

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, May 9, 1969

Senate called to order by the President.

Prayer by the Rev. Fr. John L. Dougher of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, May 12, at 4 o'clock in the afternoon.

(S. P. 453)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers From The House Non-concurrent Matter

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

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

In the Senate May 6, 1969, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, Mr. Berry of Cumberland moved that the Senate Recede and Concur.

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

Mr. MINKOWSKY of Androscoggin: Mr. President, I now move that the Senate adhere.

The PRESIDENT: The Chair would inform the Senate that the motion to recede and concur takes precedence over a motion to adhere. If the motion to recede and concur is defeated, then the Senator may make the motion to adhere.

Mr. MINKOWSKY: I would ask for a division, Mr. President, on the motion to recede and concur.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I ask for a roll call.

The PRESIDENT: The Senator from Franklin, Senator Mills, requests a roll call. Is the Senate ready for the question?

The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House in its action whereby Bill, "An Act Relating to Retirement of Chief Liquor Inspector," was passed to be engrossed. 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. As many Senators as are in favor of ordering a roll call will rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The question is the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House whereby the House passed to be engrossed Bill, "An Act Relating to Retirement of Chief Liquor Inspector." A "Yes" vote would mean you want to recede and concur; a "No" vote means no.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Barnes, Berry, Dunn, Hoffses, Katz, Logan, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Wyman and President MacLeod.

NAYS: Senators Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Martin, Minkowsky, Reed and Violette.

ABSENT: Senators Beliveau, Greeley, Hanson, Levine and Tanous.

A roll call was had. Fifteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with five Senators absent, the motion to Recede and Concur prevailed.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the

prevailing side, I move that the Senate reconsider, and I hope that all of the members of the Senate would vote against my motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that the Senate reconsider its action whereby it receded and concurred with the House on Bill, "An Act Relating to Retirement of Chief Liquor Inspector."

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I request a division when the vote is taken.

The PRESIDENT: The Senator from Hancock, Senator Anderson, requests a division. As many as are in favor of the motion to reconsider will rise and remain standing until counted.

The Chair recognizes the Senator from York, Senator Letourneau.

Mr. LETOURNEAU of York: Mr. President, if I am in order, I would move that this be tabled until next Tuesday

The PRESIDENT: The Senator from York, Senator Letourneau, moves that Legislative Document 1204 be tabled until Tuesday next, pending the motion to reconsider.

The Chair recognizes the Senator from Cumberland, Senator Berry.

On motion by Mr. Berry of Cumberland, a division was had. Twelve Senators having voted in the affirmative, and fifteen Senators having voted in the negative, the motion to table did not prevail.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate voted to recede and concur with the House. As many as are in favor of the Senate reconsidering its action will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Joint Resolution State of Maine

In the Year of our Lord One Thousand Nine Hundred and sixty - Nine

Joint Resolution Honoring Harry S. Truman on His Eighty - Fifth Birthday

WHEREAS, Harry S. Truman, the 33rd President of the United States, continues to steer the firm course of a good and faithful servant to his Lord and his people; and

WHEREAS, the citizens of the State of Maine have forever enshrined in their hearts and minds the true dimension of greatness which he has rightly earned; and

WHEREAS, Thursday, the eighth day of May 1969, marks the eighty - fifth anniversary of our former chief executive's birth; now, therefore, be it

RESOLVED: That we, the Members of the 104th Legislature of the State of Maine, now assembled, do extend to Harry S. Truman our warmest congratulations on this his 85th birthday and offer our best wishes for the future; and be it further

RESOLVED: That a copy of this Resolution be immediately transmitted to President Truman in honor of the occasion.

(H. P. 1179)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Joint Order

Mr Katz of Kennebec presented the following Order and moved its Passage:

ORDERED, that the Maine Education Council, established under chapter 452 of the public laws of 1967, is authorized and directed to conduct a comprehensive study of the Bill, "AN ACT Creating the Professional Practices Act for Teachers," H. P. 222, L. D. 272, as introduced at the regular session of the 104th Legislature; and be it further

ORDERED, that the Maine Education Council submit a written report of their findings, together with any necessary recommendations and implementing legislation,

to the next regular or special session of the Legislature.

(S. P. 454)

Which was Read.

On motion by Mr. Katz of Kennebec, tabled and specially assigned for May 13, 1969, pending Passage.

Committee Reports

House

Referred to the 105th Legislature

The Committee on Agriculture on Bill, "An Act Relating to Sale of Dogs from Kennels and Pet Shops." (H. P. 794) (L. D. 1035)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence

Leave to Withdraw

The Committee on Natural Resources on Bill, "An Act Establishing the Environmental Advisory Commission." (H. P. 1043) (L. D. 1366)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Leave to Withdraw—

Covered by Other Legislation

The Committee on State Government on Bill, "An Act Relating to the Division of the State into Regions for the Purpose of Regional Development." (H. P. 829) (L. D. 1068)

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 Judiciary on Bill, "An Act Relating to Suspension of Operator's Motor Vehicle License When Person is Convicted of Larceny or Breaking and Entering." (H. P. 953) (L. D. 1234)

Reported that the Same Ought Not to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Persons Found Intoxicated in Liquor

Licensed Premises." (H. P. 1003) (L. D. 1305)

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.

Ought to Pass

The Committee on Health and Institutional Services on Bill, "An Act Amending Funeral Directors' Law." (H. P. 761) (L. D. 981)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Bills Submitted by Charitable Organizations for State Aid." (H. P. 1026) (L. D. 1335)

Reported that the same Ought to Pass.

The Committee on State Government on Resolve, Authorizing Forest Commissioner to Exchange Land in T2 R6 (Big Squaw) BKP EKR, Piscataquis County. (H. P. 1163) (L. D. 1485)

Reported that the same Ought to Pass.

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

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

Ought to Pass in New Draft

The Committee on Health and Institutional Services on Bill, "An Act to Revise the Pharmacy Laws." (H. P. 809) (L. D. 1048)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1175) (L. D. 1496)

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

On motion by Mr. Conley of Cumberland, tabled and specially assigned for May 14, 1969, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Relating to Compensation of

State Probation and Parole Board." (H. P. 488) (L. D. 642)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
LETOURNEAU of York

Representatives:

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

of Freeport

STARBIRD of Kingman

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

Signed:

Senator:

BELIVEAU of Oxford

Representative:

WATSON of Bath

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill, "An Act Relating to the Treatment of Venereal Disease in Minors Without Parental Consent." (H. P. 1066) (L. D. 1395)

Reported that the same Ought to Pass.

Signed:

Senators:

STUART of Cumberland
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Representatives:

SOULAS of Bangor
PAYSON of Falmouth
FRASER of Mexico
BINNETTE of Old Town
WHITE of Guilford
NOYES of Limestone

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

Signed:

Representative:

CARRIER of Westbrook

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

Which reports were Read.

On motion by Mr. Stuart of Cumberland, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Senate

Change of Reference

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for a Feasibility Study for a High Level Bridge or Vehicular Underwater Tunnel Across Fore River." (S. P. 416) (L. D. 1391)

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

Which report was Read and Accepted.

Sent down for concurrence.

Leave to Withdraw—

Covered by Other Legislation

The Committee on Retirements and Pensions on Bill, "An Act Improving Payment of Benefits Under the Maine State Retirement System Law." (S. P. 301) (L. D. 994)

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

Which report was Read and Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Business Legislation on Bill, "An Act Relating to Truth in Advertising." (S. P. 329) (L. D. 1128)

Reported that the same Ought Not to Pass.

Signed:

Senator:

LOGAN of York

Representatives:

SCOTT of Wilton
TRASK of Milo
GAUTHIER of Sanford

PECTEAU of Biddeford
HARRIMAN of Hollis
SCOTT of Presque Isle
CLARK of Jefferson

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

Signed:

Senators:

LEVINE of Kennebec
BERRY of Cumberland

Which reports were Read.

Mr. Logan of York moved Acceptance of the Majority Ought Not to Pass Report of the Committee.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for May 14, 1969, pending the motion by Mr. Logan of York to Accept the Majority Ought Not to Pass Report of the Committee.

Second Readers

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

House

Resolve, Authorizing Construction of Connecting Building Between Shops at Maine State Prison from Prison Industries Account. (H. P. 621) (L. D. 809)

Bill, "An Act Relating to Amount Retained by Town Clerks from Fish and Game License Fees." (H. P. 1171) (L. D. 1483)

Bill, "An Act Relating to Size of Conibear Traps for Trapping Animals." (H. P. 1172) (L. D. 1494)

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

House - As Amended

Bill, "An Act Relating to Annual reports of Counties." (H. P. 109) (L. D. 117).

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

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

Senate

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

Bill, "An Act Providing Funds for Construction of Garage and Storage Facility for Aroostook Association for Retarded Children." (S. P. 287) (L. D. 929)

Bill, "An Act Relating to Publication of Foreclosure Notices." (S. P. 348) (L. D. 1214)

Bill, "An Act to Empower County Commissioners to Contract for Dumps in the Unorganized Territory." (S. P. 395) (L. D. 1348)

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)

Bill, "An Act Creating Somerset County Commissioner Districts." (S. P. 319) (L. D. 1033)

(On motion by Mr. Dunn of Oxford, temporarily set aside.)

Bill, "An Act Relating to Agricultural Roads." (S. P. 403) (L. D. 1355)

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

Sent down for concurrence.

The President laid before the Senate the matter previously set aside upon request by Mr. Dunn of Oxford, Bill, "An Act Creating Somerset County Commissioner Districts" (S. P. 319) (L. D. 1033)

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

Senate Amendment "A", Filing No. S-132 was Read.

Mr. Cianchette of Somerset moved that the Bill be tabled and specially assigned for May 13, 1969, pending Adoption of Senate Amendment "A".

Thereupon, on request by Mr. Dunn of Oxford, a division was had. Sixteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion to table prevailed.

Senate - As Amended

Bill, "An Act to Clarify the Right to Know Law." (S. P. 215) (L. D. 796)

Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License for Nonappearance in Court." (S. P. 398) (L. D. 1350)

Bill, "An Act Relating to Adoptions." (S. P. 399) (L. D. 1353)
Which were Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Orders of the Day

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

Bill, "An Act Reducing the Population Requirement from the Revenue Producing Municipal Facilities." (H. P. 1159) (L. D. 1480)

Tabled — May 7, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 13, 1969, pending Passage to be Engrossed.

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

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

Tabled — May 7, 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-131, 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 third tabled and specially assigned matter:

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

Tabled — May 7, 1969 by Senator Violette of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone Bill.

On request by Mr. Berry of Cumberland, the motion was Withdrawn.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and specially assigned for May 13, 1969, pending Enactment.

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

HOUSE REPORT — Ought Not to be Adopted from 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)

Tabled — May 8, 1969 by Senator Wyman of Washington.

Pending — Acceptance of Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: It is not my intention to move to reverse the unanimous Ought Not to Pass Report of the State Government Committee, a report which I signed and with which I still agree. However, I feel that some parts of this Joint Resolution have real merit and that a few comments are in order before we pass this resolve to the files for burial.

Years ago something like this was said: "the least government is the best government," and this seems to be true today. For example, when my late father passed away in Florida, forty-six years ago, it was not possible for me to talk with my mother on the telephone without the message being relayed at least through one other operator. Today, as you know, you can dial with your phone almost any point in the United States instantly, and it doesn't take too long to call over-seas. Again, forty-six years ago we could get a letter from the Milbridge Post Office to Boston or the Boston area and have it delivered overnight; now sometimes it takes two days and three days.

A short time ago I had a special delivery letter which took three days from Milbridge before it was delivered in Boston. Now, think what would have happened to the telephone service if the Government had been in the telephone business. I don't criticize the Post Office officials. I think they are victims of a snarled bureaucracy

about which nothing is done. But I think that if the telephone company or some similar organization operated the postal service that we would have a real efficient postal service now, which we don't have. It just seems to me that we are asking the Government to do too many things for us which could be done better by private enterprise, and that we are being taxed for the losses and expense of the incompetent way in which this business is being done. Now, Mr. President, I move we accept the unanimous Ought Not to Pass Report of the Committee.

The PRESIDENT: The Senator from Washington Senator Wyman, now moves that the Senate accept the Ought Not to Pass Report of the Committee in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

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

Tabled — May 8, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Cianchette of Somerset, 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 "B" and moved its adoption.

Senate Amendment "B, Filing No. S-130, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

(See action later in today's session.)

The President laid before the Senate the sixth 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) Majority Report, Ought Not to

Pass; Minority Report Ought to Pass.

Tabled — May 8, 1969 by Senator Logan of York.

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 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 8, 1969 by Senator Logan of York.

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

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

Mr. LOGAN of York: Mr. President, may I inquire of the Chair as to the status of this bill.

The PRESIDENT: The Secretary will read the status of the bill.

The SECRETARY: The Bill comes from the House with the unanimous Ought to Pass as Amended by Committee Amendment "A" Report accepted and the Bill passed to be engrossed, as amended by Committee Amendment "A", House Amendment "A" and House Amendment "B".

In the Senate, May 2, 1969, the Report read and accepted in concurrence, the Bill read once, Committee Amendment "A" adopted in concurrence, House Amendment "A" read and indefinitely postponed in non-concurrence; House Amendment "B" read.

Thereupon, House Amendment "B" was Indefinitely Postponed in non-concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Mr. CONLEY of Cumberland: Mr. President, I inquire through the Chair whether the Secretary of the Senate is in possession of

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

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

Mr. CONLEY: Mr. President, I would now move that we reconsider our action of yesterday whereby we voted to insist.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves that the Senate reconsider its action whereby the Senate insisted on its former action on Bill, "An Act to Extend Coverage of the Minimum Wage on Construction Projects Act."

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Thereupon, on motion by Mr. Reed of Sagadahoc, tabled and specially assigned for May 15, 1969, pending the Motion by Mr. Conley of Cumberland that the Senate Reconsider its action whereby it voted to Insist.

On motion by Mr. Dunn of Oxford, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Location of Schools and Size of School Projects" (H. P. 683) (L. D. 882, was Passed to be Engrossed.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This bill increases the power of eminent domain in towns so that instead of taking 25 acres they will be able to take 50 acres. Now, I think most everyone here has a fairly good idea of what a 25-acre lot would be. I am particularly conscious of it because I have lived for a good many years on a lot of land that is between 23 and 24 acres. I know, without any doubt, you could put a good school complex on there and have room for all the athletic facilities and everything else that you would need.

S.A.D. 17 in Norway, I believe, is one of the larger ones in the State, and I was told the other day that they have somewhere in the neighborhood of 23 acres, and

they have the buildings, parking areas, and three athletic fields.

I don't believe that the towns should be able to take a lot more land than they need. In this particular instance, according to the record, it was stated at the hearing that they did not need this land immediately, but they thought they would use it for expansion at some future date, and they thought it would be cheaper to take it now than it would later on. I would maintain that if the land is going to increase in value that the owner should be considered and perhaps have the right to expect that increase. So, for that reason I move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Dunn, now moves that Bill, "An Act Relating to Location of Schools and Size of School Projects," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The size of land that might be available for taking for school projects has been adjusted over the years on at least four or five previous occasions. Even as we have adjusted our speed limits on our highways as conditions changed so, over the years, we have revised the one - acre restriction up to five or eight, and presently it sits on our books at 25 acres.

I had a feeling, and I think the majority of the Committee on Education had the feeling, without respect to a specific project, that we are reaching the point in time where some S.A.D.'s in some cities are going to be building school complexes, that there is a merit to have two schools sitting side by side, and that even though this bill is requested by a specific locality, we felt there was substantial merit in reviewing a change such as has been made over the years and perhaps expanding it further.

The size of 50 acres is an arbitrary one. I have expressed my interest to those who have misgivings to amending it to any reasonable increase - I don't care

whether it is 50 or 40 - but I am personally convinced that an increase is desirable.

Now, when the gentleman speaks of taking land far in advance of its needs, I call to your attention the fact that this bill pertains only to the process of eminent domain, and I have a feeling, although I am not deeply involved in legal affairs, that the courts are rather judicious in their granting of eminent domain rights, and the case has to be proven; that school officials cannot just go out arbitrarily and say "Let's grab some land today because who knows, we may need it." As a matter of fact, I can't think of any really odoriferous cases, with all the dozens and dozens of school projects we have; I think by and large that the use of eminent domain has been used very, very responsibly in the State. I do not share any feeling that they are going to go out and grab people's land and prevent them from benefitting in the increase in value. I think that the school people will act responsibly and I think the courts will act responsibly. So, I would oppose the motion to indefinitely postponed and suggest, instead, that if anybody has any terribly deep feelings about 50 acres that they amend it down to 47½ or 41¾, but I ask for a division and hope that you will oppose the motion.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that Legislative Document 882 be indefinitely postponed.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel I must rise in opposition to my good, fearless leader, the Senator from Kennebec, Senator Katz, and in support of the good Senator from Oxford, Senator Dunn.

During my time here in this Senate, and serving on committees, the matter of eminent domain has from time to time arisen, and we have not given the taxpayer, in

my opinion, the due consideration that he deserves. No matter what branch of government, no matter what piece of legislation, we are all dependent upon the taxpayer.

Now, the good Senator from Kennebec has said that this piece of legislation is desirable. There is a lot of good measures which are desirable but which are not necessary. Let us here and now consider the necessary matters, and not concentrate upon the desirable matters.

I am a landowner, I am paying taxes, and if I am fortunate enough to live until the value of my property increases, and I can benefit by this increased valuation, I believe that I have a right as a taxpayer for this benefit. In the interim I have been paying taxes on this piece of property, I have been keeping the property in a reasonable state of appearance, and I believe I therefore have some right as a taxpayer to reap some benefits by the increased valuations. Now then, if it becomes necessary that my property must be taken by eminent domain for the benefit of the education of our youth, then let it be taken, but only when it is necessary to take it and not when it is desirable.

Perhaps my good friend and fellow colleagues from Kennebec County may chastise me when we are in a suitable place there to do, however, as a taxpayer and a property owner, I feel compelled to oppose his position, and shall support the position taken by the good Senator from Oxford, and I hope that you will go along with us in this position.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I must side with Senators Hoffses and Dunn on this issue. I don't like the idea of giving unlimited powers of eminent domain.

I am not aware that any other S.A.D. or any other school in the State wants to extend this beyond 25 acres, and this legislation was put in primarily for a specific

situation, as has been mentioned, in Westbrook where a farmer there was going to lose his land and his farm. I know this really isn't the issue, but the point is that this legislation did come in for that specific purpose, and they were going to give him something like \$17,000 and take the land, so he would be pretty much out of business. I was sympathetic for the farmer. He was at the hearing and pleaded quite a case.

If there had been other people at the hearing requesting that we extend this beyond 25 acres, and that there was a real need for taking an unlimited amount of land by eminent domain, then that would change the situation to my way of thinking. But I think 25 acres is a lot of land and probably you can get a school on that land. I hope you go along with the motion to indefinitely postpone.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: This bill has concerned me to no end. This piece of legislation has truly bothered me. As you have heard, it is a situation in the community in which I reside whereby a problem has arisen pertaining to acquisition of land.

I personally feel that negotiations could continue, and I think in many cases of this nature that negotiations could prevail and many eminent domain practices need not exist. I have supported this legislation to a degree, although it has tugged hard at my conscience. I personally feel today that this legislation is not necessary for my community, and I really question this morning whether this legislation is in the best interest of the State of Maine.

We can take by eminent domain up to 25 acres for any single school project, and this is a lot of land for any single school project. I haven't noticed that there has been too many other communities that have had to work under a great hardship, and I just feel that it might not be in the best interest of the State to make too much of an extension. It has been pointed

out in the other body that a community can take unlimited land for dumps and other purposes, however, are they apt to take unlimited land and will the same amount of pressure be applied to take large tracts of land for dumps and other purposes as with the schools?

I think that perhaps some of our S.A.D. districts have perhaps gone beyond the thinking of the little individual communities. I certainly am all for the S.A.D. district type of education, but I sometimes wonder if perhaps a little curtailment along these lines isn't good. Therefore, I support the motion. Thank you.

The PRESIDENT: Is the Senate ready for the question. The pending question is the motion of the Senator from Oxford, Senator Dunn, that Bill, "An Act Relating to Location of Schools and Size of School Projects," be indefinitely postponed. A division has been requested. As many as are in favor of the motion to indefinitely postpone will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Bill, An Act Relating to Truth in Packaging, (H. P. 951) (L. D. 1230).

The same Senator then moved the pending question.

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

(Off Record Remarks)

On motion by Mr. Mills of Franklin, the Senate voted to take from the table the sixth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on Business Legislation on Bill, "An Act Providing for the Outlawing

of Trading Stamp Disbursement by Certain Business Establishments Selling Motor Fuel." (H. P. 506) (L. D. 677)

Tabled — March 20, 1969 by Senator Mills of Franklin.

Pending — Acceptance of Report.

Thereupon, on motion by Mr. Katz of Kennebec, retabled and specially assigned for May 13, 1969, pending Acceptance of the Committee Report.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the tabled the third tabled and unassigned matter:

Resolve, Proposing an Amendment to the Constitution Pledging

Credit of State for Loans of Maine School Building Authority. (S. P. 97) (L. D. 307)

Tabled — March 5, 1969 by Senator Katz of Kennebec.

Pending — Consideration.

On further motion by the same Senator, retabled and specially assigned for May 13, 1969, pending Consideration.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Monday, May 12, 1969, at 4 o'clock in the afternoon.