Passed to be Engrossed.

In the Senate May 6, 1969, the Majority Ought Not to Pass report Read and Accepted in non-concurrence.

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

On motion by Mr. Anderson of Hancock, the Senate voted to insist and Join in a Committee of Conference.

Non-concurrent Matter

Bill, "An Act Relating to Refund for Malt Liquor Excise Taxes." (H. P. 785) (L. D. 1018)

In the House April 1, 1969, recommitted to the Committee on Taxation.

In the Senate May 2, 1969, Bill substituted for the Report and on May 6, 1969, Passed to be Engrossed in non-concurrence.

Comes from the House, that Body having Adhered.

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

Non-concurrent Matter

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

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

In the Senate May 6, 1969, indefinitely Postponed, 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 Adhere.

Non-concurrent Matter

Resolve, Proposing an Amendment to the Constitution Providing for the Election of the Attorney General by the Electors. (S. P. 178) (L. D. 580)

In the Senate April 30, 1969, Report "A" Ought to Pass in New Draft, (S. P. 443) (L. D. 1474), Read and Accepted and the Resolve, in New Draft, on May 1, 1969, Passed to be Engrossed.

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

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

Non-concurrent Matter

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

In the Senate May 1, 1969, Passed to be Engrossed

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

On motion by Mr. Conley of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

(See action later in today's session.)

Non-concurrent Matter

Bill, "An Act Relating to Barber Technicians." (S. P. 360) (L. D. 1224)

In the Senate May 2, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-287) in non-concurrence.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: Senator Minkowsky has discussed this amendment with a member from the other body who added it, and he also discussed it with me. We are in agreement that the amendment is not germane to the bill so, therefore, I move that the amendment be indefinitely postponed.

The PRESIDENT: The Chair would inform the Senator from Cumberland that the motion is improper. The avenues available to the Senator would be to insist and ask for a committee of conference, adhere, or to recede and concur.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: I move we insist and ask for a committee of conference.

The PRESIDENT: The Senator from Androscoggin moves that the Senate insist and ask for a committee of conference. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session.

Non-concurrent Matter

Bill, "An Act Relating to Membership on the Board of School Directors." (H. P. 981) (L. D. 1265)

In the House May 1, 1969, Passed to be Engrossed as Amended by House Amendment "A" (H-202) as Amended by House Amendment "A" (H-256) thereto.

In the Senate May 6, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-193) 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.

Joint Order

ORDERED, the Senate concurring, that the Legislative Re-

search Committee is directed to study the subject matter of Bill, "An Act Relating to Legislative Ethics," House Paper 909, Legislative Document 1170, with additional consideration toward regulation of the practice of lobbying to determine whether the best interest of the State would be served by enactment of such legislation; and be it further

ORDERED, that the Committee report its recommendations, together with such legislation as it deems appropriate, at the next regular or special session of the Legislature. (H. P. 1177)

Comes from the House, Read and Passed.

Which was Read.

Mr. Hoffses of Knox moved that the Joint Order be placed on the Special Legislative Research Table.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that Joint Order, House Paper 1177, be placed on the Special Legislative Research Table. Is this the pleasure of the Senate.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: May I ask the good Senator from Knox if he would defer his motion for a moment or two.

The PRESIDENT: The Chair understands that the Senator from Knox, Senator Hoffses, wishes to withdraw his motion?

Mr. HOFFSES: Yes.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I believe that the purpose of this Legislative Research Committee Order, and the possible need for it, was thoroughly debated in this body at the time we had a Legislative Document which attempted to, with probably good intent, thoroughly cover the problem of registration and disclosure of lobbyist activities and pay. I do feel that the assignment of such a paper to Legislative Research would merely continue to add fuel to a fire which we really don't need and, accordingly, Mr. President, I would move indefinite postponement of this Joint Order.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Joint Order, House Paper 1177, be indefinitely postponed.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and specially assigned for May 13, 1969, pending the motion by Mr. Berry of Cumberland to Indefinitely Postpone the Joint Order.

House Papers

Bill, "An Act Establishing a State-Municipal Government Revenue Sharing Program." (H. P. 1174) (L. D. 1498)

Comes from the House, referred to the Committee on State Government and Ordered Printed.

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

Communications

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

May 7, 1969

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

Sir:

The Governor of the State having returned to the House:

"An Act relating to School Attendance of Pupils Over Sixteen Years of Age" (H. P. 985) (L. D. 1269)

With his objections to the same, the House proceeded to vote on the question

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

A yea and nay vote was taken; 61 members voted in the affirmative and 82 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,

Signed:

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered Placed on File.

Committee Reports
House

Leave to Withdraw

The Committee on State Government on Bill, "An Act Increasing the Salaries of the Boxing Commission." (H. P. 257) (L. D. 333)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Creating the Port Authority of Mount Desert." (H. P. 835) (L. D. 1073)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Bill, "An Act Relating to a Full-time Chaplain for the Legislative Session." (H. P. 1007) (L. D. 1309)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Natural Resources on Bill, "An Act to Create a Use Regulation Commission." (H. P. 1042) (L. D. 1372)

Reported that the same be granted Leave to Withdraw.

Comes from the House, Recommended to the Committee on Natural Resources.

Which report was Read.

Thereupon, the Bill was Recommended to the Committee on Natural Resources in Concurrence.

**Ought Not to
be Adopted**

The Committee on State Government on Joint Resolution Making Application to the Congress of the United States For the Calling of a Convention to Propose an Amendment to the Constitution of the United States. (H. P. 1107) (L. D. 1428)

Reported that the same Ought Not to be Adopted.

Comes from the House, the report Read and Accepted.

Which report was Read.

On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Ought Not to Pass

The Committee on Health and Institutional Services on Bill, "An Act to Revise the Laws Relating to Vocational Rehabilitation." (H. P. 226) (L. D. 276)

Reported that the same Ought Not to Pass.

The Committee on State Government on Bill, "An Act Increasing Salaries of Members of Harness Racing Commission." (H. P. 351) (L. D. 458)

Reported that the same Ought Not to Pass.

The Committee on State Government on Bill, "An Act Relating to the Responsibilities of the State Planning Office." (H. P. 742) (L. D. 960)

Reported that the same Ought Not to Pass.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Commitment of Females to Stevens Training Center and Women's Correctional Center." (H. P. 810) (L. D. 1049)

Reported that the same Ought Not to Pass.

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Providing for Early Inauguration of the Governor. (H. P. 967) (L. D. 1256)

Reported that the same Ought Not to Pass.

The Committee on State Government on Bill, "An Act Relating to Administrative Leave by State Employees." (H. P. 1014) (L. D. 1322)

Reported that the same Ought Not to Pass.

The Committee on Business Legislation on Bill, "An Act Establishing a Consumers' Council." (H. P. 1022) (L. D. 1329)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Restrictions on Ice Fishing on all Inland Waters." (H. P. 1090) (L. D. 1407)

Reported that the same Ought Not to Pass.

Comes from the House, the Bill substituted for the Report and the Bill subsequently Passed to be Engrossed as Amended by House Amendment "B" (H-285)

Which report was Read.

On motion by Mr. Hoffses of Knox, the Bill was Substituted for the Report in concurrence, and the Bill Read Once.

House Amendment "B", Filing No. H-285, was Read.

Thereupon, on further motion by Mr. Hoffses of Knox, tabled and specially assigned for May 13, 1969, pending the Adoption of House Amendment "B".

The Committee on Education on Bill, "An Act Relating to Election of Trustees of Maine Central Institute." (H. P. 986) (L. D. 1270)

Reported that the same Ought Not to Pass.

Comes from the House, the report and Bill Recommitted to the Committee on Education.

Which was Read.

(On motion by Mr. Katz of Kennebec, Recommitted to the Committee on Education in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve, Authorizing Construction of Connecting Building Between Shops at Maine State Prison from Prison Industries Account. (H. P. 621) (L. D. 809)

Reported that the same Ought to Pass.

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

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

Ought to Pass As Amended

The Committee on Towns and Counties on Bill, "An Act Relating to Annual Reports of Counties." (H. P. 109) (L. D. 117)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-29).

The Committee on Judiciary on Bill, "An Act Relating to Mental Examination of Persons Accused

of Crime." (H. P. 1113) (L. D. 1437)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-274).

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.

The Committee on Towns and Counties on Bill, "An Act Providing for Androscoggin County Funds for Child and Family Services." (H. P. 1084) (L. D. 1405)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-275).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-282).

Which was Read.

(On motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for May 14, 1969, pending Acceptance of the Committee Report.)

Ought to Pass in New Draft

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Amount Retained by Town Clerks from Fish and Game License Fees." (H. P. 764) (L. D. 984)

Reported that the same Ought to Pass In New Draft Under Same Title. (H. P. 1171) (L. D. 1493)

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Size of Conibear Traps for Trapping Animals." (H. P. 813) (L. D. 1052)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1172) (L. D. 1494)

Come from the House, the reports Read and Accepted and the Bills, in New Draft, Passed to be Engrossed.

Which reports were Read and Accepted in concurrence and the Bills, in New Draft, Read Once and

tomorrow assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Property Exempt from Attachment." (S. P. 408) (L. D. 1359)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted

Sent down for concurrence.

Ought Not to Pass

Mr. Peabody for the Committee on Towns and Counties on Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Reported that the same Ought Not to Pass.

Which was Read.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: In regard to this bill there is some necessity to appear in the record a statement of legislative intent.

We had this bill before us in the Towns and Counties Committee and while it was there we passed out the county tax bill, and we put an amendment on the county tax bill, which I happened to draw, which is coming to the question as to what was intended by it. It has been pointed out to me by Cumberland County officials that there is confusion in this area because of that amendment which uses the language of this bill, "County Advisory Organizations." It has also been mentioned to me by the good Law Librarian of the State Library, Miss Hary, that it should appear what we intended to do when we put that amendment on, and that this statement might be most anywhere in the legislative record and could be of help in construing the law which is already enacted which uses this language, "County Advisory Organizations."

We had this bill, which you now see before you, before us and we turned it out on an earlier occasion as Ought Not to Pass, and then we attached, as a rider to the

county appropriations, an amendment which said that none of the funds appropriated here shall be used for the purpose of county advisory organizations. What we intended there was to prevent a special committee created by the county commissioners over the State to use tax payers money, to the use the money that was being levied in that particular tax bill, for creating a lobby in the legislature or an organization to influence legislation. I am sure that was what the committee had in mind when it did it, and it picked the exact same language "County Advisory Organizations."

Now, down in Cumberland County there has been a ruling, or a temporary ruling, at least, by the County Commissioners that "County Advisory Organizations" includes the extension service and includes the county law library, of all things, and five or six, or more, various organizations that are supported by the county tax funds. The County Commissioners have advised that they are withholding all payments in those areas because of that amendment that we put through to the bill. It is said it would be helpful if the legislative intent became quite apparent. I can say, because I did draft the amendment, that the intention was certainly not to include county advisory organizations of a nature such as the extensions service, or the many other things, and it was only intended to include that group of the county commissioners organization which was designed, we thought, for lobbying purposes.

As the Legislature wears on our opinions change from time to time. I was reminded a while ago by a distinguished Senator that it is not a bad trait to change your mind about some things. I know that my attitude is a little different, and I am wondering if there couldn't be some clarification further in the way of legislation perhaps under this bill. It might be appropriate to keep it. I am not saying now that this shouldn't be assigned for tomorrow or the next day, but in order to get through some clarifying legislation here, we need either this vehicle, this bill here, to express our

legislative intent, and perhaps to pass something that can be constructive, or we are going to need to tack it onto the omnibus bill that comes out of the Judiciary Committee, I think, to show definitely what the legislative intent was, and perhaps to clarify in this area and to allow proper and correct organizations of county officials.

So, I would like someone, and I would like to have that person have the indulgence of the body, to have rather an indefinite tabling, if it can be done, under these special circumstances. This can come off quickly enough at a later time, but we do need to work something out in conjunction with this bill and-or the omnibus bill, which comes along at the last of things from the Judiciary Committee. I would suggest that perhaps someone might table this in rather an indefinite manner.

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

Thereupon, on motion by Mr. Wyman of Washington, tabled and specially assigned for May 14, 1969, pending Acceptance of the Committee Report.

Mr. Peabody for the Committee on Towns and Counties on Bill, "An Act Relating to the Compensation of Municipalities for the Loss of Services of Municipal Law Enforcement Officers." (S. P. 340) (L. D. 1138)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Letourneau for the Committee on State Government on Bill, "An Act Revising the State Purchasing Law." (S. P. 253) (L. D. 793)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for Construction of Garage and Storage Facility for Aroostook Association for Retarded Children." (S. P. 287) (L. D. 929)

Reported that the same Ought to Pass.

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Publication of Foreclosure Notices." (S. P. 348) (L. D. 1214)

Reported that the same Ought to Pass.

Mr. Martin for the Committee on Towns and Counties on Bill, "An Act to Empower County Commissioners to Contract for Dumps in the Unorganized Territory." (S. P. 395) (L. D. 1348)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Violette for the Committee on Judiciary on Bill, "An Act to Clarify the Right to Know Law." (S. P. 215) (L. D. 796)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-125).

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Non-appearance in Court." (S. P. 398) (L. D. 1350)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-126).

Mr. Violette for the Committee on Judiciary on Bill, "An Act Relating to Adoptions." (S. P. 399) (L. D. 1353)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-127).

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

Divided Report

The Majority of the Committee on Judiciary on Resolve, Proposing an Amendment to the Constitution to Provide for Temporary Assignments of Justices of the Superior Court to the Supreme Judicial Court. (S. P. 171) (L. D. 545)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin
QUINN of Penobscot
VIOLETTE of Aroostook

Representatives:

MORESHEAD of Augusta
FOSTER
of Mechanic Falls
DANTON of
Old Orchard Beach
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:

Representatives:

BERMAN of Houlton
HEWES of Cape Elizabeth

Which reports were Read.

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

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Creating Somerset County Commissioner Districts." (S. P. 319) (L. D. 1033)

Reported that the same Ought to Pass.

Signed:

Senators:

MILLS of Franklin
PEABODY of Aroostook
MARTIN of Piscataquis

Representatives:

WIGHT of Presque Isle
DYAR of Strong
HAWKENS of Farmington
LABERGE of Auburn

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

Signed:

Representatives:

HANSON of Vassalboro
CROMMETT
of Millinocket
FORTIER of Waterville

Which reports were Read.

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

Divided Report

Five members of the Committee on Towns and Counties on Bill, "An Act Relating to Agricultural Roads." (S. P. 403) (L. D. 1355)

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

Signed:

Senator:

MILLS of Franklin

Representatives:

DYAR of Strong
HAWKENS of Farmington
LABERGE of Auburn
FORTIER of Waterville

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

Signed:

Senators:

PEABODY of Aroostook
MARTIN of Piscataquis

Representatives:

WIGHT of Presque Isle
HANSON of Vassalboro
CROMMETT

of Millinocket

Which reports were Read.

On motion by Mr. Mills of Franklin, the Ought to Pass Report "A" of the Committee was Accepted, the Bill Read Once and tomorrow assigned for Second Reading.

Divided Report

Five members of the Committee on State Government on Bill, "An Act to Create the Mountain Resorts Airport Authority." (S. P. 368) (L. D. 1281)

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment "A" (S-129).

Signed:

Senator:

BELIVEAU of Oxford

Representatives:

RIDEOUT of Manchester
D'ALFONSO of Portland
WATSON of Bath
DENNETT of Kittery

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

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

MARSTALLER of Freeport

DONAGHY of Lubec
STARBIRD of Kingman

Which reports were Read.

Mr. Wyman of Washington, moved to Accept the Ought Not to Pass, Report "B" of the Committee.

Thereupon, on motion by Mr. Beliveau of Oxford, tabled and specially assigned for May 14, 1969, pending the motion by Mr. Wyman of Washington to Accept the Ought Not to Pass, Report "B" of the Committee.

Final Report

The Committee on Agriculture submitted its Final Report.

Which was Read and Accepted.
Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Authorizing Harness Racing Commission to Employ a Veterinarian." (H. P. 591) (L. D. 772)

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

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

Bill, "An Act Relating to Legislative Ethics." (H. P. 909) (L. D. 1170)

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for May 13, 1969, pending Passage to be Engrossed.)

Bill, An Act Reating to Petitions for Review of Incapacity Under Workmen's Compensation Act." (H. P. 1165) (L. D. 1486)

Bill, "An Act Relating to Participating Local Districts in the Maine State Retirement System." (H. P. 1167) (L. D. 1488)

Bill, "An Act to Create a Hearing Aid Dealer Board and Provide for Licensing of Hearing Aid Dealers and Fitters." (H. P. 1168) (L. D. 1489)

Which were Read a Second Time and, except for the tabled matters,

Passed to be Engrossed in concurrence.

The President laid before the Senate the matter previously set aside at the request of Mr. Bernard of Androscoggin, Resolve, to Authorize the Grant of Flowage Rights to the Auburn Water District. (H. P. 839) (L. D. 1077).

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERNARD. I move this be tabled and specially assigned for May 14, 1969, pending Passage to be Engrossed.

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: A division had been requested. As many as are in favor of the motion of the Senator from Androscoggin, Senator Bernard, that Resolve, to Authorize the Grant of Flowage Rights to the Auburn Water District (H. P. 839) (L. D. 1077), be tabled until May 14, 1969, will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

House - As Amended

Bill, "An Act to Authorize Bond Issue in the Amount of \$22,855,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine. (H. P. 319) (L. D. 406)

Bill, "An Act Relating to Short Term Permits for Trucks to Haul Loads." (H. P. 631) (L. D. 819)

(On motion by Mr. Katz of Kennebec, tabled and Specially assigned for May 13, 1969, pending Passage to be Engrossed.)

Bill, An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority." (H. P. 907) (L. D. 1168)

Which were Read a Second Time, and, except for the tabled matter,

Passed to be Engrossed, a s Amended, in concurrence.

Senate

Bill, "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands." (S. P. 389) (L. D. 1314)

Which was Read a Second Time.

The PRESIDENT: Is it the pleasure of the Senate that this Bill be passed to be engrossed and sent down for concurrence?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: L. D. 1314 is a rather deceiving document. The title reads "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Land," and refers to treasure troves and other articles and artifacts that are found on State lands or State submerged lands, and the procedure that must be used to recover the certain valuable items that are located on these lands. It is a very technical document. It provides further that the Maine State Museum will have the authority and responsibility for supervising the removal of these various items from our submerged lands.

It requires a person, for instance, who is interested in either scuba diving or related sports and who would like to cruise along our shorelines or on some of our great lakes, and who recovers certain objects, whether it be—I assume it would extend to a beer bottle as much as it would to a submerged Spanish galleon—that they must have a contract with the Maine State Museums before exploring these waters. It further provides that the Maine State Museum must supply an agent to oversee and supervise this search operation and the salvage operation. It goes on to create a State of Maine Coast Guard. It requires boats to carry identification, and a list of vessels that must have a special flag, no less, which would indicate that this vessel has the consent or has been approved by the Maine Museum Director.

Briefly, this a very complicated document, a very restrictive document, and I think it is ill-timed,

ill-advised, not needed and, finally, it would require, although the document does not contain it, a substantial appropriation to administer this act.

I recall at the hearing there was one or two instances where witnesses testified that a few valuable items were removed from submerged waters, and in a few instances from one of our great lakes, and these items found their way to another state, which resulted in a loss to the State of Maine. No doubt this has occurred, but I think we must balance the benefits that we could derive from a very restrictive, technical document such as this, which would place a very unreasonable burden upon individuals who on weekends with their families do a little exploring, persons who are doing this, not for a personal gain or profit, but merely for the enjoyment and satisfaction that they get in pursuing this area.

I would move, Mr. President, that this document be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Legislative Document 1314, Bill, "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands," be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: The remarks of Senator Beliveau are rather interesting. I sponsored this bill and I did considerable research down in the State Law Library in regards to what other states had on their books in similar reference. The State of California and the State of Florida have very similar legislation.

In Florida, as everyone knows, this is the location of tremendous wealth that has been lost at sea from the Spanish galleons, and the way the law works in Florida is that the State realizes approximately twenty-five per cent of the value of everything that is brought in, which goes to the State Mu-

seum and Archives. It has worked out very well. In the Bahamas we have a similar situation.

The only thing that I attempt to do with this bill here in Maine is that we have many locations along the coast of Maine where it is estimated there are some 2000 wrecks, of which perhaps 150 to 170 have actually been located and classified. For instance, at Machiasport, recently we have heard about the development they would like to have started down there, and it is a known fact to all sport divers that in that area some years back a ship sank with \$2 million in gold bullion. I personally would like to see the State of Maine acquire a share of that. We have a hole in the ground and I understand we may have a building up, but funds are in doubt as to whether or not the State Museum will be able to construct anything to put inside the building by the time it opens up because of the tight money situation, but many of these wrecks will be found very shortly. I, myself have been doing a tremendous amount of research and spending many weekends looking in various areas. This is the purpose of the bill: I feel that the State should have a right to acquire some of these antiquities as they are on State land, and I would like to see them preserved for future generations. That is my intent in this bill.

Now, someone mentioned the cost of the bill. The State Museum right now has the facilities for going out and checking various areas to see what is there. They have a federal grant they have received to do just this type of exploration, which I sort of got behind and spearheaded.

The Federal Government sent a Navy team over here back a couple of years ago to Castine to look for ships that sank during the Revolutionary War, because there are sixteen vessels out there. They are in about 100 feet of water, and one of these days someone is going to come up with one. When you get down to that depth the material is in such a state that it can be salvaged, restored and preserved. What do

you want? Do you want someone from out-of-State to come over here and find these things and take everything out-of-State with no protection whatsoever, or would you like to see our future generations have something to go to a museum and take a look at? That is my feeling, and I would ask for a division.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I am in complete sympathy with the position and logic of Senator Bernard. The problem exists, and too many of our antiquities have left the State of Maine because either they were found by people who take them outside of the State or outside interests are able to bid higher prices than the people within the State of Maine can to keep them here. This is a real serious problem and it is going to increase in the future, and I do hope that we can do something about it.

However, I also share even more the sentiment expressed by Senator Beliveau that the legislation itself technically poses real problems. For instance, I read right here in 383 that the Maine State Museum declares that any and all treasure trove artifacts and other similar historical material recovered in the State of Maine shall belong to the State of Maine, and shall be divided in accordance with contracts entered into by the Maine Museum. Well, I don't believe that we can have a State agency such as this declaring State policy; this would be a matter for the Legislature. The cost is a real factor, as Senator Beliveau mentioned.

It seems to me that the way to handle a problem like this is not legislation, however honorably conceived. It has got to receive that which only a few months' study would permit. I would suggest that perhaps Senator Bernard or someone might prepare a legislative research order, and then perhaps the next special session of the Legislature might present us with proper legislation. I would sup-

port the view of Senator Beliveau that this should be indefinitely postponed under these circumstances.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: As a signer of the Ought to Pass Report, it seems to me that this is an area in which we ought to move. Now, it may be that the bill has some technical faults, but I think that most of us who have been to Florida realize the problem there and realize what they have done. It seems to me we should do something in this area rather than passing it by, and I support the position of Senator Bernard. If the bill needs some technical changes, then I would hope that somebody would table it and change it, but I certainly hope you don't indefinitely postpone it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, that Bill, "An Act Declaring Procedures for Acquiring and Protecting Antiquities on State Lands," 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. All those opposed will rise and remain standing until counted.

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

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

The Chair recognizes the Senator from Androscoggin, Senator Bernard.

Mr. BERNARD of Androscoggin: Mr. President, having listened to the remarks of some of my very knowledgeable colleagues, I wish that somebody would perhaps table this for a week so I can work out some agreement to correct some of the difficulties.

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

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for May 15, 1969, pending Passage to be Engrossed.

Enactors

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

An Act Relating to Pecuniary Damages in Actions for Injuries Causing Death of a Minor. (S. P. 86) (L. D. 249)

An Act Relating to Cost of Replacement Motor Vehicles as Damages in Civil Actions. (S. P. 87) (L. D. 250)

An Act Relating to the Guardianship of Mentally Retarded Persons. (S. P. 109) (L. D. 315)

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

An Act Permitting Approval of Early Childhood Education Programs. (H. P. 378) (L. D. 487)

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

An Act Amending the Post Conviction Statute. (H. P. 560) (L. D. 741)

An Act Amending the Marriage Laws. (H. P. 1034) (L. D. 1344)

An Act to Regulate Sewer Utilities. (H. P. 1106) (L. D. 1423)

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

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

Emergency

An Act Relating to Location of Schools and Size of School Projects. (H. P. 683) (L. D. 882)

Comes from the House, having Failed of Enactment.

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

Emergency

An Act Providing Funds for Indian Affairs. (H. P. 209) (L. D. 259)

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

On motion by Mr. Conley of Cumberland, the Senate voted to reconsider its action of earlier in today's session whereby it Insisted and asked for a Committee of Conference on Non-Concurrent Matter, Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act" (S. P. 245) (L. D. 754).

In the Senate May 1, 1969, Passed to be Engrossed.

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

Thereupon, on further motion by the same Senator, the Senate voted to Insist.

Orders of the Day

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

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

Tabled — May 1, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Barnes of Aroostook, retabled and specially assigned for Thursday, May 15, 1969, pending Passage to be Engrossed.

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

Bill "An Act to Correct Errors and Inconsistencies in the Public Laws Relative to Sea and Shore Fisheries." (S. P. 71) (L. D. 195)

Tabled — May 6, 1969 by Senator Moore of Cumberland.

Pending—Enactment.

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

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

SENATE REPORTS — from the Committee on Judiciary on Resolve, Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine (S. P. 209) (L. D. 618) Report, Ought Not to Pass.

Tabled — May 6, 1969 by Senator Barnes of Aroostook.

Pending — Acceptance of Either Report.

On motion by Mr. Logan of York, retabled and tomorrow assigned, pending Acceptance of Either Report.

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

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

Tabled—May 7, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed. The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-128, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "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)

Tabled—May 7, 1969 by Senator Conley of Cumberland.

Pending — Motion by Senator Katz of Kennebec to Reconsider Failure of Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 14, 1969, pending the motion by that same Senator that the Senate Reconsider its action whereby the Bill Failed of Enactment.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Towns and Counties on Bill, "An Act Relating to Approval of Appointment of Assistant County Attorney for Washington County." (H. P. 299) (L. D. 375)

Tabled—May 7, 1969 by Senator Mills of Franklin.

Pending—Acceptance of Report.

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

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

Bill, "An Act Relating to Installation of Sprinkler Systems in Hotels." (H. P. 260) (L. D. 336)

Tabled—May 7, 1969 by Senator Logan of York.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone House Amendment "B" Filing H-235.

On motion by Mr. Logan of York, retabled and tomorrow assigned, pending the motion by Mr. Berry of Cumberland to Indefinitely Postpone House Amendment "B".

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

Bill, "An Act Relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies." (H. P. 494) (L. D. 648)

Tabled — May 7, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

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

The President laid before the Senate the matter tabled earlier in today's session on motion by Mr. Katz of Kennebec:

Non-Concurrent Matter

Bill, "An Act Relating to Barber Technicians." (S. P. 360) (L. D. 1224)

In the Senate May 2, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-287) in non-concurrence.

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

On motion by Mr. Stuart of Cumberland, the Senate voted to Reconsider its action whereby it Insisted and Asked for a Committee of Conference on:

Non-Concurrent Matter

Resolve, Providing Funds for Dental Education. (S. P. 201) (L. D. 610)

In the Senate May 2, 1969, Minority Ought to Pass report Read and Accepted and the Resolve on May 6, 1969, Passed to be Engrossed.

Comes from the House, the Majority Ought Not to Pass report Read and Accepted in non-concurrence.

The same Senator then moved that the Senate Recede and Concur with the House.

The PRESIDENT: The Senator has the floor.

Mr. STUART: Mr. President, I guess my inexperience is showing on this one. I have learned that this money is in the Part II Budget and that there is no need for this Resolve.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

The motion prevailed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox, adjourned until 9 o'clock tomorrow morning.