

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

Wednesday, May 21, 1969

Senate called to order by the President.

Prayer by the The Honorable Richard N. Berry of Cape Elizabeth.

Reading of the Journal of yesterday.

Communications

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

May 20, 1969

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

Sir:

The House on May 19 on Bill, "An Act Requiring Placarding and Bills of Lading on Motor Vehicles Transporting Explosives and Other Dangerous Articles" (H. P. 1131) (L. D. 1453) rejected the Committee of Conference Report and adhered to its former action whereby the Bill was indefinitely postponed.

Respectfully,

Signed:

BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File.

Committee Reports
House
Ought to Pass

The Committee on Towns and Counties on Bill, "An Act Providing for Enabling Legislation for Municipal Zoning." (H. P. 843) (L. D. 1081)

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, the Bill Read Once and tomorrow assigned for Second Reading.

The Committee on State Government on Bill, "An Act to Establish the State Racing Commission." (H. P. 1047) (L. D. 1375)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill subsequently Indefinitely Postponed.

Which report was Read.

On motion by Mr. Barnes of Aroostook, Indefinitely Postponed in concurrence.

Ought to Pass
- As Amended

The Committee on Retirements and Pensions on Bill, "An Act Relating to Disability Retirement and Retirement Allowances Under State Retirement System." (H. P. 242) (L. D. 297)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-335).

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$655,000 for the Construction of Educational, Recreational, and Water and Sewage Facilities at the Indian Reservations." (H. P. 312) (L. D. 399)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-339).

The Committee on State Government on Bill "An Act Relating to Damage to Private Water Supplies Resulting from Alteration of Highways." (Emergency) (H. P. 445) (L. D. 569)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-336).

The Committee on State Government on Bill, "An Act Establishing the Law Enforcement Planning and Assistance Agency." (H. P. 1046) (L. D. 1374)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-337).

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issues in the Amount of \$22,000,000 to Provide Funds for Foundation Program School Subsidies for the Period Beginning January 1, 1970 and Ending June 30, 1970 Under the Revised Statutes, Title 20, Sections 3721 to 3724." (H. P. 1143) (L. D. 1467)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-338).

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.

Ought to Pass in New Draft

The Committee on Legal Affairs on Bill, "An Act Amending Certain Provisions of the Charter of the Town of Old Orchard Beach." (H. P. 637) (L. D. 825)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1199) (L. D. 1522)

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

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

Senate

Leave to Withdraw

Mr. Logan for the Committee on Business Legislation on Bill, "An Act Relating to Types of Loans by Credit Unions." (S. P. 293) (L. D. 973)

Reported that the same be granted Leave to Withdraw.

Mr. Stuart for the Committee on Education on Bill, "An Act Creating the Maine Higher Education Loan Authority Act." (S. P. 294) (L. D. 974)

Reported that the same be granted Leave to Withdraw.

Mr. Berry for the Committee on Business Legislation on Bill, "An Act Establishing a Consumers' Council." (S. P. 405) (L. D. 1358)

Reported that the same be granted Leave to Withdraw.

Mr. Hanson for the Committee on Retirements and Pensions on Bill, "An Act Relating to Death Benefits Under the State Retirement Law." (S. P. 276) (L. D. 871)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought Not to Pass Covered by Other Legislation

Mr. Mills for the Committee on Judiciary on Bill, "An Act Creating a District Court Division of Northern Androscoggin and Franklin." (S. P. 210) (L. D. 619)

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

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Anderson for the Committee on Inland Fisheries and Game on Resolve, Relating to Ice Fishing in East Grand Lake in Aroostook and Washington Counties. (S. P. 206) (L. D. 615)

Reported that the same Ought Not to Pass.

Mr. Anderson for the Committee on Inland Fisheries and Game on Resolve, Relating to Ice Fishing in Spednic Lake, Washington County. (S. P. 207) (L. D. 616)

Reported that the same Ought Not to Pass.

Which reports were Read.

On motion by Mr. Wyman of Washington, tabled and specially assigned for May 23, 1969, pending Acceptance of Committee Reports.

Mr. Katz for the Committee on Education on Bill, "An Act Relating to Loans for Maine Students of Dental Hygiene." (S. P. 259) (L. D. 863)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Mr. Berry for the Committee on Business Legislation on Bill, "An Act Outlawing Trading Stamp Disbursement and Contests or Games by Establishments Selling Motor Vehicle Fuel." (S. P. 330) (L. D. 1129)

Reported that the same Ought Not to Pass.

Which report was Read.

On motion by Mr. Mills of Franklin, tabled and tomorrow as-

signed, pending Acceptance of the Committee Report.

Ought to Pass

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Relating to Immunity of Government Employees Under Civil Defense Law." (S. P. 166) (L. D. 540)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Quinn for the Committee on Judiciary on Bill, "An Act to Prohibit Possession of Machine Guns." (S. P. 298) (L. D. 991)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-169).

Mr. Mills for the Committee on Judiciary on Bill, "An Act Revising the Laws Relating to the Law Courts." (S. P. 170) (L. D. 544)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-168).

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.

Ought to Pass in New Draft

Mr. Mills for the Committee on Judiciary on Bill, "An Act Relating to Eleventh District Court, Northern Androscoggin Division." (S. P. 169) (L. D. 543)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Jurisdiction and Judicial Divisions of the District Court." (S. P. 468) (L. D. 1526)

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

Divided Report

The Majority of the Committee on Natural Resources on Bill, "An Act Revising the Law Regulating

the Alteration of Wetlands." (S. P. 150) (L. D. 431)

Reported that the same Ought to Pass in New Draft "A". (S. P. 469) (L. D. 1527)

Signed:
Senators:

BERRY of Cumberland
SEWALL of Penobscot

Representatives:

COFFEY of Topsham
BROWN of York
HARDY of Hope
JAMESON of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft "B". (S. P. 470) (L. D. 1528)

Signed:
Senator:

REED of Sagadahoc

Representatives:

SNOW of Caribou
EUSTIS of Dixfield
CURRAN of Bangor

Which reports were Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The only difference between Report "A" and Report "B" is that Report "A" provides for the elimination of the control of the Wetlands Board in Portland Harbor, and that portion of Portland Harbor administered and controlled under the applicable laws by the Board of Harbor Commissioners of the Port of Portland. Report "B" completely eliminates this provision. This was put in the report, in Report "A", at the request of the Harbor Commissioners, who testified at the hearing that under the law they have to hold a duplication of a hearing held by the Wetlands Control Board, and that this involves expense on part of the municipality which must pay for the advertising involved. At the request of the Harbor Commissioners, this was included and, as I say, this is the only difference between the two bills.

I would move that the Senate accept Report "A".

The PRESIDENT: The Senator from Cumberland, Senator Berry,

moves that the Senate accept the Ought to Pass in New Draft, Report "A" of the Committee.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I am reluctant to oppose the motion, but I would ask for a division. I don't know if I actually feel that strongly about what is being done here but, if you would just turn to L. D. 1527, the only difference is that nothing in this chapter shall apply to the waters and territory within the limits of the City of South Portland, which pursuant to the provision of this private and special law, and so on, the Board of Harbor Commissioners. The Board of Harbor Commissioners evidently control the area in Portland Harbor, as far as Portland is concerned, and South Portland.

Now, this part of the Harbor that is in Portland is still going to be under the control of the Wetlands Board.

My feelings are simply that, if we are going to have a Wetlands Board, they should have control of the coast line, as far as land-fills and this type of thing, from Kittery to Eastport, without any exceptions. It is true there is a duplication here, but the Board of Harbor Commissioners have vast authority, they have control of all the pollution that goes into the Harbor, all land-fills, and this type of thing. I question whether they always acted with a great deal of wisdom, but this I am not here to debate this morning. But my feeling would be that, if there is a duplication, that it should be the Board of Harbor Commissioners that would give up some of their authority and let the State Board control it as far as land-fill is concerned. This is why I signed out this Report "B", and would ask for a division on the motion that is now before us.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This matter was brought to my attention a week or two

ago, about the duplication of the Wetlands Control Board with the Harbor Commissioners. The Board of Harbor Commissioners of Portland Harbor I am quite sure, are three people who are appointed by the Governor and Council to control the Portland Harbor area, and they do, of course, have considerable authority, and they do exercise it in relation to, quite often, the tanker situation, and that sort of thing; it is pollution control. I think they have done a fairly good job, and certainly they have done a better job than most. They have been there for over fifty years, and I rather think that it would be better to have them not have a duplication and have the Wetlands Control Board take over and try to regulate within Portland Harbor, which I don't think, if you ever looked at it, you would think about it as being one of the provinces of the Wetlands.

Be that as it may, in looking at this particular report, I noticed it says, "the territory within the limits of the City of South Portland." I don't know if that is a mistake or not, but obviously the town line runs right down the center of Fore River and through Portland Harbor. It seemed to me that it would be more appropriate, as I recall the information that I received from the Harbor Commissioners, to have the same area exempt that they do have custody over.

So I would request that some member of the body table this until, say, Friday, and let me check on the particular report as to whether the wording is quite as well as I would want it to be.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: At the hearing the City of Portland itself was not represented, but the City of South Portland's viewpoints were presented, and at the hearing no mention was made that the City of Portland wanted to have the same privileges of exemption that the City of South Portland did. Subsequently, I have received a message from the City Manager of Portland requesting

that they be included. I certainly would, when this bill reaches the engrossing stage, would be happy to present such an amendment. I would suggest, in the interest of progress, that we not table the bill in any event, and I, for one, am extremely reluctant to have this bill founder upon the problem that we are facing. I don't consider it is as important as the bill itself is. We made excellent progress two years ago in the control of our wetlands, and I feel that we must continue it.

I would be very happy at the proper stage to present an amendment which would include at least part of the City of Portland in this bill. I would hope that we could accept this report "A", or "B", whichever the body in its wisdom decides, and move it along to the engrossing stage.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: In view of what my colleague has said, I would withdraw my request as to the tabling. It seems rather too bad that we have to have three or four redrafts of a simple bill like this, but I would be perfectly willing to try to correct the matter at a later time, either tomorrow or the next day, and I will support the Senator from Cape Elizabeth in his request that we do adopt Report "A". I believe the motion before the body is the acceptance of Report "A", and I would support that motion.

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

Mr. BERRY: Mr. President, to simplify the matter, I would withdraw my motion that we accept Report "A", and I would move that we accept Report "B". Then this issue that Senator Reed brings up can rise or fall on a very plain amendment which will be offered at the right time.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion to accept the Majority Ought to Pass, in New Draft, Report "A", and moves that the Senate accept the Minority Ought to Pass in New Draft Report

"B" of the Committee. Is this the pleasure of the Senate?

Thereupon, the Minority Ought to Pass in New Draft Report "B" of the Committee was Accepted, the Bill 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 Appropriating Funds to Defray Part of Cost of Radio Homing Beacon at Norridge-wock Airport." (H. P. 914) (L. D. 1175)

Resolve, to Reimburse Julia Junkins of South Portland for Damage to Property. (H. P. 1078) (L. D. 1401)

Bill, "An Act Relating to Lack of Privity as a Defense in Action Against Manufacturer, Seller or Supplier of Goods." (H. P. 1195) (L. D. 1516)

Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 49) (L. D. 50)

Bill, "An Act Permitting Attendance Promotions by Liquor Licensees." (H. P. 1198) (L. D. 1519)

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

Bill, "An Act Relating to Time of Payment of Salaries of Members of the Legislature." (H. P. 1008) (L. D. 1310)

Which was Read a Second Time. (On motion by Mr. Anderson of Hancock, tabled and specially assigned for May 23, 1969 pending Passage to be Engrossed.)

Bill, "An Act to Provide a Uniform Fiscal Year for Municipalities." (H. P. 98) (L. D. 106)

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Relating to Increased Board Payments for State Wards." (H. P. 620) (L. D. 808)

Bill, "An Act Relating to Approval of Refuse Disposal Areas." (H. P. 1196) (L. D. 1517)

(On motion by Mr. Mills of Franklin, tabled and tomorrow assigned, pending Passage to be Engrossed.)

Bill, "An Act Relating to Jurisdiction of Probate Court in Adoption Cases." (H. P. 690) (L. D. 890)

Bill, "An Act to Create a School Administrative District in the Town of Sanford." (H. P. 1065) (L. D. 1394)

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

Which were Read a Second Time and, except for he tabled matters, 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 to Create a School Administrative District in the Town of Sanford." (H. P. 1065) (L. D. 1394).

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I do not arise to oppose the Sanford Bill. I think I learned a little lesson yesterday, but I did want to comment on the creation of a single town district in Sanford and its implications, and also wanted to point out the implications of some of the other educational measures that face you. They seem to be reasonably innocuous bills, but then when you start investigating the cost you come up with an interesting little picture.

The concept that the Senate adopted so eagerly yesterday will have a cost in this coming biennium of somewhere between \$60,000 and \$70,000, that we will have to dig up. I noticed that many members of the Senate have been wrestling, with some degree of torment, with the question of raising certain salaries, like from \$25 to \$35, and in general we have been wrestling with financial questions all session. I want to put out a little red flag that, as you approach some of these education measures, some of them are extremely costly and the costs are not immediately

apparent. The cost of the Portland bill, which will be coming along very shortly, will probably be in excess of \$200,000 extra, over and above everything else we have been planning on. Thank you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate that L. D. 1394 be Passed to be Engrossed, as Amended, in concurrence?

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

Bill, "An Act Increasing Certain Liquor License Fees." (H. P. 1005) (L. D. 1307)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby it Adopted Committee Amendment "A".

The same Senator then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-171, to Committee Amendment "A" was Read and Adopted, and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Senate

Bill, "An Act to Clarify the Charter of the City of South Portland." (Emergency) (S. P. 451) (L. D. 1491)

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

Sent down for concurrence.

Enactors

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

An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits. (S. P. 88) (L. D. 278)

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

An Act Increasing Compensation of Members of the Legislature. (H. P. 73) (L. D. 73)

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

An Act Relating to Secondary Education in the Town of Islesboro. (H. P. 509) (L. D. 680)

An Act to Expand the Territory of the Portland Water District. (H. P. 832) (L. D. 1070)

An Act Relating to Fees of Local Sealers of Weights and Measures. (H. P. 879) (L. D. 1122)

(On motion by Mr. Kellam of Cumberland, tabled and specially assigned for May 27, 1969, pending Enactment.)

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

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.

The President laid before the Senate the matter previously set aside at the request of Mr. Berry of Cumberland, An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits. (S. P. 88) (L. D. 278).

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I perused L. D. 278, An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits, and it appears to me to be somewhat of a landmark in the changing of our statutes. As a layman, I am in complete ignorance of the subject, and I would hope that the members of the Judiciary Committee would explain to the members of the Senate the need for it, the origin of it, and the results of such legislation.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair to any member who may answer if he so desires.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Under our present practice in the trial of a civil case the unanimous verdict by twelve members of the jury is necessary. Now, this bill is not a landmark bill,

or a pioneer bill; it is the law in twenty-four other states which works very well.

The purpose of this document is to prevent mistrials in civil cases or a hung jury, as it is frequently referred to, and also to shorten jury trials where frequently you will find that one or more recalcitrant jurors, for reasons frequently other than the merits of the case itself, are reluctant or will prevent the majority of the jury from returning the verdict. We have had experiences in this State of situations where jurors have been out for anywhere from two, six, seven or eight hours deliberating on a case. You will find that the overwhelming majority that ten, and frequently eleven, jurors agree as to a verdict, but one juror frustrates the will of the majority and prevents a verdict from being returned.

This bill received a unanimous committee report, and there is nothing sacred about the twelve-man jury verdict in a civil case. Of course, in a criminal case our Constitution requires that a unanimous verdict be returned in order to find a person guilty. The same standard does not exist on the civil side of our courts. Criminally, a person must be found guilty beyond a reasonable doubt. In a civil case, a verdict can be returned for the plaintiff by a mere preponderance of the evidence, which means that in a criminal case there can be no reasonable doubt; you must exclude every reasonable doubt before finding or arriving at a guilty verdict. In a civil case, if you would consider the so-called scales of justice, and if the scales tip, however slight, in favor of the plaintiff, then the plaintiff has sustained his burden by a preponderance of the evidence, and the verdict is usually for the plaintiff under those circumstances. If he fails to sustain his burden by the preponderance of the evidence then, of course, the finding is for the defendant.

The purpose of this bill is to shorten the jury trial because, when you have a hung jury or mistrial, this results in a new trial for the plaintiff. Frequently the plaintiffs, of course, are in no posi-

tion to subsidize lengthy trials or, for that matter, any new trials. This bill would save many of these mistrials, and would save the counties money, because we know juries are very expensive. I think a juror receives ten or twelve dollars per day and, frequently, the court must have handled anywhere between twelve and twenty jurors in order to begin a civil trial. Frequently juries deliberate for - it is not unusual to see them deliberate on civil cases for one or two days, at an expense of four or five hundred dollars per day at the expense of the county.

If we contrast this with the three-quarter requirement, this would reduce the verdict in the trial of civil cases down to nine or more jurors. When we consider what we pass upon in this Senate, we make exceptional decisions in this Senate, and we require only a two-thirds vote.

Now, this is not unprecedented, this is not pioneer or landmark legislation. It has worked very well in at least twenty-four other states. There is no constitutional prohibition against it in this State. As a matter of fact, Mr. McKusick, who is the author of "Field and McKusick on Civil Practice," the recognized authority in this area of the State, in conference with many of us, has stated that there is no constitutional prohibition against it. I trust that answers the questions that were raised by the Senator from Cumberland.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was diverted for a moment by some of the activities in the rear of the chamber here, but I tried to follow the comments of my good colleague, Senator Bellevue. I am quite taken by the explanation that there is a basic difference of principle in the administration of justice in the criminal court and in the civil court. We use words like "recalcitrant minority" when we are referring to the minority jurors in a civil case. We are talking about in the works of the good Senator,

"the frustration" that arises when a minority of the jurors refuse to go along. We talk about a "reasonable doubt" quite properly in criminal cases resulting in hung juries, inferring that reasonable doubt in a civil case is perfectly all right.

We are very concerned about the additional expense to the State's attorneys and I hand Senator Bellevue for his concern as to the expense and efforts of the State's attorneys. I visualize an unhappy situation for trial attorneys increasing their time and expense in accepting a case on a contingency fee if they have to retry the case because of a hung jury.

I ask for a roll call on what I consider an extremely significant measure, and I move indefinite postponement of this L. D.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Legislative Document 278, An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits, be indefinitely postponed, and has requested a roll call.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I am a little confused. I seem to see a contradiction here. In a civil case, apparently, all that is required is a preponderance of evidence. Under this bill a majority would make the determination. In a criminal matter we require absolute proof and a total majority. It would seem to me that, if you are going to loosen up the number of people it takes to reach such a decision, you might do so in the criminal case where you are required to make a finding beyond a shadow of a doubt, rather than in a civil case where only a preponderance of evidence is required. Thank you, Mr. President.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I think the statement of the law and the application of the law just made by Senator Logan

is very fine, and I appreciate it. However, the principal difference is that in a criminal case, on a conviction, you are taking a man's liberty. You are convicting him of a crime, and you are required to find that he is guilty beyond a reasonable doubt. That is an expression that any of you who have sat on criminal juries know the courts, the judges, lay a great deal of stress on and define at great length, because of the great concern that the country has got for a man's liberty and a man's right to be free of the conviction of a crime against society. Now, on the civil side a man's liberty isn't at stake, and the law looks at it completely differently. The measure of proof is different, as has just been stated by my friend, Senator Logan, that a preponderance of the evidence is all that is necessary.

This is such a reasonable piece of legislation, that is, to shorten trials and, as has been hinted at, saving of taxpayers' money, because the taxpayers pay for these jurors and pay for running the courts, and anyone knows that has been around the courts that many, many times juries have been hung up for that last juror, that last recalcitrant person, who won't give in to the will of eleven others. On the civil side, where a man's liberty is not at stake, it is a very reasonable thing that nine should prevail in such a situation. It will bring about shorter trials. This is where the rub will come if this law goes into effect: It will mean that insurance counsel — and they are well represented in these bodies — insurance counsel will not be able to get that recalcitrant juror to hold out and bring about a compromise verdict nearly as effectively as they are at the present time. Now, if you want to know where the opposition comes from to this measure, it is from the insurance companies of this State, who like to beat down verdicts and to hold juries, convincing one or two jurors, possibly, to sit there and hold out and force the rest of them down when there has been a persuasive presentation of evidence to the contrary.

This is such reasonable legislation, it seems to me, that people other than members of the bar might well look at the bar and wonder why it hasn't been put into effect many years before. As has been pointed out, t w e n t y - f o u r states already have such legislation, and it certainly could be adopted to great advantage in Maine.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: If I am in order, I would like to pose a question through the Chair to my good friend, the Senator from Penobscot, Senator Quinn, and ask him what his sentiments are on this bill.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, has posed a question through the Chair which the Senator from Penobscot may answer or not, as he so desires.

The Chair recognizes the Senator from Penobscot Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I feel that this is a very good bill to expedite the trial of civil cases. Our dockets in our Superior Courts are getting overcrowded to such an extent that we have been considering adding additional Superior Court Justices to hear these cases and clear the dockets.

Now, it is the practice in these civil cases that when you have a trial, as has been said before, sometimes these trials, after they are over, the case goes to the jury, the jury will have them for a day or two before they bring in a verdict. Now, usually, you have only about twenty jurors, and there is twelve jurors tied up in that case. Now, it would seem that if we could reduce the number required in a civil case, which is a simple case of who is liable for what, and what the damages are, or some matter of contract, or something of that sort, a matter of money, it would seem that the lesser number of jurors would take care of the situation adequately. We can

have a trial and the case can go to the jury, and we can immediately start another trial with a lesser number of jurors, and keep the thing rolling and get the cases off the dockets.

It seems to me that this is a very good instrument to expedite the trial of our civil cases and clear our civil dockets.

Now, at the present time we do frequently have cases that we try with less than twelve jurors, sometimes eight or nine jurors, but it is by consent. If both parties consent, the judge will allow the case to go ahead with the number of jurors that they consent to. Now this, I think, will help a great deal in clearing our civil dockets.

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

Mr. LOGAN of York: Mr. President, I am even further confused. Do I understand that this bill simply reduces the number of jurors from twelve to nine?

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: This bill would permit, or allow, nine or more jurors to agree on a verdict, but it still would be a twelve-man jury.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I for one would heartily agree with reducing the number of required jurors from twelve to nine, but I am very much opposed to running some kind of a popularity contest on the jury. This is one of the few American institutions that so far we have been able to hang our hat on. I think in this day, when respect for law needs to be buttressed in every way possible, the worst thing in the world we can do is undermine the confidence of the public in the jury system.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion by the Senator from Cumberland, Senator Berry, that Bill. An Act to Provide that Nine

Jurors May Return a Verdict in Civil Suits, (S. P. 88) (L. D. 278) be indefinitely postponed. 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 Secretary will call the roll.

ROLL CALL

YEAS: Senators Berry, Dunn, Katz, Logan, Sewall, and President MacLeod.

NAYS: Senators Anderson, Barnes, Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Greeley, Hanson, Hoffses, Kellam, Letourneau, Levine, Martin, Mills, Minkowsky, Moore, Peabody, Quinn, Reed, Stuart, Tanous, and Violette.

ABSENT: Senator Wyman.

A roll call was had. Six Senators having voted in the affirmative, and twenty-five Senators having voted in the negative, with one Senator absent, the motion did not prevail.

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.

Paper from the House

Out of order and under suspension of the rules, the Senate voted to take up the following paper from the House:

Committee Report Ought to Pass

The Committee on Liquor Control on Bill, "An Act relating to Liquor Bought from the State Liquor Commission for Use on Commercial Airlines." (H. P. 1186) (L. D. 1510) Reports 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, and the Bill Read Once.

On motion by Mr. Quinn of Penobscot, and under suspension of the rules, the Bill was given its

Second Reading and Passed to be Engrossed in concurrence.

Thereupon, under further suspension of the rules, sent forthwith to the Engrossing Department.

Orders of the Day

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

SENATE REPORT — Ought to Pass as Amended by Committee Amendment "A", Filing S-156, from the Committee on Health and Institutional Services on Bill, "An Act Licensing Administrators of Medical Care Facilities Other than Hospitals," (S. P. 311) (L. D. 1026)

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

Pending — Acceptance of Report.

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A", Filing No. S-156, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Relating to Harness and Running Horse Races on Sunday," (H. P. 1069) (L. D. 1398)

Tabled — May 16, 1969 by Senator Conley of Cumberland.

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

Mr. Conley of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-161, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: This bill, in its original form, would allow racing after 1:00 P.M. at both harness tracks and flat tracks; flat tracks being the running races.

Sunday racing is now permissible in nine states, Canada, Mexico, and most of the European countries. The closest state to Maine now allowing Sunday racing is Vermont. Each state that does have Sunday

racing has found it to be by far the most desirable and profitable day for racing. For example, Vermont will average during the week \$200,000, and on Sunday they will bet \$450,000. New Mexico will average \$500,000 during the week, and \$700,000 on Sunday. Montana's mutuel handle is thirty-seven per cent more on Sunday than during the week.

You will note that my amendment deletes that part of the bill which will allow Sunday racing at harness tracks, as many of the fans feel that Sunday racing would not be that beneficial as most of the patrons at harness tracks are local people. But at the flat tracks in the southern part of Maine during July and August it is just the opposite. The flat tracks depend primarily on the tourists and the regular patrons from New Hampshire and Massachusetts.

Scarboro Downs anticipates a handle on Sunday in the area of \$400,000 from flat racing. Ten Sundays of racing, with an average of \$400,000, would mean a total of \$4,000,000. The State receives six per cent of that amount which would mean, during a biennium, additional revenue to the State of almost half a million dollars. This does not include sales tax from food sales, or gasoline tax, or additional money going into the stipend fund for the benefit of the Fair Association.

Massachusetts and New Hampshire will without question in the next few years adopt Sunday racing. We now allow football games, movies, boating and stock car racing on Sunday, and I believe there is an opportunity to allow sports which will mean substantial revenue to the State. I hope you will adopt the amendment.

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

Mr. BARNES of Aroostook: Mr. President, my intent was to indefinitely postpone this bill and any amendment attached to it. Now, I don't know what the procedure is here.

The PRESIDENT: The Chair would inform the Senator that the pending question before the Senate

is the adoption of Senate Amendment "A". If Senate Amendment "A" is adopted, your motion will still be before the body to indefinitely postpone the bill and all accompanying papers.

Mr. BARNES: Mr. President and Members of the Senate: I am opposed to the adoption of this amendment, and I would ask for a division.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel that six days a week of racing, harness racing or any other type of racing, is enough in the State of Maine, and I feel that we shouldn't adopt this bill for Sunday racing. It would mean that a man would be going to the track instead of taking the family to dinner or out swimming or fishing, and spending their money, which is really bread money that they are spending. I agree that the State would benefit, but sometimes we get taxes from the wrong sources, and it won't do much good. I hate to disagree with Senator Conley, but it would be a poor bill, in my judgment.

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

Mr. GORDON of Cumberland: Mr. President and Members of the Senate: Having stepped out of the room for a second, it puts me at a loss, and perhaps I am not quite on top of the subject, however, I would like to call to the attention of this honorable body that considerable revenue to the State is involved, the fact that Scarborough Downs employs approximately 250 people with an annual payroll of half a million dollars. Half a million dollars worth of construction is contemplated for 1969. I could go on and point out that the State would receive considerable money, but I think we are well aware of that.

I would also point out that the southern part of the State, as well as the remaining part of the State, relies heavily on the tourist industry, and I think that tourists coming into the State would appre-

ciate recreation of this type. It is to their pleasure elsewhere, and I think that it would be in the best interest of the State to permit this type of racing at this particular facility, without any undue hardship.

I know we like to refer to an individual who has spent his bread money, perhaps on a Sunday race, but I hardly think that this is the case. I think if a fellow is going to attend the races, he will attend them week nights or Saturday as well as Sunday, and I don't think that this is going to create any undue problem or hardship here. I sincerely think it is in the best interest of the State and, therefore, would support the amendment. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Cumberland, Senator Conley, that the Senate adopt Senate Amendment "A".

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many as are in favor of the adoption of Senate Amendment "A" will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

The PRESIDENT: The Chair understands that the Senator from Aroostook, Senator Barnes, now moves that the bill and all its accompanying papers be indefinitely postponed.

Mr. BARNES: That is correct, Mr. President.

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

Mr. CONLEY: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Barnes, that this bill and all

its accompanying papers be indefinitely postponed will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

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

Thereupon, the Bill, as Amended, was 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 Expenditures from Aeronautical Fund." (H. P. 72) (L. D. 72)

Tabled — May 16, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for May 26, 1969, pending Enactment.

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

Bill, "An Act to Revise the Laws Relating to Real Estate Brokers and Salesmen." (H. P. 1176) (L. D. 1497)

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

Pending — Enactment.

On motion by Mr. Beliveau of Oxford, retabled and tomorrow assigned, pending Enactment.

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

RESOLVE, Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding, at Any One Time Issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities." (S. P. 261) (L. D. 865)

Tabled — May 16, 1969 by Senator Katz of Kennebec.

Pending — Final Passage.

On motion by Mr. Katz of Kennebec, retabled until later in

today's session, pending Final Passage.

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

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A", Filing H-275, from 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)

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

Pending — Acceptance of Report.

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

Committee Amendment "A", Filing N. H-275, was Read and Adopted in non-concurrence. House Amendment "A", Filing No. H-282, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

SENATE REPORT — Ought to Pass in New Draft Under Same Title (S. P. 455) (L. D. 1501) from the Committee on Transportation on Bill, "An Act Regulating Snowmobiles." (S. P. 184) (L. D. 586)

Tabled — May 16, 1969 by Senator Tanous of Penobscot.

Pending — Acceptance of Report.

On motion by Mr. Martin of Piscataquis, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

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

HOUSE REPORT — from the Committee on Labor on Bill, "An Act Revising the Minimum Wage Law." (H. P. 864) (L. D. 1106)

Majority Report, Ought to Pass in New Draft Under Same Title (H. P. 1166) (L. D. 1487) Minority Report, Ought Not to Pass.

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

Pending — Acceptance of Either Report.

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

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

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

Tabled — May 16, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Tanous of Penobscot, retabled and specially assigned for May 27, 1969 pending Passage to be Engrossed.

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

Bill, "An Act Revising the Laws Relating to Physicians and Surgeons." (H. P. 188) (L. D. 1507)

Tabled — May 19, 1969 by Senator Stuart of Cumberland.

Pending — Passage to be Engrossed.

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

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

JOINT RESOLUTION — Relative to Memorializing the United Nations to Take Appropriate Action to Alleviate the Crisis in Northern Ireland. (S. P. 466)

Tabled — May 20, 1969 by Senator Katz of Kennebec.

Pending — Adoption.

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

Mr. MILLS of Franklin: Mr. President, would the Secretary please read the Resolution? Has it been duplicated and in our possession?

The PRESIDENT: The Chair would inform the Senator that the Resolution was reproduced in yesterday's advance journal.

Mr. MILLS: Mr. President, I repeat my request. I think that perhaps so many of them have

been destroyed, and this is such an important matter, if it isn't too long, would the Secretary please read it?

The PRESIDENT: The Secretary will read the Resolution.

The Joint Resolution was Read by the Secretary.

(See Senate Report of yesterday for text of Joint Resolution.)

Mr. Mills of Franklin then moved the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Resolution receive passage and be sent down for concurrence?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps I am the only legitimate Irishman in this chamber, because it was my privilege to live in County Clare after the War for a period of time, and I don't know of anybody whose sympathies are greater with the torment that Ulster and the Republic are facing at the moment. Yet, I stand here and wonder as to my reaction if the Irish Parliament, reading reports in the press about the problems of the Passamaquoddies, petitioned the United Nations to intervene and make sure that the Passamaquoddies did indeed get justice under the law.

This is an emotional appeal, and everything in it I agree with. I agree with the fact that there is a torment here that bothers all of us, but this is the Maine Senate I just have been wrestling with the question as to the propriety of the Senate of the State of Maine intervening in a situation which is a domestic situation in a friendly nation. Although my heart is completely with the Resolution, I move that it be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Senate Paper 466, Joint Resolution, Relative to Memorializing the United Nations to Take Appropriate Action to Alleviate the Crisis in Northern Ireland, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I have a tremendous deal of respect for the great Majority Floor Leader, the Senator from Kennebec, Senator Katz, and I certainly can understand his feelings, but I do believe that we, as Members of the Maine State Senate, are members of a governing body, and every day we pick up the newspaper, or we witness on television, inequities that are taking place all over the country. I doubt there is a day goes by that some newsreel at sometime during the day doesn't flash students within our country today on some of the college campuses, with legitimate gripes, showing their resentment legitimately. I believe that we see protestors daily filing by the White House in Washington with their placards, demonstrating their resentments toward the present Vietnam conflict in Southeast Asia.

I think there are people in this Senate today who are very much put out by what is taking place today between the Arabs and the Jews in the Near East.

I believe that we, as a governing body, should demonstrate in our manner or in our way to show our disapproval, not only of what is taking place in Northern Ireland, but any place on the face of the earth. I don't see where this body has to be committed to itself, that we have to keep within the rounds of this capitol. We should in some manner voice our objections to what takes place, whether it is here in Augusta, whether it is in Portland, whether it is in Waterville or Bangor, or whether it is in Washington, D. C. I am certain that there have been many resolutions introduced into this body at one time or another opposing some of the positions that have been taken in Washington.

I see nothing wrong or why we can't voice an objection as to what is taking place, the tremendous inequity taking place, in Northern Ireland.

The United States Supreme Court decision of one man-one vote, which was turned down a few years ago, was also passed by, I believe, the

103rd Legislature, or the 102nd. It was also proved out by our people in referendum, and it showed that there was a need for one man-one vote. I am sure, as Senator Katz has pointed out, he recognizes the need, and certainly he is more of an Irishman than I am - I have never seen the Old Sod - so, we are in agreement on that. But, being of Irish descent, and talking with many of my constituents in my area who, I think, probably in the State of Maine represent a greater proportion of Irishmen within the State, I think, at least, a voice should be raised in their behalf. That is why I introduced this Resolution, and I do hope it will be adopted.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I agree with my good friend, Senator Conley. We are not interfering with the internal affairs of the State of Ireland. The only thing we are doing is expressing our opinion that we believe in democracy and that democracy should exist in the world. We have done it before in some of the eastern European countries where democracy doesn't exist; we have expressed our opinion. The only thing we are doing now is expressing our opinion that we believe democracy should exist in the rest of the world the same as it does here in the States.

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 that the expressions of personal belief in democracy and the rights of people to determine their self-government are well expressed and are on the record in the Senate as a result of the speeches that have been made this morning.

It appears to me that this body, by taking formal action of this nature, is trespassing into fields in which it should not move. If we were to introduce a resolution to support a Lebanese or Israelite position, it would be no different

from what we are doing here this morning on this particular issue. I don't believe that we should be doing it on matters like this.

We can stand up and express our opinions, they are on the record, and everybody knows it as a result of that. I firmly am in support of oppressed peoples everywhere, but I think, if we start introducing resolutions like this to transmit across the country and around the world, that this is not the province or the duty of this body. We should be devoting the time of ourselves and the staff to problems which we were sent here to solve.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I was a member of the lower house many years ago when they were in trouble over there, real trouble, and the Maine Legislature in a small way, came to their aid by passing an act to gather up all the confiscated firearms and send them over there to help the British repel the Germans, if they were going to land there, when it appeared very imminent that they might. I believe we passed resolutions, and certainly we did this very affirmative thing of sending them guns to help them after Dunkirk, and it was a noble thing.

Now, we are just backing that action up, that is all. We helped them get straightened out, and we want them to carry on the principles of democracy, so we are just sending them a little message here today.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Kennebec, Senator Katz, that Senate Paper 466, Joint Resolution, Relative to Memorializing the United Nations to Take Appropriate Action to Alleviate the Crisis in Northern Ireland, be indefinitely postponed. As many as are in favor of the motion for indefinite postponement will say "Yes"; those opposed, "No."

A viva voce vote was taken, and the Chair being in doubt ordered a division. A division was had.

Seventeen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed and the Joint Resolution was Indefinitely Postponed.

(Off Record Remarks)

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

JOINT ORDER — Relative to Committee on Inland Fisheries and Game reporting out a bill re Department of Inland Fisheries and Game Funds. (S. P. 467)

Tabled — May 20, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon the Joint Order received Passage.

Sent down for concurrence.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Judiciary on Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." (H. P. 1031) (L. D. 1361)

Tabled — May 20, 1969 by Senator Beliveau of Oxford.

Pending — Acceptance of Report.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I have to rise again on this matter. This bill, frankly, is extremely popular in my area. Many people feel that this is the proper approach to our law enforcement problem rather than gun registration or gun control. I think it is a good bill. I would like to see it passed, and I think my constituents would like to see it passed.

Perhaps there are features about it that I don't understand that might change my mind, so I would like to hear from some member of the committee on it.

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

Mr. MILLS of Franklin: Mr. President and Members of the

Senate: This matter has a unanimous report from the committee, and I realize that, as the session has worn on, that isn't too impressive to some of you, but we have to defend our reports with something more than numbers, I realize, and we should. But I think the nub of the opposition to this bill is this: In the last part of the first page of the bill it says, "The imposition or execution of the sentence for violation of this section shall not be suspended and probation shall not be granted." And throughout the bill it provides for very, very severe minimum penalties. In the first section, not less than five nor more than ten years. There again is the statement of no probation and no suspension. It cites many different crimes, and it sets the minimum penalties very high and recites throughout that they shall not be suspended and probation shall not be granted.

You might just as well junk the whole probation system of the State if you are going to enact legislation of this kind. You couldn't vote a stronger condemnation of the judiciary than to enact legislation of this kind. In my estimation, it would be a complete vote of lack of confidence in the gentlemen who wear the black robes and administer justice in this State to say that their hands are tied and that in these crimes they shall have no discretion whatsoever; that upon conviction of these crimes they must send them to State's Prison, with no probation and no suspension, no matter what the circumstances are. The only reason we have courts and the only reason we have judges is to make the punishment fit the crimes, to place proper punishments upon the individuals before them and to adjudge those cases. For the legislative branch to take that away, it is a complete lack of confidence in the judicial system and the judges who maintain it.

I would hope that this unanimous report of our committee would be supported and that the bill would not survive.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I agree with both the position taken by Senator Logan and Senator Mills. I think it is unfair to remove from the judiciary the right to have an element of judgment over a sentence, and I would agree with him that to prohibit probation would be unfair. I would hope that out of the sympathy that Senator Mills has for the purposes of the bill that the removal of the word "probation" throughout the document would soften his heart on the subject. I would also hope that the mandatory lower limits could be lessened somewhat.

I do agree with Senator Logan that this is an important bill. This is the kind of - I hate to use the word - gun registration that we do need, and that anybody who takes a gun in his hand, with the intent of committing a crime, should be deterred from this. All you have to do is read that very first Section One, "Whoever, if armed with a dangerous weapon, takes a woman unlawfully and against her will," and so forth. Such legislation might possibly be sympathetically reviewed and put on the books. I would hope that, after having heard the comments of Senator Mills, we could revise this, but the principle is something certainly that we need to put on the books at this session.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I would want to point out the fact that this bill, except for certain items of definition, is a re-statement of what is already the law in our own State today. Section One, "Abduction of Women While Armed with Dangerous Weapons," this is in our laws today. You take all of this bill, and all of its sections, "Dangerous Weapons," Section Two, and Section Four, "Dangerous Weapons," and "Whoever, if armed, attempts to strike, hit," and so forth, or "Intent to commit a felony with a dangerous weapon," all of these sections are in our statutes today, and they carry penalties. This is, in essence, a

total restatement of what we have on our books today, what these offenses are, and the penalties they carry.

But what the bill does, item by item, is to say that the imposition or execution of a sentence for a violation of this section shall not be suspended and probation shall not be granted. Now, it removes the discretion that we have from time immemorial placed in our judiciary system. Item by item, it removes this confidence that we have placed in our judges that in each and every instance they were going to sit in on every case and they were going to determine the penalty that was going to be imposed, according to the law that we have set, according to the judgment of the judge who has sat in the hearing on the individual case. Now, I know, as a former municipal court judge, that cases don't all fall in a certain category, that if you have speeding cases or reckless operating cases, or cases of stealing, or whatever they may be, that not every case that comes before you is an identical case and that in each and every instance you will have to impose the same sentence. You impose a sentence that you, as a judge, sitting and hearing the case, having listened to the evidence feels that the penalty warrants according to the facts that have been placed before you. This is what the judge does in each and every instance as he sits passing sentence on all of these crimes that we now have regarding the crimes that have been committed with a dangerous weapon. According to his own discretion and his own decision, having heard the case fully, he decides what ought to be the sentence and what he ought to do.

I really maintain that if we are going to have a judicial system, if we are going to appoint judges who are going to pass on justice, representing all of the people of our State, that we can't impose these stringent measures on our judges.

Now, I as a citizen - as an attorney - but as a citizen, certainly feel, and share many of the feelings that a lot of our people have, a lot of our citizens have,

with regard to the commission of crimes and what we can do in order to reduce and correct the situation, but I do respectfully submit to the members of the Senate that this bill is not going to achieve this. I really sincerely believe that it is not going to accomplish the agonization that many of us have with regard to the commission of crime, but I think it is going to very seriously undermine and affect the ability of our judicial system to distribute justice according to the judgment of the judge who sits in hearing on the case. I hope that the Senate would not support this bill for these reasons.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: The purpose of this bill is for gun control, and nine out of ten people in the State of Maine today would support this type of legislation. They feel that this is the only way we are going to control the abuse of the law, of highway robbery and attempted robbery with dangerous weapons.

I believe several states have already adopted laws of this type, and I wish somebody from the Judiciary Committee would comment on that. I understand several states have adopted this, and I am in complete agreement.

Now, you say that it takes the authority and jurisdiction away from our courts. Most of the people in the State of Maine feel that our courts have been much too lenient in the past few years and that is why we have so much crime. I am in complete agreement with the bill.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I heartily concur with the remarks of the Senator from Cumberland, Senator Moore, and when the vote is taken I request a division.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I believe this bill has a lot of merit and I am going to vote for it. I may sound a little facetious, but when all the lawyers speak for a bill, I immediately get on the defensive a little bit—and this is no indictment against the legal profession.

I don't have complete confidence in all the judges either, because I think they make mistakes. I know of cases where they have used poor judgment. Sometimes I think it makes a difference who the individual is before them.

I know that has happened; I have seen it happen. I know that they are guilty in some cases of indiscretion. A good case in point is what has been recently plastered all over the newspapers in regard to the United States Supreme Court, so they are not infallible in their judgment either.

I think that when any man goes out with a firearm and commits a crime he should be punished and punished plenty. If we want firearms control, this is a good way to get it.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I certainly don't want to debate this any longer than I ought to, but I guess I would agree with my good friend, Senator Barnes from Aroostook, when he says that judges are not infallible. Of course they are not. They are individuals like you and I, who have had certainly special training in the law, and who have been hopefully chosen for their integrity and ability, but they are still human beings. I suppose I personally would not want them any other way, and I have gone away from some courts feeling very frustrated because some judge has not supported the position I took with regards to an individual case.

I suppose we do have, as in all bodies, we have those that are stronger than others. I suppose, according to individual preferences of people, that some judges are regarded in varying degrees of

their capacity, but I submit that these are individual cases. The very unfortunate situation that has occurred in the resignation of one of our Supreme Court Justices certainly ought to be no indication of the tremendous respect, at least, that I have, for the judicial system in our own country.

I would make one comment, that I would like anyone to point out to me—you say that people say this is gun control—I would like anyone to point out to me where this is going to prevent anyone, who has the inclination to commit a crime with a weapon, from securing a weapon. This has no relationship at all to how, where and when anyone who is going to pick out a weapon to commit a crime, to what this bill is going to do to prevent them from getting one.

I can get mad at my wife and pick up my eight-year old son's baseball bat and strike her over the head, and this becomes a dangerous weapon under the definition of this bill. Now, are we going to rule out my ability to pick up a baseball bat and strike somebody over the head with it? I say this is rather ridiculous but, nevertheless, this is in toto what this bill says, because this bill not only makes reference to guns but, by its definition, it says any club or anything at all that can be picked up by a person and used, along with his intention to commit a certain crime, and then it becomes a dangerous weapon. So, I submit to this body that the matter of gun control has no relationship whatever to this bill.

Without restating the arguments that I made earlier, I still feel that this is not legislation that is going to prevent or have the effect of reducing crimes, as people may think it has. I think we all have a lot of frustration, but I think we ought to at least be constructive in the work that we try to do to alleviate or reduce crime.

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 that we under-

stand from Senator Violette's explanation that a dangerous weapon is any object which is picked up with the intent of using it as a dangerous weapon. A baseball bat in itself is not a dangerous weapon unless it is intended to be used as such.

The gun control feature, in my opinion, is this: that if a person is going to commit a crime, if he is thinking about it in advance, he is not going to use a gun if this legislation is passed. This is the gun control feature.

We all have, I am sure, acquaintance with the situation in London where for years and years the police were unarmed, and the criminals were unarmed. Crime in London was at an extremely low rate, and they had no crimes of violence. When did the trouble start in London? It started when the criminals started to carry weapons.

It seems to me that if we do amend this bill, as has been suggested, that we are not limiting the judges within the perimeters, within the limits, set by law. The judges set their punishments within the limits that the legislature sets, so we are not taking away the judgment of our judges.

I would hope that we can work out some suitable solutions to this problem, and I would assure the members of the Judiciary Committee that I would be the first one to side with them if, when we try, we fail. I would hope that we could move this bill along to the proper amending stage, and at that time see what we can do. Accordingly, Mr. President, I would move that the bill be substituted for the report.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the Bill be substituted for the Report. Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

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

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of 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 pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate substitute the Bill for the Ought Not to Pass Report on Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon." A "Yes" vote will mean you are in favor of substituting the Bill for the Report; a "No" vote will mean you are opposed.

The Secretary will call the roll.

ROLL CALL

Y E A S: Senators Anderson, Barnes, Bernard, Berry, Boisvert, Dunn, Gordon, Greeley, Hanson, Hoffses, Katz, Logan, Moore, Peabody, Sewall, Stuart, Wyman and President MacLeod.

NAYS: Senators Beliveau, Cianchette, Conley, Duquette, Kellam, Letourneau, Levine, Martin, Mills, Minkowsky, Quinn, Reed, Tanous and Violette.

A roll call was had. Eighteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed and the Bill was Substituted for the Report in concurrence.

Thereupon, the Bill was Read Once and tomorrow assigned for Second Reading.

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

HOUSE REPORT — Ought to Pass from the Committee on Claims on Resolve, Reimbursing the Town of Sullivan for Winter Road Maintenance. (H. P. 853) (L. D. 1095)

Tabled—May 20, 1969 by Senator Cianchette of Somerset.

Pending—Acceptance of Report.

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

Mr. LOGAN of York. Mr. President and Members of the Senate: My distinguished colleague, Senator Cianchette, raised the question as to what this claim was all

about. This town was late getting in its final bill to the State for snow removal; and that is all there is to it. They came to the legislature to try and get paid. It was simply a matter of human frailty in not getting their bill in on time. Thank you.

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

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

HOUSE REPORTS — from the Committee on Labor on Bill, "An Act Relating to Weekly Benefits for Total Unemployment Under Employment Security Law." (H. P. 694) (L. D. 894) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—May 20, 1969 by Senator Beliveau of Oxford.

Pending—Acceptance of Either Report.

On motion by Mr. Tanous of Penobscot, retabled and tomorrow assigned, pending Acceptance of Either Report.

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

HOUSE REPORTS — from the Committee on Labor on Bill, "An Act Providing for Unemployment Compensation for State and Municipal Employees." (H. P. 819) (L. D. 1058) Report "A", Ought to Pass in New Draft Under Same Title (H. P. 1201) (L. D. 1524); Report "B", Ought Not to Pass.

Tabled—May 20, 1969 by Senator Beliveau of Oxford.

Pending—Acceptance of Either Report.

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

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

HOUSE REPORT — Ought to Pass in New Draft Under Same Title (H. P. 1155) (L. D. 1477) from the Committee on State Government on Bill, "An Act Relating to Hunting, Fishing and Trapping by Indians." (H. P. 446) (L. D. 570)

Tabled — May 20, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I must rise in opposition to this bill, not that I am opposed to the Indians or to their hunting or trapping on the reservations. The bill which is now on the statutes, in my opinion and in the opinion of the Fish and Game Department, is adequate. It gives the Indians ample opportunity for their hunting and their fishing and their trapping.

The purpose of this bill, I do not believe, will benefit the fishing or the hunting in this State either by the Indians or by the other citizens of the State. I would call your attention to the new draft which was submitted by the Committee on State Government in L. D. 1477, and it says: "Nothing in said chapter shall be construed to encroach upon the fundamental right of said Indians to take wild life for their own sustenance on their own reservation lands." Now, the words "fundamental right" seem to be a matter of deep concern and question by the legal profession and by the Attorney General's Department. There seems to be a question that if we adopt this bill that we are recognizing the fundamental right of said Indians. This over the years seems to have been a matter of question and I, for one, certainly would not at this time endeavor to debate this particular matter.

If it was adopted, this fundamental right could revert back a great many years and we would, in essence, be adopting the fundamental right of the Indians, and this would open a can of worms whereby the Indians could come back each session of the legislature and demand their fundamental right by the adoption of this bill establishing a precedent.

To go on to the next paragraph: "After having had full consultation with and the consent of the Commissioner of Inland Fisheries and Game, the tribal governor and

council of each reservation shall have the right to govern by tribal ordinance hunting, fishing and trapping on their respective reservation lands, both as to Indians and all others." Now, this raises a question: what do these three words mean, "and all others"? Does this mean all other people? Does it mean all other Indians? What does this particular phrase mean?

Now, the Attorney General's Department has issued a statement in regards to this bill. I believe it is somewhat vague, but I think that probably it could be interpreted as meaning that this particular bill, if we were to enact it, that it would be in direct conflict with the existing laws now on the books. I would hope that the members of this Senate would go along with me in my motion to indefinitely postpone this bill and all of its accompanying papers with, in my opinion, the full realization that the Indians now have adequate rights issued under the present statutes of Title 12, Section 2301. I would, therefore, move the indefinite postponement of this bill and all accompanying papers.

The PRESIDENT: The Senator from Knox, Senator Hoffses, now moves that the Bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I am sure that we all have bills on which we don't feel strongly, and I certainly don't feel strongly on this bill. I did sign the Ought to Pass Report, and I think it was unanimous. The State Government Committee reasoned, and maybe incorrectly, that the words "After having had full consultation and the consent of the Commissioner of Inland Fisheries and Game," that the Indians might fish and hunt on their own lands.

Actually, as I said, I don't feel strongly on it, but I do feel that I should explain the position of the Committee on State Government and the reason they reported this out Ought to Pass.

I request a division.

The PRESIDENT: The question before the Senate is the motion

of the Senator from Knox, Senator Hoffses, that Bill, "An Act Relating to Hunting, Fishing and Trapping by Indians," be indefinitely postponed. As many Senators 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. Fourteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed and the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

HOUSE REPORT — Ought Not to Pass from the Committee on Highways on Bill, "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers." (H. P. 855) (L. D. 1097)

Tabled — May 20, 1969 by Senator Logan of York.

Pending — Acceptance of Report.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Acceptance of the Committee Report.

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

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

Tabled — May 20, 1967 by Senator Berry of Cumberland.

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

On motion by Mr. Berry of Cumberland, retabled and tomorrow assigned, pending the motion by that same Senator that the Bill be Indefinitely Postponed.

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

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

Tabled — May 20, 1969 by Senator Bernard of Androscoggin.

Pending — Passage to be Engrossed.

Mr. Bernard of Androscoggin then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-172, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERNARD: Mr. President and Members of the Senate: Briefly, this amendment corrects several inconsistencies in the original bill. It also puts on another provision because the State Highway Department brought it to my attention that the departments under whose jurisdiction the land is held should be contacted prior to the letting of contracts. Also, further on down I have added another amendment declaring the penalties, and this amendment is very similar to a bill being sponsored by Senator Berry.

Now, I would like to mention an article that appeared in the Portland Press Herald on May 20th. This was about a canoe that was recovered from Sabbath Day Lake, and it has been carbon tested and aged to a date of about 450 years ago. It was brought up by one of my customers, a Mr. Nichols from Pownal. He had the good fortune and is apparently loaning it to Gorham State Teachers' College. The funny thing about this is that in 1965 a young insurance executive asked me to go down in this particular lake and look for a gold watch he lost off the bow of his boat. The lake being about sixty feet deep, and the visibility about twelve inches, it was a fruitless episode but, while I was down there, I did come across a log which I would say was identical to the one in this picture. And, having looked over to examine this log, I noticed a few feet further on a relic of an old sailing boat with shiny brass props sticking out of it, which I retrieved. Now the thing on my mind is: is this the log that this man brought up? I intend to make a survey of the lake to see if maybe there are others. This is part of what my bill is all about.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be adopted?

The motion prevailed and the Bill, as Amended, was Passed to be Engrossed.

Sent down for concurrence.

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

JOINT ORDER — Relative to Proposed Consumer Code for State of Maine to be Presented to the 105th Legislature. (S. P. 465)

Tabled — May 20, 1969 by Senator Beliveau of Oxford.

Pending — Passage.

On motion by Mr. Logan of York, retabled and tomorrow assigned, pending Passage.

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

Bill, "An Act Amending Laws Pertaining to the Maine State Prison." (H. P. 667) (L. D. 854)

Tabled — May 20, 1969 by Senator Sewall of Penobscot.

Pending — Adoption of Senate Amendment "A", Filing S-162.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I hardly realized I was going to open up such a discussion when I asked for this bill to be removed from the Appropriations Table. However, being a little bit sensitive, and because of the criticism which I have received as being conservative, even stingy, to our parolees by wanting to reduce their stipend from \$50 to \$25, I would now beg to have my proposed amendment withdrawn, and I would move passage of the bill to be engrossed.

The PRESIDENT: Is it the pleasure of the Senate that this bill be passed to be engrossed?

The motion prevailed and the Bill was Passed to be Engrossed in concurrence.

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

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

RESOLVE, Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding, at Any One Time Issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities." (S. P. 261) (L. D. 865)

Tabled — May 16, 1969 by Senator Katz of Kennebec.

Pending — Final Passage.

Thereupon, this being a Constitutional Amendment and having received the affirmative votes of 29 Senators, with one Senator voting in the negative, was Finally Passed 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 matter tabled earlier in today's session by Mr. Berry of Cumberland:

HOUSE REPORT—Ought Not to Pass from the Committee on Highways on Bill, "An Act to Provide Funding for Police Professional Liability Insurance for Maine State Police Officers." (H. P. 855) (L. D. 1097)

Tabled—May 20, 1969 by Senator Logar of York.

Pending—Acceptance of Report.

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

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I move we reconsider our action of earlier in today's session whereby we passed to be enacted, An Act to Provide that Nine Jurors May Return a Verdict in Civil Suits, (S. P. 88) (L. D. 278), and I urge you all to vote against my motion.

Thereupon a viva voce vote being taken, the motion to reconsider did not prevail.

Mr. Beliveau of Oxford moved that the Senate reconsider its action of yesterday whereby Bill, "An Act Relating to Defenses of Family Relationships in Civil Actions" (H. P. 168) (L. D. 207), was Indefinitely Postponed.

Mr. Mills of Franklin then moved that the Bill be tabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford to Reconsider.

Thereupon, at the request of Mr. Berry of Cumberland, a division was had on the tabling motion. Sixteen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed and the Bill was tabled and tomorrow assigned, pending the motion by Mr. Beliveau of Oxford that the Senate reconsider its action whereby the Bill was Indefinitely Postponed.

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