

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

Index

**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Wednesday, June 18, 1969

Senate called to order by the President.

Prayer by the Rev. Fr. Leonard E. LeClair of Augusta.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Governmental Immunity in Civil Actions." (H. P. 557) (L. D. 738)

In the Senate June 5, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-214)

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-540) in non - concurrence.

Thereupon the Senate voted to Recede and Concur.

On motion by Mr. Katz of Kennebec, Senate in recess, pending the sound of the bell.

**After Recess**

Called to order by the President.

**Non-concurrent Matter**

Bill, "An Act Making Supplemental Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971," (Emergency) (S. P. 449) (L. D. 1483)

In the Senate June 11, 1969, Passed to be Engrossed as Amended by House Amendment "D" (L. D. 1568) and Senate Amendment "C" (S-246) in non - concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C" (S-246) as Amended by House Amendment "A" (H-526) thereto and House Amendments "E" (H-533), "F" (H-542), "H" (H-544), "J" (H-546), "K" (H-547), and "L" (H-548), in non - concurrence.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would like to make a brief report to the Senate and then

request to have this item tabled until the next legislative day.

Our position is the very same today as it was in January: a very real difference of opinion in this Chamber and in the State House as to whether the budget should be increased by a percentage which is approximately thirty - five per cent over last session or whether the time has come to curtail expenditures and services. On this basis the leadership actually of both parties have been half way between both positions and trying to be responsive to both positions. This morning the leaders of both parties, as you know, met with the Governor and we are meeting with the Governor tomorrow morning at 9 o'clock. It is our hope that from this meeting this morning and tomorrow morning may come some kind of accommodations which might be acceptable to members of both parties.

I think that I would like to assure the members of this Senate that the passage of a supplemental program and a tax package is a matter of such grave concern and such substantial importance that there is little stomach for passing it with a bare majority. In a matter of such importance, I think, prudence would indicate that a real consensus of two - thirds must be required before we pass this package, and this will mean a substantial amount of yielding on the part of almost everyone in this chamber. Perhaps after our meeting tomorrow we will have some better notion concerning what points each of us will be asked to yield on. This is our situation this afternoon. Mr. President and Members of the Senate, I feel that debate at this time would not be fruitful, and I would ask that someone might table this matter until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned pending further Consideration.

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

Mr. KATZ of Kennebec: Mr. President, is the Senate in possession of L.D. 24, Resolve, proposing an Amendment to the Constitution Providing for the Convening of the Legislature?

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

Mr. KATZ: Mr. President, this bill failed of enactment yesterday, and at that time there was some concern that perhaps if we modified this amendment, this proposed amendment, to make it very clear to all concerned that it would not be effective until sometime in the future, rather than in the immediate future, and if we attempted to modify this proposed amendment so that it was very clear that there would be responsible agreement between both parties before the legislature ever called itself back in, it would perhaps become more acceptable. For this purpose, Mr. President, I move that the Senate reconsider its action of yesterday whereby this Constitutional Amendment failed of Final Passage.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby Resolve, Proposing an Amendment to the Constitution Providing for the Convening of the Legislature at Such Times as the Legislature, Deems Necessary, failed of Final Passage.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec to Reconsider.

#### Joint Resolution

JOINT RESOLUTION HONORING FIFTY YEARS OF ORGANIZED SERVICE TO THE HANDICAPPED THROUGH EASTER SEALS

WHEREAS, from one man's tragedy sprang the great crusade that has brought crippled children from the back bedrooms, from the shadows of superstition and ignorance, to health, strength and active

participation in the mainstream of American life; and

WHEREAS, the Easter Seal story, sparked by Mr. Edgar Allen, has given crippled children and adults the reassurance that a dignified and rewarding life is now possible for those once condemned to a lifetime of isolation and suffering; and

WHEREAS, annually assisting more than 1,000 handicapped persons from darkness to the full light of public acceptance and understanding the Pine Tree Society of Crippled Children and Adults, founded in 1936, is but one of 2,000 Easter Seal affiliates throughout the country; and

WHEREAS, November 20, 1969, will mark the 50th anniversary of the founding of the crippled children movement in the United States and the special issue of a commemorative stamp proclaiming this triumph from tragedy; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of the One Hundred and Fourth Legislature assembled, commend the spread and development of this great humanitarian cause during the past 50 years and take particular note of this, the golden anniversary, marking the beginning of triumph over tragedy through Easter seals and its organized service to the handicapped, which has meant so much to so many; and be it further

RESOLVED: That suitable copies of this Joint Resolution be forwarded to the Pine Tree and National Societies for Crippled Children and Adults in honor of this occasion.

(H. P. 1274)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

#### Communications

State of Maine  
Office of the Governor  
Augusta, Maine

June 17, 1969

To the Honorable Members of the Senate and the House of Representatives of the 104th Legislature

I have studied Senate Paper 462, Legislative Document 1525, An Act Creating Oxford County Commissioner Districts, and have decided to return it to the Legislature without my signature.

As I indicated in an earlier communication to the Legislature, these County Commissioner District proposals have their most immediate impact on the County governments to which the proposals relate. Unlike the more general types of legislation which must be evaluated for their state-wide effect, these proposals must be evaluated for their acceptability to a particular County. Such determinations cannot be made precisely. However, in each case I have consulted with the County Commissioners and the Legislative delegation of the affected County. I have attempted, through such consultations, to discover if there is any consensus among the county's elected officials with respect to the proposal, or if feelings are divided.

Apparently, in Oxford County there exists widespread disagreement on the merits of L.D. 1525. In Oxford County the County Commissioners are divided concerning the Districting proposal. The Legislative delegation is also split on the merits of dividing the County to assure geographical representation.

Under these circumstances, I do not believe the State should impose on the people of Oxford County a new system for selecting their County Commissioners. Indeed, our increasing respect for the principle of home rule strongly suggests that matters such as this should be left to County determination, or, at the very least, should not be mandated by the State without a strong request for action from the county.

I therefore request that my action disapproving L.D. 1525 be sustained.

Respectfully submitted,  
s KENNETH M. CURTIS  
Governor

Which was Read and ordered Placed on File.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Somehow I have a feeling that we have come full circle here today. The difference in numbers between the Majority Party and the Minority Party is so close that all session long we have attempted seriously and sincerely to accommodate one another. On the few occasions this session that the Majority Leadership has attempted to flex its muscles and exert the few vote margin that we possess in the Senate there has been substantial cries of anguish, not only from the Minority Party but from members of the Majority Party, suggesting that we were being arrogant in the flexing of our four vote margin in the Senate. One of the occasions this session was the attempted amendment of an existing bill by a suggestion that we in Oxford County create commissioner districts. If you will recall, the Majority Party withdrew that amendment and we let the bill that was sponsored by Senator Cianchette go its way in peace and harmony to ultimate success.

But here, Mr. President and Members of the Senate, is a veto message on the Oxford County Bill, and the reasoning and the message do not introduce anything new into this situation but they purely and simply reinforce the contention of those of us that we were in an area purely and simply of partisan politics.

Mr. President, as we vote as to whether to sustain or override the Governor's veto, I shall observe with great interest whether life is a two-way street and whether there is statemanship in the Minority Party and compassion and a sense of fairness in the Minority Party to the same extent there was just a few weeks back when the shoe was on the other foot.

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

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I think you have two different situations in the Somerset County districting and Oxford County. In Somerset County both parties got together and both

agreed. In Oxford County they have a different set - up, and that is where the problem is. If both parties would agree in Oxford County, as they did in Somerset County, I am pretty sure that the Governor would not veto it.

The President then laid before the Senate the question: Shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, the vote was taken by the yeas and nays. The secretary called the roll, with the following results:

#### ROLL CALL

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

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

A roll call was had. Nineteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, with nineteen being less than two-thirds of the Senators present and voting, the veto was sustained.

State of Maine  
Supreme Judicial Court  
Augusta, Maine

June 17, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mr. Speers:

There are enclosed the Answer of the Justices to the Question of June 17, 1969.

Respectfully yours,

s ROBERT B. WILLIAMSON

Enclosure

#### OPINION

Of the Justices of the Supreme Judicial Court Given Under the Provisions of Section 3 of Article VI of the Constitution—Questions propounded by the Senate In An Order Dated June 17, 1969.

ANSWERS OF THE JUSTICES TO THE HONORABLE SENATE OF THE STATE OF MAINE:

In compliance with the provisions of Section 3 of Article VI of the Constitution of Maine, we the undersigned Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions propounded on June 17, 1969.

**QUESTION NO. 1:** Does Section 49 of Legislative Document No. 1543 violate the provisions relating to equal protection contained in the Fourteenth Amendment to the Constitution of the United States and in Article I, Section 6-A of the Constitution of Maine?

**ANSWER:** We answer in the affirmative.

Article 1, Section 6-A of the Constitution of the State of Maine prohibits the denial to any persons of "the equal protection of the laws" and the Fourteenth Amendment to the Constitution of the United States provides in part that: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State \* \* \* deny to any person within its jurisdiction the equal protection of the laws."

"The rule is well settled that a state may classify persons and objects for the purpose of legislation \* \* \* provided such classifications of persons \* \* \* is reasonable for the purpose of legislation, is based on proper and justifiable distinctions, \* \* \* is not clearly arbitrary \* \* \* ." 16 Am. Jur. 2d. Constitutional Law § 494.

"If persons are, \* \* \* within the jurisdiction of a state, the (equal protection) clause guarantees to all so situated, whether citizens or residents of the state or not, the protection of the state's laws equally with its own citizens." 16 Am. Jur. 2d. Constitutional Law § 516.

"Laws which denounce certain acts as crimes \* \* \* and prescribe the punishment to be inflicted can be declared to be void only when the classification is based on purely arbitrary grounds; if they operate uniformly on all persons in the same category and there is a reasonable basis for any

classification that is made, they are not invalid as class legislation. \* \* \* A penal statute, however, which makes arbitrary distinctions, such as arbitrary distinctions between different persons or classes of persons, either by making certain acts criminal offenses when committed by some persons but not when committed by others, by prescribing different penalties for the commission of the same acts by different persons \* \* \* has been declared unconstitutional as class legislation. So a statute making certain acts subject to special punishment in certain counties and different from that prescribed by the general law has been held invalid \* \* \* ” 16A C.J.S. Constitutional Laws § 501.

It is conceded that “legislation may impose special burdens upon defined classes in order to achieve permissible ends. But the Equal Protection Clause does require that, in defining a class subject to legislation, the distinctions that are drawn have ‘some relevance to the purpose for which the classification is made.’ ” *Rinaldi v. Yeager* 384 U.S. 305, 86 S. Ct. 1497, (2-5) 1499.

The above principles have been recognized and reiterated in *State v. Montgomery* 94 Me. 192 (licensing discrimination between citizens and aliens); *State v. Mitchell* 97 Me. 66 (licensing discrimination between residents of a town); and *State v. Cohen* 133 Me. 293, 299 (licensing discrimination between residents and non-residents), in all of which the discrimination was held constitutionally invalid.

The proposed section is to appear within Title 12 of our Revised Statutes Annotated under the general subject of conservation and among sections intended to discourage the taking of wild game by hunting from automobiles (§ 2456) from railways (§ 2457), the use of silencers on firearms and automatic weapons (§ 2458), hunting with nets, traps, cross bow or snares (§ 2459), and the use of pole traps (§ 2460).

As the proposed measure stands before us as a measure ostensibly

to promote conservation, no proper and justifiable distinction between the possession of firearms by a resident and a non-resident worker is apparent, and the measure is arbitrary and unconstitutional.

QUESTION NO. 2: Does Section 49 of Legislative Document No. 1543 violate the provisions relating to due process contained in the Fourteenth Amendment to the Constitution of the United States and the Constitution of Maine, Article I, Section 6-A?

ANSWER: In view of our answer to Question No. 1 it becomes unnecessary to answer Question No. 2.

Dated at Augusta, Maine, this 17th day of June, 1969.

Respectfully submitted:  
 ROBERT B. WILLIAMSON  
 DONALD W. WEBBER  
 WALTER M. TAPLEY, JR.  
 HAROLD C. MARDEN  
 ARMAND A. DUFRESNE, JR.  
 RANDOLPH A.

WEATHERBEE

Which was Read and Ordered Placed on File.

#### Senate Papers Joint Resolution

Mr. CONLEY of Cumberland presented the following Joint Resolution and moved its adoption:

WHEREAS, John L. Lewis, president emeritus of the United Mine Workers', died Wednesday, June 12, 1969, at the age of 89; and

WHEREAS, Mr. Lewis served as president of the mine workers' union for 40 years, until his retirement in 1960; and

WHEREAS, during this time he became a legendary giant in the American labor movement known to and respected by many; and

WHEREAS, one of his greatest contributions to the American way of life recognized that public officials are servants of the people and to defy them was not insolence or disrespect but the efforts as an American citizen to direct their activities; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of

the 104th Legislature of the State of Maine assembled, record in the passing of John Llewellyn Lewis, the loss of a national leader in the labor movement and an outstanding figure of our time; and be it further

RESOLVED: That a suitable copy of this Joint Resolution be forwarded to District 15 officials of the United Mine Workers' of the State of Maine at their Washington office.

(S. P. 517)

Which was Read and Adopted.  
Sent down for concurrence.

### Committee Reports House

#### Ought Not to Pass - Covered by Other Legislation

The Committee on Labor on Bill, "An Act Establishing the Police-men's Arbitration Law and Amending the Fire Fighters Arbitration Law." (H. P. 604) (L. D. 785)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Relating to the Purposes and Powers of the Maine Port Authority." (Emergency) (H. P. 871) (L. D. 1114)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1265) (L. D. 1595)

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.

### Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Increasing Salaries of County Officials of Kennebec County." (H. P. 971) (L. D. 1259)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Salaries

of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1230) (L. D. 1563)

Signed:

Senators:

PEABODY of Aroostook

MARTIN of Piscataquis

Representatives:

HANSON of

E. Vassalboro  
CROMMETT of

Millinocket

LABERGE of Auburn

FORTIER of Waterville

WIGHT of Presque Isle

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County." (H. P. 1231) (L. D. 1564)

Signed:

Senator:

MILLS of Franklin

Representatives:

DYAR of Strong

HAWKENS of Farmington

Comes from the House, the Minority Ought to Pass in New Draft Report (H. P. 1231) (L. D. 1564) Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "E" (H-522).

Which reports were Read.

Mr. Mills of Franklin moved Acceptance of the Minority Ought to Pass in New Draft Report of the Committee.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending the motion by Mr. Mills of Franklin to Accept the Minority Ought to Pass in New Draft Report of the Committee.

### Divided Report

Five members of the Committee on Taxation on Bill, "An Act Relating to Property Tax Administration." (S. P. 392) (L. D. 1340)

Reported in Report "A" that the same Ought to Pass in New Draft "A" Under Same Title. (S. P. 515) (L. D. 1604)

Signed:



Senator:

MARTIN of Piscataquis

Representatives:

SUSI of Pittsfield

WHITE of Guilford

DRIGOTAS of Auburn

ROSS of Bath

Three members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass in New Draft "B" Under Same Title. (S. P. 516) (L. D. 1602)

Signed:

Senator:

WYMAN of Washington

Representatives:

FORTIER OF Rumford

COTTRELL of Portland

Two members of the same Committee on the same subject matter reported in report "C" that the same Ought Not to Pass.

Signed:

Senator:

HANSON of Kennebec

Representative:

HARRIMAN of Hollis

Which reports were Read.

Mr. Wyman of Washington then moved that the Senate Accept the Ought to Pass in New Draft Report "B" of the Committee.

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

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: I oppose the motion of Senator Wyman to Accept Report "B". I would like at this time to explain and discuss Report "A" more thoroughly, and then make a motion to indefinitely postpone Report "B".

The bill in new draft in Report "A" would provide for complete reorganization of property tax administration, at both State and local levels.

It would create a new Bureau of Property Taxation within the Department of Finance and Administration, which would take over the property tax functions now performed by the Property Tax Division of the Bureau of Taxation, and the functions now performed by the State Board of Equalization.

It would provide for the establishment, not later than July 1, 1978, of not less than twelve

assessment districts, which would take over the valuation functions now performed by municipal assessors.

It would replace present local property tax appeal procedures with two new appeal procedures, one of which would permit a taxpayer to appeal from overvaluation to a Board of Assessment Appeals with the assessment district; and the other of which would permit the taxpayer to appeal from a tax to the municipal officers of his municipality on the basis of infirmity, poverty or inability to contribute to the public charges.

1. The bill would establish a new Bureau of Property Tax Administration within the Department of Finance and Administration and would transfer to it all the property tax functions in both organized and unorganized areas of the State now assigned to the Bureau of Taxation as well as the functions now assigned to the State Board of Equalization.

The functions of the new Bureau of Property Taxation would fall generally under three headings:

(a) State Valuation. The Director of the Bureau of Property Taxation would replace the Board of Equalization, and would fix the State valuation annually on or before July 1.

(b) Property Taxes In Unorganized Areas. Property taxes in unorganized areas would be assessed and collected by the Bureau of Property Taxation.

(c) Supervision of Municipal Property Taxes. The Bureau of Property Taxation would also have general supervision over the activities of local and district assessors.

2. The bill would provide for the establishment of assessment districts for the qualification and certification of assessing officials, and for the creation of executive committees to manage the assessment districts.

(a) The bill provides that the Director of the Bureau of Property Taxation must divide the organized areas of the State into not less than twelve assessment districts, and outlines the factors to be considered in establishing such districts. The Director of the Bureau

of Property Taxation must establish such districts by July 1, 1973; and all such districts must be in operation by July 1, 1978. Such districts would be concerned only with valuation for tax purposes. The valuation thus derived would then be used by the municipal officers in each municipality to assess the tax to be paid by each property owner.

(b) Assessors must qualify by examination and certification; examination for this purpose to be given, beginning July 1, 1972, by the Bureau of Property Taxation.

(c) The Bill provides for a nine-member executive committee which is charged with the responsibility of managing each primary assessing area. Membership of the executive committee is made up of seven members representing municipalities included in the district, together with two non-voting members, namely; the Chief Assessor of the assessing district, and the Director of the Bureau of Property Taxation. The functions of the executive committee are to appoint the assessor, approve the budget of the district, fix salaries, and generally supervise the activities of the district.

3. Appeal Procedure. The Bill would provide the same method of appeal in the unorganized territory; and would provide an entirely new dual appeal procedure in organized areas mentioned previously.

(a) Unorganized Areas. Under the bill, an appeal from an assessment in the unorganized portions of the State may first be made to the Director of the Bureau of Property Taxation, and from him to the Superior Court.

Two types of appeal are provided for: First, an appeal from the assessment through a Board of Assessment Review, and from the Board to the Superior Court, as well as an appeal for abatement of tax through petition to the municipal officers.

While taxpayers' lists would still be called for, failure to file such lists would not bar the right of the taxpayer to appeal.

Mr. President, I move indefinite postponement of Report "B" and

move adoption of Report "A", and would request a division.

The PRESIDENT: The Chair would inform the Senator that the report itself may not itself be indefinitely postponed. The proper thing to do would be to defeat the adoption of Report "B", and then the Senator could offer a motion to adopt Report "A".

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I listened with interest to the remarks of the Senator from Piscataquis, and I would request that his remarks be reproduced and distributed this afternoon for a review overnight. Perhaps it might be meaningful, on that basis, to have this tabled until the next legislative day.

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

Thereupon, on motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending the motion by Mr. Wyman of Washington to Accept the Ought to Pass Report "B" of the Committee.

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislature Sessions. (S. P. 1) (L. D. 15) ask leave to report: That they are unable to agree.

On the part of the Senate:

BERRY of Cumberland  
KATZ of Kennebec  
BELIVEAU of Oxford

On the part of the House:

DENNETT of Kittery  
RIDEOUT of Manchester  
DONAGHY of Lubec

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In moving to accept the Committee of Conference Report, I would like to say very briefly that I think as the session has worn on we have more and more become

impressed with the complexity of the problems which face us, the need for continued action, and the desirability of providing a more frequent review of our State's operations.

I am not firmly convinced myself that annual sessions in and by themselves will be the answer to the many problems we are trying to solve here in Augusta. I do feel that the establishment of regular annual sessions instead of the sporadic special sessions, which further complicate our private lives, would be of inestimable value. I do feel and think that the tools which will be of the greatest use to the legislature in combating the many problems facing us will be the activation of legislative committees to operate during the absence of the legislature to act in consultative, to act in watch-dog capacities, and to review the operations of our several State departments in line with the budget as turned out by the legislature.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Report of the Committee of Conference?

The motion prevailed.  
Sent down for concurrence.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Compensation of the Panel of Mediators." (H. P. 691) (L. D. 891) ask leave to report: Unable to Agree.

On the part of the Senate:  
QUINN of Penobscot  
HOFFSES of Knox  
GORDON of Cumberland

On the part of the House:  
McTEAGUE of Brunswick  
DURGIN of Raymond  
HASKELL of Houlton

Which report was Read and Accepted.  
Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act to Allow the Chief Liquor Inspector to Continue in his

Position Beyond the Mandatory Retirement Age." (H. P. 1253) (L. D. 1589)

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

**Enactors**

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

An Act to Permit Savings Banks to Engage in Debtor Counseling Services. (H. P. 1076) (L. D. 1399)

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

Mr. Mills of Franklin moved that the Senate reconsider its previous action whereby Bill, An Act to Permit Savings Banks to Engage in Debtor Counseling Services, was Enacted.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I never thought I would have to speak twice on this poor little bill, particularly such a do-good poor little bill as this one is. Once again, I'll go back and give you the background on this measure, why the committee reported as it did and what the intent of the bill is.

This bill would allow savings and loan companies, savings banks, national banks and trust companies to engage in debtor counseling. The type of debtors that need counseling, and that this bill is intended to serve, are people that are typically the clientele of the small loan companies. They are a financially unsophisticated type of person who is essentially unable to perform for himself the simple financial functions that you and I perform, such as not getting tied up with installment payments that exceed our income and this sort of thing.

Twelve years ago there was a collection agency that was engaged in debtor counseling and this particular collection agency, I understand, indulged in great abuses of these relatively ignored people simply took advantage of them. At that time the Maine Legislature passed a law that for-

bade any organization or person, aside from attorneys at law, to engage in debtor counseling. Early in the session we had a bill presented to the Business Legislation Committee which would have allowed non - stock corporations to engage in debtor counseling. We heard a good deal of testimony on this and it was quite apparent to us at that time that there was indeed a bona fide need for this service. We had testimony, for example, from people in Portland that under the Model Cities Act that one of the criteria that they looked for in making these federal grants is the availability of debtor counseling service.

However, the bill on non - stock corporations simply wasn't the vehicle for this because it would have permitted the collection agencies and the small loan companies to set up a debtor counseling company and go into that business. With the type of people that they have, they would undoubtedly counsel them, in the case of the small loan companies, that they needed a loan, run them down the hall and give them the loan. In the case of the collection agencies where you have a person that is in the toils of his creditors, a collection agency, of course for a fee, would like to find out who these people are and serve to collect for the creditors. Well, of course, we couldn't allow this so that bill has gone to its just reward.

However, we were searching for a vehicle to fill this need. Representative Trask, in the House, spent a good deal of time working on this, and finally Representative Clark came up with this bill which we are now considering, in that it would allow, as I say, savings and loan, savings banks, trust companies and national banks, in addition to the attorneys at law, to engage in this debtor counseling service. The question didn't enter our minds as to whether these financial institutions would abuse these poor people; we simply did not think that they would. We also felt that by allowing the financial institutions, legitimate financial institutions, to perform this service that we might perhaps tend to wean some of these people away

from the small loan companies. Typically, the small loan clientele doesn't know anything about banks, doesn't know how they operate, goes into them and he sees all these people behind these counters doing something. It is just a foreign thing for him, but perhaps through this debtor counseling service, he would become acquainted with these other sources of credit.

Now, I believe that the objection to this that I have heard voiced is that it constitutes the practice of law. Well, if it does, every bank is now doing that through their trust departments and I would submit that you and I indeed are doing it in our own personal affairs. I just don't see where this is a very serious infringement on the legal profession. I am not even sure that it will work. I am not sure that the banks will go into it, although we did have indications from some of the Portland banks that they were interested, but there is a problem, there is no question about it, and we have tried valiantly to find a vehicle for meeting this problem, and we think that perhaps this bill is it. Thank you very much, Mr. President.

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

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I fully concur with the remarks made by the Senator from York, Senator Logan, and I think it is one of the best things that can happen here in the State of Maine, since we do have a serious problem as far as bankruptcy and wage-earner plans are concerned. When the vote is taken, I would ask for a division, Mr. President, in reference to our reconsideration motion.

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 arguments that I would give have been very ably expressed by Senator Logan. The only thing is that I don't arrive at the same conclusion that he does. He has expressed the fears

that I have in this type of legislation, and that is that it is a vehicle and it is known over the country as a favorite gimmick of the loan companies to obtain a good public image to incorporate a sideline corporation, which will be down the corridor, and which will be a friendly counseling service. And under this, of course, it can charge a fee for its services, and the public can end up being counseled by one who has a very distinct profit motive in the advice that is being given. Furthermore, the type of operation, when you go into an office and say I have thus and thus debts, and how shall I handle my various creditors, shall I consider bankruptcy, shall I consider seeking a mortgage, or shall I get an assignment for the benefit of my creditors, certainly you are getting into the area of law which a corporation under our law, and under the laws, all throughout the United States, cannot do. The relationship between a lawyer and his client has to be individual, and cannot be protected in any way or disguised by a corporate screen.

Now, I would say that the good Senator's fears that he has entertained are the same that I have, and I haven't seen the necessity of it going particularly. One area where this need is being filled, and I am sure this is going to get a rise out of the good Senator who runs an agency in Lewiston where he has run afoul of this organization to such an extent that it irritates him when he hears it mentioned, and that is the Pine Tree Legal Aid Society, Pine Tree Assistance, which brings the poverty program to the poor in Maine in the area of legal assistance. That office has done a great deal in this area and it definitely is practicing law as it does it, and it has rendered a great service in an area where most lawyers aren't able to function because they have to live, and they can't live if all of their clients are impecunious and can't afford to pay fees.

So, I don't believe that there has been any real need demonstrated for it and I think it is being taken care of. I know, as a matter of fact, that many lawyers do function in

this area with slight, if any, compensation in many, many instances. I have the fears that were expressed by Senator Logan that it is the back door by which the loan companies get into this work.

The PRESIDENT: The Chair would interrupt debate for just a moment. The Senate will stand at ease for just a minute. Will the Senator from Kennebec please approach the rostrum.

(Senate at Ease)

Called to order by the President.

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

Mr. LOGAN: Mr. President and Members of the Senate: I would like to clear up any misapprehension or misimpression that I may have given. Small loan companies are excluded from this. They are not mentioned in this bill and cannot now get into this service, neither can industrial banks or any organization of that nature; strictly savings and loans, savings banks, national banks and trust companies.

I would submit to you that there are few organizations better equipped to give financial counseling than a financial institution such as these banks. We looked for other vehicles, we tried to find maybe some kind of a community association that would do this, volunteers — this might work well in Portland or in our larger cities, but we can't make a network over the entire State of volunteers. I am sure that this poor debtor, if the best course of action was for him to go into bankruptcy, I am sure that the financial institution would counsel him to retain a lawyer to handle it, but, by and large, all they are going to be doing is trying to educate him the way you and I have been educated in the simple handling of personal affairs. I think this is a good bill, a needed bill. Thank you, Mr. President.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate reconsider its action whereby Bill, An Act to Permit

Savings Banks to Engage in Debtor Counseling Services, was passed to be enacted. A division has been requested. As many Senators as are in favor of the motion to reconsider our action whereby this Bill was passed to be enacted will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative, and twenty - one Senators having voted in the negative, 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.

An Act Relating to Services of Premises Not Licensed Under the Liquor Laws. (H. P. 1223) (L. D. 1555)

Comes from the House, Indefinitely Postponed.

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

Mr. BERRY of Cumberland. Mr. President and Members of the Senate: In moving that this bill be indefinitely postponed, I would like to say that the Liquor Committee tried to come up with a bill which would solve the problem of the bottle club. This is the club that has no license and which caters to a trade that brings their liquor in and orders set - ups, and in some of our communities this has caused trouble to the police department because of after - hours late drinking, and that the problem is not easy of solution because, simple as it may seem, it is difficult to define what is a public eating place. I would hope that time will permit solution of such a problem because it is a real one and needs some attention. It was just impossible to do it.

The PRESIDENT: The Senator from Cumberland, Senator Berry moves that L.D. 155, be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

MR. KATZ: Mr. President and Members of the Senate: Because it is very possible that some of the membership may drift out later in this afternoon's session, I wanted to impose on your good nature to say something that I think expresses the deep personal feeling I have about the job in front of us.

We are interrupting the debate in the midst of some rather important legislation but all the legislation we are considering today pales into absolute insignificance compared to the question of financing the supplemental budget.

Mr. President, last session I was a partner to a personal failure. I went home after six months plus of wrangling, some of which was largely partisan, some of which was philosophical, without enacting any program in the regular session. It was a sense of personal failure for me and I hope that all of you who were here also felt a sense of personal failure. It is possible that this prospect is in front of us today, and I hope that every man in here would look upon our failure to agree by a two - thirds vote on some supplemental program to be a sense of personal failure.

We all got here with some substantial hard work and campaigns and we came here for a particular purpose, but the reason for my rising today is to express a sense of urgency that we must not give in, under any circumstances, to a supposed easy alternative of going home and magically coming back in October because the only thing that is going to be different in October is the weather. It is going to be cooler and the problems will be greatly magnified.

We have a very difficult situation here with our University of Maine budget, we have a potentially explosive situation with our State employees, particularly institutions which are crying out for solution, and this is the sense of urgency that I want to give to the Senate this afternoon, a sense of urgency about school subsidies, and a sense of urgency about other State needs. On any one of these bases I think it is sheer folly for us to even

consider seriously any beneficial effect of going home without living up to our responsibilities. If I had my choice we would enact this package today. Tomorrow is not quite as good as today but it is acceptable, and the day after is not quite as good as tomorrow but it is acceptable. But to enact the package that basically fills the needs of State employees, University of Maine, Social Welfare and others, this must be our obligation, and we must face up to it. I hope that as you relax this evening you will consider these words well.

**Orders of the Day**

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

Bill, "An Act Relating To Non-profit Hospital or Medical Service Organizations." (H. P. 808) (L. D. 1047)

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

Pending — Enactment.

Mr. Logan of York then moved the pending question.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (H. P. 769) (L. D. 1002)

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

Pending — Consideration.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The other day we had a fourteen to fourteen vote and, because it looked like to me that we were not going to get any decisive action, I am in the process of having an amendment prepared which would take the law enforcement feature out of the bill, although I would like to see it enacted or moved along in its present form. Mr. President, just so I can see how many votes there

are here today, I move the pending question.

The PRESIDENT: The Chair would inform the Senator there is no pending question. We are in non - concurrence with the House. The House passed the bill to be engrossed and the Senate accepted the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I move the bill and all its accompanying papers be indefinitely postponed.

The PRESIDENT: The Chair would inform the Senator that the proper motion would be to adhere.

The Chair recognizes the same Senator.

Mr. MILLS: Mr. President, I move to adhere.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate adhere.

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I understand we are in non-concurrence with the House which has passed this bill to be engrossed?

The PRESIDENT: That is correct.

Mr. KATZ: The proper motion which I make then is that the Senate recede and concur with the House.

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

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford. Mr. President, I believe that motion was made earlier this week and it was defeated, or it didn't prevail.

The PRESIDENT: The Chair would inform the Senator from Kennebec, Senator Katz, that the motion of the Senator from Franklin, Senator Mills, would have to

be defeated, the motion to adhere, before the motion to recede and concur could be offered the second time. There would have to be intervening action on the bill.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I move that the Senate recede.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate recede. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, could I learn the status of the bill? What was the motion that was defeated yesterday or the day before? Or, if it wasn't defeated, it failed of passage.

The PRESIDENT: A tie vote was had on a motion to recede and concur. A motion to adhere was made by the Senator from Franklin, Senator Mills. A motion to recede is in order. A motion to recede is not the same as a motion to recede and concur.

The Chair recognizes the same Senator.

Mr. BELIVEAU: Mr. President and Members of the Senate. I don't see why the Majority Leader wants to have another test run on this issue. It was quite apparent that a majority or a great number of the Senators here objected to the provisions permitting law enforcement officers to wiretap under certain circumstances. We had hoped that possibly he would have the amendment before us at this time to restrict it to situations to prevent unauthorized wiretapping and to impose criminal sanctions upon those who do. I would urge the defeat of the pending motion because it appears that since the amendment isn't before us, and there has been adequate time to prepare one, I am wondering whether there is actually an amendment on its way here. I would urge the defeat of the pending motion so that we can finally defeat the bill.

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

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

I understand that there was quite lengthy debate on this last Monday, so I am not going to hash this over, but I would like to read you from the Christian Science Monitor of Wednesday, June 11, where there is an article called "The Mafia Menace and New England Gang Warfare Open Door for Costra Nostra. Such information is hard to come by. Much of what law enforcement knows about influences, controls and activities of the organized underworld are really assumptions and deductions made from studying telephone toll calls and information supplied by informers and electronic bugs. Nevertheless, from all appearances it seems as though the Patriarca family had as much of a finger in the Connecticut pie as any of the other families. Patriarca split his territory between two trusted under bosses. Henry Tamelio was put in charge of the Rhole Island activities. Eastern Massachusetts and sections of Vermont, New Hampshire and Maine were given by Patriarca to his Ginerra Anquilla." This is about all I know about the influence of the Mafia in the State of Maine.

I would once again repeat that this is not permissive legislation; this is restrictive legislation, legislation that is designed to protect you and I from unauthorized surveillance, legislation that allows our police to act in accordance with the guidelines of the Supreme Court. It is hard to ask more of any bill. Thank you. Mr. President.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I think I have talked at length on this on two other occasions and I don't plan to indulge your patience any longer, but I will say that few bills have troubled me in this legislature such as this one has, because I consider it a major invasion of the personal liberties of our people and I would say that it has not been substantiated to me that this legislation is going to contribute to the protection, the health or safeguard of the people of our State, and it is



legislation that causes me great concern.

I don't know if you people who are members of this body had an opportunity to read an article in Monday's Portland Press Herald by nationally syndicated columnist Carl Rowan where he mentioned some of the abuses of wiretapping and bugging that is being carried on, even by an agency in our federal government such as the F.B.I., where it had been stated in a public hearing by a member of the F.B.I. that Dr. Martin Luther King had been under electronic surveillance in 1964 and 1965 and until his death by people in the F.B.I. supposedly feeling that he was a risk to national security. These are the kinds of things that scare me with regard to wiretapping.

I repeat again that, until such a time as our law enforcement agencies can come before us and tell us that by following the normal procedures of criminal investigation, and by using all these methods that are available to them, that they are unable to safeguard the protection of our people, then I would consider this legislation; otherwise, I am opposed to it.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: My opinion is that we have not had an awfully good batting average in this legislature on bills to strengthen the tools of our law enforcement agencies. We have turned down several important measures which would have helped our law enforcement people at every level. I would request of the Chair a roll call in this instance so that we can go on the record.

I have read with interest in last Saturday's Portland Evening Express another national writer who says the following — and I will direct a question after I have read this: "The Nixon Administration has claimed broad new powers in using wiretapping against organizations and persons it suspects of trying to foment violent disorders across the nation. The Justice Department contended the

government does not have to secure court approval before installing electronic surveillance devices in such domestic cases, and Attorney General John N. Mitchell listed the Chicago defendants who were overheard by government agents through wiretaps." My question is: does Senator Mills endorse this stand of the Attorney General and the President?

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I say to the good Senator from Cumberland, Senator Berry, that the Attorney General of the United States can take any position he pleases. I don't like this bill, and it doesn't make any difference whether the Attorney General of the United States likes it or not. Thank you.

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

Mr. TANOUS of Penobscot: Mr. President, may I inquire of the Chair as to the status of this bill at this time?

The PRESIDENT: The Chair will inform the Senator that the bill was passed to be engrossed as amended by House Amendments A, B and C. Originally the Senate accepted the Ought Not to Pass Report of the Committee. The present status is that the Senator from Kennebec, Senator Katz, has moved that the Senate recede from its action whereby it accepted the Ought Not to Pass Report of the Committee.

Mr. TANOUS: Am I correct that if Senator Katz's motion should pass we can submit an amendment to the bill?

The PRESIDENT: If the motion of the Senator from Kennebec, Senator Katz, prevails, the logical next step would be to substitute the bill for the report, and the bill would be given its first reading today.

Mr. TANOUS: Again, another inquiry: Would it have to reach this position before an amendment may be submitted?

The PRESIDENT: That is correct.

Mr. TANOUS: Mr. President, may I speak at this time on the bill?

The PRESIDENT: The Senator has the floor.

Mr. TANOUS: Mr. President and Members of the Senate: Those who were present here last Friday or Monday when this bill was debated, and I spoke on it, I still feel as strongly as I did then. I think we do need some legislation in this area. I feel that we should substitute the bill for the report and then submit some amendments whereby it would be palatable for the body to accept the bill so it can go on to enactment.

I stated that I did some research on this, and there is no law at this time in the State of Maine prohibiting wiretapping. I firmly believe that our citizens should be protected, that the right of privacy of our citizens ought to be protected.

Yesterday, while I was in Bangor on a business matter, I went further with this, and I called on friends of mine in the Bangor area who own private detective agencies. I am informed that these bugging utensils or contraptions are being used by these private agencies, and I think we need legislation to protect the people of the State, to protect the right of privacy. We should go further and outlaw possession of any instrument of this type that anyone may have.

If we are concerned about protecting the right of privacy of the people, then we do have to enact this legislation. It must meet its first test by us accepting the Ought to Pass Report of the Committee or substituting the bill for the report. Then let us put our amendments in and, if the opposition to this bill is not satisfied with the amendments, then kill it at that point. I understand you have the votes to kill it at that point, then kill it when it gets to that stage, but at least give the proponents an opportunity to submit the amendments which would give the people of the State of Maine some protection in this area. Thank you.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I wholeheartedly subscribe to the comments made by my good friend, Senator Tanous, with regards to what he wants to accomplish, but I submit to him that this bill is up for enactment and if we support Senator Katz's motion, why, then the bill will be enacted in concurrence with the other body. If that is the case, and I had a discussion with Senator Katz on this matter, and his preference was to push it through and see if they could get it through this way and, if it was defeated, then to consider amendments. So, I submit to you now that what we are voting on now is a test of the legislation which we have before us. If somebody wants to table this matter and offer an amendment that will accomplish what Senator Tanous says he wants to see accomplished, then I am perfectly willing to see it tabled to work out that kind of an amendment. I agree with him in what he wants to accomplish, but I do not agree with him at this point that substituting the bill is going to accomplish it. It is going to do exactly the opposite to what I think he would like to see done and what I am willing to see done.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps I had better clarify what the position is. I would prefer to have the bill passed in its present form, although my personal preoccupation is not with the law enforcement procedure, but with the protective feature for the public.

Since yesterday the Attorney General's Department has been wrestling with an amendment. The last word I got was that they were on the telephone with Washington because there are implications with a federal bill that they have got to walk very carefully with. I am not that certain that they are going to come up with an amendment to do what I wanted to do in time for us to do some good, and that is the reason, while I wouldn't resist having it tabled

today. I would very much like a test vote to see whether or not we have enough votes to get this through in its present form.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: The other day when the good Senator from Oxford, Senator Beliveau, wants to table the Implied Consent Bill for an opportunity of presenting amendments the good Senator from Kennebec gave way, and I think the bill is on the table today for that purpose. I know the other day we did debate this bill at length and it was tied 14 to 14, it couldn't either meet its defeat nor be passed, at that time when Senator Tanous said he would like to introduce some sort of an amendment to protect the public from wiretapping I think a lot of us felt very much in need for this type of legislation, and I am as ready to support that today as I was last week, so it is my hope that we can get some sort of an amendment that will meet the approval of everyone here and cut out the part which allows the Attorney General to set up his bugging machines.

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

Mr. LEVINE of Kennebec: Mr. President, I move this item lay on the table until the next legislative day.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that Bill, "An Act to Provide for the Interception of Wire and Oral Communications," be tabled and specially assigned for tomorrow, pending the motion of the Senator from Kennebec, Senator Katz, that the Senate recede. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Kennebec, Senator Katz.

On motion by Mr. Katz of Kennebec, a division was had. Fourteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion to table did not prevail.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would like to say one thing, and if I am in error I would appreciate being corrected, but as I understand the present situation, the good Senator from Kennebec wants the entire bill, he wants all the bugging and he wants all the detrimental features that have been pointed out by the many speakers against this bill, and that all the talk about protecting the citizens from private detectives and neighbors or anybody else is just so much gobbledegook, because if that is what he wants —

The PRESIDENT: For what purpose does the Senator rise?

Mr. KATZ of Kennebec: Mr. President, I don't know the meaning of "gobbledegook" but I have the feeling that it is an improper imputation of my motives in my conversation.

Mr. KELLAM: Mr. President, you can strike that particular word possibly, and I would say it this way: that we have had considerable discussion about infringing upon the personal liberties of the individuals by other individuals, not law enforcement people, and I believe everybody here is willing to pass a law to outlaw this activity. I personally am perfectly willing, in fact, I am pleased and I would be glad to have such a bill. It is always amazing to me that people who have these desires don't put in a bill to do these things instead of putting in a bill which does so many more things which are undesirable.

Now, I wish those who favor the bill or have some preference for this bill, due to the fact that they want to prohibit these intrusions into the privacy of the individual, will vote against the motion by the Senator from Kennebec in order that we could possibly do something along that line, but we should realize that when a certain amount of window dressing is thrown in to pass the bill, it certainly ought to be realized by the people who are doing the voting. We could have all those things, but the one thing

I think we should all be very afraid of is legalizing the wiretapping of our phones.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to express emphatically my resentment against any implication as to my motivation in my procedure here, and perhaps if there is such an impression it is because of inattention on the part of a member of the Senate. Let me say it again, that I am primarily interested in that portion of this bill which protects the private citizen against any and all wiretapping. I am, in a secondary manner, interested in giving some law enforcement tool to the Attorney General law enforcement people.

Since yesterday, or since I first got interested in this bill, the Attorney General's Office, first John Benoit and now Dick Cohen, have been attempting to prepare an amendment. It is an extraordinarily complicated and difficult area for them. I said a little earlier, and I will say it now, that they have been on the phone to Washington investigating certain facets of federal law and federal court action in order to give them guidance in the preparation of this amendment.

My position hasn't changed one bit since I first got interested in this bill. I would prefer to see this bill passed in its entirety today because I have no firm assurance that the kind of an amendment I have requested is going to be forthcoming in time to do any good. This is what I said the day before yesterday and this is what I am saying right now.

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

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I don't think anyone is doubting anyone's sincerity in this particular issue. I think the problem stems from the fact that most of us are perfectly willing to support the motion to recede, and I think it is unfortunate that this motion has to be a test vote, whether we are for the amendment or not. It seems to me that this is

the time to have the roll call and test vote on whether or not we are for the bill in its entirety. I take it on this bill the committee report as yet has not been accepted. Isn't that correct?

The PRESIDENT: The Senator is correct.

Mr. REED: Therefore, it would seem to me that when the amendment is offered, it would be at that time that we should make the test vote.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede from its action whereby it accepted the Ought Not to Pass Report of the Committee on Bill, "An Act to Provide for the Interception of Wire and Oral Communications." 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. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President, if I might direct a question through the Chair, I would like to vote for the motion to recede, but I am just wondering if the Senator from Kennebec, Senator Katz, still feels that this would mean that I am for the bill and, therefore, would oppose the amendment? Say, if I voted for the motion to recede to get the bill before us so that it can be amended, that would be my purpose in voting for it. The question would be whether or not he still looks upon this as a test vote for enactment as the bill is, without change?

The PRESIDENT: The Senator has posed a question through the Chair which the Senator from Kennebec may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, to keep this alive I would appreciate a vote on any basis.

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, just one brief word to the distinguished Senator from Sagadahoc, Senator Reed. I also have an amendment which has to be put on at the request of the telephone company, so I presume that there will be discussion at a later date, assuming that we get the matter before us again.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Katz, that the Senate recede from its action whereby on Bill, "An Act to Provide for the Interception of Wire and Oral Communications," the Ought Not to Pass Report of the Committee was accepted. A roll call has been ordered. A "Yes" vote will be in favor of the motion to recede; a "No" vote will be opposed.

The Secretary will call the roll.

#### Roll Call

YEAS: Senators Anderson, Barnes, Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Dunn, Duquette, Gordon, Greeley, Hanson, Hoffses, Katz, Kellam, Letourneau, Levine, Logan, Martin, Mills, Minkowsky, Moore, Peabody, Quinn, Reed, Stuart, Tanous, Wyman and President MacLeod.

NAYS: Senators Sewall and Violette.

A roll call was had. Thirty Senators having voted in the affirmative, and two Senators having voted in the negative, the motion prevailed.

On motion by Mr. Tanous of Penobscot, the Senate then voted to substitute the Bill for the Report in concurrence and the Bill was Read Once.

House Amendment "A", Filing No. H-461, was Read and, on motion by Mr. Logan of York, subsequently Indefinitely Postponed in non-concurrence.

House Amendment "B", Filing No. H-499, and House Amendment "C", Filing No. H-513 were Read and Adopted in concurrence, and the Bill, as Amended, tomorrow assigned for Second Reading.

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

Bill, "An Act Providing for Implied Consent Law for Operators of Motor Vehicles." (H. P. 1030) (L. D. 1339)

Tabled — June 16, 1969 by Senator Mills of Franklin.

Pending — Enactment.

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

Mr. KATZ of Kennebec: Mr. President, I am going to change my position on this one. On Monday of this week there was a flurry of debate that indicated that perhaps this bill might not be in proper form and there might be merit in tabling it for two days for the preparation of certain amendments.

There are a substantial number of amendments which have been proposed, a confusion of amendments that are in front of us under various filing numbers. I want the Senate to know that I am intimidated today between the nature of the amendments are so complex and the number of them is rather impressive, but I am scared stiff that if we get into the question of amending this bill with these complicated amendments, most of which I don't understand, that we are going to be in non-concurrence with the other body. I hope that we are not going to be here a month from today, and if the Senate gets into non-concurrence with the other body on this bill, it may very well be that we will find ourselves in the position where we have to have a committee of conference. I am not a Phi Beta Kappa but when I notice conference reports on the Journal today that they are unable to agree, I really get intimidated and I start to shake with trepidation.

So, Mr. President, for purposes of debate today, it is my understanding that the pending motion is the enactment of this bill, and were the Senate to enact this bill today it will become effective in ninety days after the adjournment of this legislature. It may very well be that before this legislature goes out of being we may have a special session, and I have a feeling that

perhaps prudence would indicate that we enact this bill and give it a little shake down and find out then exactly what the bugs are. So, Mr. President, in changing my position, I now move the enactment of this legislation.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: I want to allay the fears of our good Majority Leader. If we were to adopt the same philosophy in our other bills that are before us, then we should pass them all, wait and offer amendments in the next special session. I don't believe that this would be a proper thing to do.

Now, the amendments are not very complicated. They are not very difficult to understand, if a person were to sit down and take the time to read them. I will read them for you and tell you the reason behind them. There are two amendments, Senate Amendment "A", under filing No. S-290, and Senate Amendment "B", Filing No. S-294. They are devoted primarily to removing from 1339 the requirement that a person take a urine or breath test. Senate Amendment "B" is a vehicle which would accomplish this purpose.

If you will follow with me, I will read for you in detail exactly what is occurring so that there won't be any doubt in anyone's mind as to what we are trying to accomplish here. The first paragraph of Section 1312 of L. D. 1339 was rewritten to remove the language "breath or urine." The reasons for this are many. First of all, as I indicated some weeks ago, a breath test or the use of a breatholizer in this State by police officers would create and impose a very severe burden on the municipalities. We can look at it from a financial viewpoint; each one of these machines cost approximately \$1,000. This law would then place the requirement upon the municipality to purchase a machine, train police officers. Of the eight hundred, I believe, municipal police officers in this State, the overwhelming majority of them work for municipalities where we have

one or two police officers, where they do not have the training nor could they be trained to administer one of these, nor would it be practical or feasible for the community to purchase this.

We know that the result of a breathometer or breatholizer are highly erratic. In England, they are not admitted into evidence unless they are supported by a blood test. We believe, as do many other states, that the implied consent law should be limited to a blood test, administered by a physician or a qualified registered nurse.

Many people have a personal objection and abhorrence to the thought of a urine test. It was brought to our attention only recently that the only way that a urine test could be admitted into evidence in the courts of this State was to have a witness present when the urine sample is obtained. Draw your own conclusions on that. That is the first purpose of this amendment, to strike out the urine test.

The second purpose is a breatholizer, and I would direct your attention to an article that appeared today under the Safe Streets Act, in which John Leet, the Executive Director of the State Law Enforcement Assistant Agency here in Maine, stated that Maine had received a grant of \$119,532. Let me tell you what the primary purpose is, what they are going to be doing with this money. He says, and I quote: "The prime project will be putting one hundred local and county policemen through a basic police course, as well as preparing fifty others for their high school equivalency certificate examinations." These are the type of persons who are going to be administering this law. I think that we have to, we are duty-bound, to present them with a law that can be enforced properly, that can be administered properly. Law enforcement officers don't want to be burdened with a law they can't administer properly. If they are going to have difficulty being certified, for using one of these machines, and the results are going to be questioned in court, what value are they?

The majority of the states that have enacted implied consent laws restrict it to a blood test. That is all we are trying to do here. We are not attempting to destroy or repeal that section dealing with the implied consent; that is going to remain intact. But it will be eliminated solely to a blood test.

If we continue on Section 1312, there is a further amendment. Under the bill as written it states that the person tested shall be permitted to have a physician of his own choosing at his expense. I have amended that to read: "of his own choosing at the expense of the State." I say that if a person is going to be brought to a hospital, and he has to go through the trouble and inconvenience of having blood removed, if he wants his own doctor, that the State should also incur that minimal expense.

Finally, the last amendment to this, Senate Amendment "B": under the present bill the results of the test are given to the defendant or the individual only upon his request. The amendment reads: "The result of such a test shall be given to the person tested as soon as available." This is not an unreasonable request or unreasonable change.

The rest of the bill, if you go through it line by line, it does nothing but reduce from the plural to the singular when it refers to tests, and strikes out "urine" and "breath" where they appear in the bill.

Senate Amendment "A" was necessitated because the Legislative Research Office concluded that we had to amend House Amendment "A". House Amendment "A" is that provision which would give physicians immunity for negligence or anything related in administering these tests. In referring to the tests, again they refer to the breath and urine tests. Senate Amendment "A" to House Amendment "A" would simply remove the "breath test" and the "urine test".

Contrary to what many might have believed, or contrary to the concern of very many, I do not believe that these amendments that I am proposing seriously

hamper or jeopardize this bill. To the contrary, it makes it a more workable document and something which the law enforcement officers can do and enforce properly. I don't want to take up any more of the Senate's time on this but these are the two amendments that are proposed.

There is a third amendment, which has been printed and distributed to you, but it is my understanding, because of these two amendments which I have prepared, that amendment will not be offered by the sponsor. So, in conclusion, the only two amendments before you are Senate Amendments "A" and "B", which I have attempted to explain. I would, of course, be happy to answer any inquiries or any questions that any member of the body might have. As I say, our purpose is not to defeat the bill; we have recognized the fact that we cannot do this. It is simply my purpose to streamline it as best as possible and come out with a document that will be acceptable to all and which in its final form can be properly administered.

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

Mr. STUART of Cumberland: Mr. President and Members of the Senate: I think that the good Senator from Oxford, Senator Bellevue, realizes as well as the rest of us that the blood test is the most objectionable for most people of the three tests. It is my belief that this is an attempt to kill the bill.

This bill, which is so important, is going to have as good effect because of the threat that one will be stopped by the police and have to take one of these tests. It is the threat that is going to do the good. Therefore, I think, to get bogged down in the details of the testing, and the cost of the breathometer and all that, is just a red herring dragged across to divert our attention from the important good that this legislation is going to do.

I concur with the remarks of the Senator from Kennebec, Senator Katz, that it is time now to pass

this legislation without any amendments. I request a division.

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

Mr. BELIVEAU of Oxford: Mr. President, Is there a motion pending?

The PRESIDENT: The pending question before the Senate is the enactment of the bill.

Mr. BELIVEAU: Mr. President, I move we reconsider our action whereby this bill was passed to be engrossed. I would further add that this is not an attempt at subterfuge on my part to kill the bill. If we are going to have the document, let's have something workable and usable, and let's not try to impose on the law enforcement officers and the citizens of this state a bill that cannot work properly.

To say that we could defer action on amendments until the next special session is an irresponsible statement in my opinion. If we were to use that same theory and apply it to the documents we are considering then we would be here for just a week or two, pass all the bills, and then we will have a special session which we could call "the amendment session."

I trust that you will permit this to be reconsidered so that these amendments may be presented one at a time. There are two amendments I intend to propose.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that the Senate suspend the rules for the purpose of reconsideration whereby this bill was passed to be engrossed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I believe the pending motion was the one that I made, the pending question, the final enactment of this bill.

The PRESIDENT: The Chair would inform the Senator that the motion to reconsider takes precedence over the pending question which was the enactment of this bill.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have prepared Amendment "C", which the good Senator from Oxford has referred to relative to this particular area. It bothers me considerably. I won't say it is the only thing that bothers me about this bill, but it bothered me considerably that the wording in the bill would lead the Justices of the Supreme Court to believe that there is no option in the person who is stopped to request a particular test. The bill itself, and I had pointed this out the last time I spoke on this, does have language in it that indicates that there is going to be an option with the driver to select a particular test. The line is in the first paragraph of the bill, about two-thirds of the way down, that the officer, when he stops someone, shall inform him of the tests available to him, and the said accused shall select and designate one of the tests. The previous line, of course, talks about the three tests. That indicates to me that the sponsor of this bill had intended that the person who is stopped would have a choice.

Senate Amendment "C" is merely one line which adds to that particular line that "The said selected test shall be the one to be administered by the enforcement people." If it happens that the amendment of the Senator from Oxford, Senator Beliveau, is accepted, the blood test amendment, then I would not offer this particular amendment. The reason that I have this amendment is that I believe that it is obnoxious to some people to submit to some types of tests. I feel that the Highway Safety Committee has recognized this, they have told me so, that the man would have a choice, but unfortunately the opinion of the Law Court says that they do not have a choice if, in fact, this test is not made available to them. So, I say, for that reason, that we should allow the person who does feel that a blood test would be better, or a little more along the lines of their usual medical treatment, that they should have that one test. I think we have accepted the blood test in the State of Maine over the



years, and that test would be acceptable to me. I do believe that we should not have a person confined to a particular test which the law enforcement officer would select. So, I would support the amendment of the Senator from Oxford.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Oxford, Senator Beliveau, under suspension of the rules, that the Senate reconsider its action whereby this bill was passed to be engrossed. Is this the pleasure of the Senate? As many Senators as are in favor of the motion to reconsider will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Nineteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, with nineteen being less than a two-thirds vote, the motion to suspend the rules did not prevail.

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

Mr. CONLEY of Cumberland: Mr. President, I move that the vote be taken by a roll call.

The PRESIDENT: 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 one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll is ordered.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Yesterday or the day before yesterday when we discussed this, when I tabled this matter until Wednesday which meant that this was more than one legislative day from the day of reconsideration, which then meant that we would require a two-thirds vote, certainly if I had considered that point at that time I would not have tabled it until Wednesday.

I seriously want the Senate to have the opportunity to consider these amendments. It is quite apparent that the majority of this body agreed with me that we should be given an opportunity to consider the amendments, nothing more. But for this additional legislative day, this intervening day, these amendments would be before you. Now, because of the additional requirement of the two-thirds vote, we will not have the opportunity, at this point at least, to consider the amendments.

The PRESIDENT: The Chair would inform the Senator that a two-thirds vote would be required in any case since the bill was passed to be engrossed some time ago and had been over to the House and been enacted in that body.

Mr. BELIVEAU: Would the two-thirds vote be required under any circumstances?

The PRESIDENT: Last Wednesday a two-thirds vote would not have been required.

Mr. BELIVEAU: Be that as it may, Mr. President, whether it was last Wednesday or today, a week later, the fact remains that the passage of time itself has created this additional obstacle, so to speak. I only ask those who want us to be given an opportunity to present our amendments to vote against the enactment of this document at this point so that the matter can be further tabled and we can discuss this. The amendments were prepared and presented to you today. Some of you may have questions on them, but the fact remains that we should not be deprived of the opportunity to discuss these and present them. I would strongly urge the members, solely for the purpose of permitting these amendments to be discussed at length, to oppose the enactment of this document at this time, knowing full well that there is sufficient votes here to enact it when and if it becomes necessary.

The amendments are not unreasonable, as certain people would suggest. The amendments have a great deal of merit to them. I would ask only that you vote against the enactment of the document at this time so that we may pursue the matter further.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The issue is very, very clear. The opportunity is here, it has been afforded us, the amendments are in front of us, debate has taken place at very substantial length, I suggest to the Senator from Oxford, Senator Beliveau, and those of us who are in favor of the amendments will vote against enactment. The day in court is here. Those of us who are not in favor of the amendments, or further consideration of the amendments, will vote for enactment. You have absolutely as much choice under this procedure as you would have under the other. I hope you do vote indeed, those of you who are ready to go, will vote for final enactment now.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I believe that when the bill first came before this body from the Judiciary Committee it was an eight-to-two Ought Not to Pass Report. Without any question, the vote has been taken here at least half a dozen times by a roll call vote, and each time that we have had the full membership of this body present the vote has come down to generally about a sixteen-to-sixteen vote. It shows that there is absolutely not overwhelming support for this bill.

I think that the opponents of the legislation now realize that it is very possible that it is going to become law. The fact is that they want to make sure and they want at least to clean the bill up. As one of the opponents I, myself, if we do not enact this today, and the good Senator from Oxford is given the opportunity to present his amendments or whichever amendment he wants to present I would be happy to support the bill, but I do think certainly we should give the good Senator from Oxford the opportunity of presenting his amendments.

The PRESIDENT: Is the Senate ready for the question? A roll call

has been requested. The roll call is on Bill, An Act Providing for Implied Consent Law for Operators of Motor Vehicles. A "Yes" vote will be in favor of passing the bill to be enacted; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Boisvert, Dunn, Greeley, Hanson, Hoffses, Katz, Moore, Peabody, Reed, Sewall, Stuart, Wyman, and President Macleod.

NAYS: Senators Beliveau, Bernard, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Logan, Martin, Mills, Minikowsky, Quinn, Tanous, and Violette.

A roll call was had. Sixteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail and the Bill failed of Enactment in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter: Bill, "An Act Establishing a Full-time Administrative Hearing Commissioner." (H. P. 1242) (L. D. 1577)

Tabled—June 17, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

Mr. Beliveau of Oxford then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-291, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BELIVEAU: Mr. President and Members of the Senate: By way of explanation, this amendment would change only one word in the document, which would require under the present language that the Governor appoint our present Administrative Hearing Commissioner to the position of full time Administrative Hearing Officer.

As you recall, the new draft before us came out of committee having changed the original document somewhat which creates the office of full time Administrative

Hearing Office and to give him the salary of a Superior Court Judge for a seven-year term. It contains the further language that it was the intent of the legislature that the present Administrative Hearing Officer be appointed to the position. I have no objection to that, but I do have an objection to language which would compel and require the Governor to appoint the present Administrative Hearing Officer to that position. I believe that this would be the only bill or statute of its kind which would place such a requirement on our Chief Executive.

The legislative intent is quite clear. I believe that the Governor would certainly take it into consideration when the appointment was made. I do not believe that he should be handicapped or burdened with the requirement that he must, in fact, appoint a certain individual to that position. As I say, the change is from: "the Governor shall appoint the present Administrative Hearing Commissioner," to "the Governor may appoint the present Administrative Hearing Commissioner."

We all have a great deal of respect for our present Commissioner. Many of us have practiced before him, and find that he has done an excellent job and there is no reason why he shouldn't be continued in that office, but to place this requirement on the Governor, I think, is an unreasonable one. It is an intervention into the Executive Branch of our Government which I think is unwarranted and unneeded, and it certainly would create a bad precedent.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I am reluctant to differ with my colleague on the State Government Committee, the good Senator from Oxford. I respect him greatly. I often tell him "I wish you were a member of the Republican Party." However, I don't think politics enters into this or should enter into this at all.

We heard this bill before the State Government Committee, and if you can imagine anything un-

usual, the Christian Civic League and the Liquor Interests lined up side by side in support of this measure as it was originally drawn. I have never seen anything like that, but this man has done a good job, as Senator Beliveau says, he has no fault to find with him. He has done a good job and there is no reason why he shouldn't be reappointed. To pass this measure this amendment would put the thing back into politics, I am sure. Now, it seems to me that the good Senator from Oxford, Senator Beliveau, asked to take the Bill up and have it re-drafted. He had it redrafted and this measure before you is his re-draft. Now he decided he doesn't like the word "shall" and he wants to change it to "may". I hope that you vote for indefinite postponement of this bill. If there is any place that we need to keep politics out of it is the liquor industry.

The PRESIDENT: The Senator from Washington, Senator Wyman, moves that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: For what ever it is worth, I would favor this amendment. I again feel that politics possibly should be kept out of State Government, but I don't know how it can be. This man isn't going to live forever and eventually the Governor is going to have to make an appointment. I have said so many times already that I feel very strongly that he stands up for election, he is responsible for these men, and he should be. I think for this legislature to give the power of appointment to him, but tell him that he has to or shall appoint this particular man for as long as he wants the job, is going out of line. On that basis, I feel as if the Governor without—I don't know this, but I would assume that the Governor would appoint this man, but I think it is wrong for us to tell him that he has to. Therefore, I support the amendment.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This does not give the man lifetime employment. It does give him a seven-year appointment and it puts him somewhat in the position of a Judge, which is the position he will occupy. It provides for continuity in office and he will know what he is doing. If he is uncertain about his term, he is working part-time, but he has assured me that he will work full-time, even though his salary increase will not take effect until ninety days after the legislature adjourns. This is only for one term, and I think it has been done before. Once more, I oppose the amendment, and I would ask for the "Yeas" and "Nays" please.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Washington, Senator Wyman, that Senate Amendment "A" be indefinitely postponed. 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 Washington, Senator Wyman, that Senate Amendment "A" to Bill, "An Act Establishing a Full-time Administrative Hearing Commissioner", be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement of the Amendment; a "No" vote will be opposed.

The Secretary will call the roll.

#### ROLL CALL

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

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

A roll call was had. Twenty Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed, Senate Amendment "A" was Indefinitely Postponed and the Bill, as Amended, was Passed to be Engrossed in concurrence.

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

Mr. MILLS of Franklin: Mr. President, is the Senate in possession of L. D. 1496, Bill, "An Act to Revise the Pharmacy Laws"?

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

Mr. MILLS: Mr. President, I now move that this matter be reconsidered and respectfully request that someone place it on the table until tomorrow. I don't get a chance to ride with the Governor in an airplane very often and I am going with him at 4 o'clock. I wish somebody would put this on the table until tomorrow. We are going to Boys' State, my son is up there at Old Town. If I could, out of order, I am sure, and breaking all the rules, perhaps, but, when Number Eight comes along, I could be paired with Senator Berry because everybody knows he and I won't vote the same way on Number Eight. Either that, or perhaps somebody could put that on the table until tomorrow when it comes along but I have got to go.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that the Senate reconsider its action whereby Bill, "An Act to Revise the Pharmacy Laws", was passed to be engrossed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Stuart.

Thereupon, on motion of Mr. Stuart of Cumberland, tabled and tomorrow assigned, pending the motion by Mr. Mills of Franklin to Reconsider Engrossment.

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

Mr. WYMAN of Washington: Mr. President, is it in order to take up L. D. 1550, which was recalled from the Governor?

The PRESIDENT: The Chair would answer the Senator that it would be in order.

Mr. WYMAN: Mr. President, is this in the possession of the Senate now?

The PRESIDENT: The Chair would answer in the affirmative.

Mr. WYMAN: Mr. President, I move we reconsider our action whereby this bill was passed to be enacted.

The PRESIDENT: The Senator from Washington, Senator Wyman moves under suspension of the rules that the Senate reconsider its action whereby L. D. 1550, An Act to Give Relief to Elderly Persons from Increasing Property Tax, was passed to be enacted. Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-287 was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. WYMAN: Mr. President and Members of the Senate: All this does is change the word from "abatement" in this bill to "waiver" and the attorneys have pointed out that it is a waiver of taxes, not an abatement. With my layman's mind, I don't see too much difference, but if they feel it should be changed that way, which is the reason why I offered this amendment, it makes no other change in the Bill.

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

Thereupon, on motion by Mr. Martin of Piscataquis, retabled and tomorrow assigned, pending the motion by Mr. Wyman of Washington to Adopt Senate Amendment "C".

Mr. Violette of Aroostook was granted unanimous consent to address the Senate:

Mr. VIOLETTE: Mr. President and Members of the Senate: I am sure that everybody in the Senate here is aware of my vote on the implied consent bill today and I feel that I should explain my position now on this bill.

I voted that way because I feel that some of the amendments that Senator Beliveau has to offer are worthy of consideration, and I am willing to consider some of them. I do want to say that the overwhelming number of states that have implied consent laws have a one-test law and most of which are the blood test. I don't have the sheet before me, but I would say that at least three-fourths of the states that have the implied consent law today restrict the test to the blood test, so certainly I think that the amendments that he proposes are worthy of consideration, and I may well support some of these amendments if they are brought up to the Senate.

I also want to tell the members of the Senate that, regardless of whether or not in whatever form this bill comes up again in this Senate, whether or not the amendments that may be submitted in the future by Senator Beliveau are enacted or defeated, I will vote for the final enactment of this bill in whichever form; if it comes back as amended, if Senator Beliveau succeeds in his amendments, I will support the bill, and if he does not succeed I will also support this bill in its final enactment. But I do feel that some of the amendments that he has proposed are some of the things that I wrestled with personally in Judiciary before finally favoring the bill, and I think they are worthy of consideration.

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

Bill, "An Act to Provide Certain State Level Land Use Controls." (S. P. 501) (L. D. 1596)

Tabled — June 17, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-295, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This deletes from the bill the portion which is covered by the wildlands zoning bill which yesterday was placed on the Appropriations Table. The bill has been held up pending this action. As I say, that is all that this amendment does, and I move its adoption.

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

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

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

JOINT ORDER — Relative to Commission to Study Proposed Department of Family Relations. (S. P. 509)

Tabled — June 17, 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 seventh tabled and specially assigned matter:

SENATE REPORT—Ought Not to Pass as Covered by Other Legislation from the Committee on Natural Resources on Bill, "An Act Creating the Maine Mineral Land Conservation Act." (S. P. 228) (L. D. 658)

Tabled—June 17, 1969 by Senator Hoffses of Knox.

Pending—Acceptance of Report.

Thereupon, on motion by Mr. Hoffses of Knox, the Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

The President laid before the Senate the eighth tabled and specially assigned matter: Bill, "An Act Relating to Contracts of

Loans Under Small Loan Agency Law." (H. P. 622) (L. D. 810)

Tabled—June 17, 1969 by Senator Levine of Kennebec.

Pending — Passage to be Engrossed.

Mr. Levine of Kennebec moved that the Bill be tabled and tomorrow assigned, pending Passage to be Engrossed.

Thereupon, on motion by Mr. Barnes of Aroostook, a division was had. Sixteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion prevailed.

The President laid before the Senate the ninth tabled and specially assigned matter: Bill, "An Act to Provide for the Construction and Improvement of Airports throughout the State; for a Tourist Information Building at Kittery; a State Office Building; the Repair and Improvement of Certain State-owned Buildings; and provide for other essential improvements to facilities for the Departments of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by issuing Bonds in the Amount of \$11,140,000." (H. P. 307) (L. D. 394)

Tabled—June 17, 1969 by Senator Wyman of Washington.

Pending—Adoption of Senate Amendment "C" — Filing S-285 to Committee Amendment "A" — Filing H-487.

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

Mr. KATZ of Kennebec: Mr. President, trusting my memory, this is the \$500,000 bond issue for the ferry terminal in Portland. Yesterday I requested perhaps some of the older inhabitants here might know how the Hancock County Ferry Terminal was financed. It was financed by a bond which did not bear interest, but which was repayable. It seems to me that there might be some justification for our reviewing our procedure of issuing a bond that is not repayable. There may be substantial merit in saying that if we are going to issue a bond for the construction of this terminal facility that it also might be non-

interest bearing to the ferry people but repayable over a period of years.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would ask a question through the Chair to the good Senator from Kennebec, or anyone else who would know: What is the state of the ownership of the terminal facilities in Hancock County?

The PRESIDENT: The Senator from Cumberland, Senator Kellam, poses a question through the Chair, which any Senator may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This bond issue would appropriate money, if passed, to the Maine Port Authority. The Maine Port Authority owns all of its piers and equipment and this is merely adding to their property. It doesn't seem to me that the situation in Bar Harbor, where they have the Canadian National Railway in the picture, is what we have here because we don't have the Canadians on this end of the ferry.

Now, the testimony in the hearing before the Appropriations Committee brought out the fact that this ferry will generate additional sales tax revenue per year of a minimum estimate of \$262,500. Now, this is a conservative figure based on a five per cent sales tax, and based on each two people on the ferry spending thirty dollars in the State of Maine, which appears to be a reasonably conservative figure. This would be on motel lodgings, food and purchases and, based on the capacity of the ferry for the daily trip 350 trips a year, this addition to the revenue is assured. Now this seems a pretty good piece of business for the entire State. This is money that goes into the general fund and will be used to cut our taxes state wide. The impact is not just in the southwestern part of the State, but will be felt all around. People will come off the ferry and drive up through

Aroostook County and they will come in from the west and the eastern parts of the State. It will certainly increase the State of Maine's potential as a tourist attraction. I would hope that you would vote for the adoption of Senate Amendment "C".

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the adoption of Senate Amendment "C" to Committee Amendment "A".

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This bill was heard before our committee and it was the unanimous position of the committee that this is an area where the State should not furnish money to build a terminal for a company in the City of Portland. For that reason, and to support the action of the committee, I would ask for a division. I oppose the amendment.

The PRESIDENT: As many Senators as are in favor of the adoption of Senate Amendment "C" to Committee Amendment "A", will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I just received a communication from the Maine Aeronautics Commission Director and there seems to be some question in regard to some wording in this particular bill in regard to the Presque Isle Airport being eligible to receive federal aid. I think it is just a matter of changing two or three words here and I will call your attention to Section 7, Page four. I would like one day to clarify this situation and see if we are in compliance in order to be eligible to receive these funds, so I would appreciate it very much if

somebody would table this item for one day.

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

Thereupon, on motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending the Adoption of Committee Amendment "A", as Amended by Senate Amendment "C" and Senate Amendment "B" thereto.

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

RESOLVE, to Appropriate Funds for the Construction of an International Ferry Terminal at Portland, Maine. (S. P. 364) (L. D. 1246)

Tabled — June 17, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, the Resolve was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Revise the Liquor Laws." (H. P. 1224) (L. D. 1556)

Tabled — June 17, 1969 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-249, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This amendment clarifies a few items which have been overlooked, and I would just briefly mention them, in the several liquor laws.

The first page and second page cover the eventuality of a statewide referendum on the basic Sunday Liquor Bill, and the postponement of the acceptance of the basic bill in the communities. If a petition were to be filed which would

put the Sunday Liquor Bill up for statewide referendum, it could block the specified date which was on the first Tuesday in November. This would put in the language which, if this eventuality arises, it permits alternative dates to be selected for local referendum subsequent to a state-wide referendum failing.

The language of the liquor laws, when we added the provision for wine being sold, was interpreted that a retailer could have a malt liquor license or a wine liquor license, but not both. This, of course, was not the intent of the legislation, so this bill says that one person can have both licenses. He still has to have two separate distinct licenses, but he may do so.

This provides that a check-out clerk in a grocery store can be 17 years of age instead of the existing 18. This is a feature that your committee wanted. It was felt that the difference of one year would make quite a bit of difference in the hiring of high school help by the markets, and present no real problem after all. We did keep the age for clerks to sell wine at 18. It may seem incongruous, but we didn't want to disturb the waters too much on this matter, and felt that it would be better to leave the existing age of check-out clerks at 18 for wine, and 17 for malt beverages. This can be straightened out by some subsequent legislature if they wish to do this.

That really is the need for this particular amendment, and I move its adoption.

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

The motion prevailed and the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the twelfth tabled and specially assigned matter: Bill, "An Act Relating to Civil Service Commission in City of Auburn." (H. P. 1248) (L. D. 1583)

Tabled—June 17, 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-293, 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 thirteenth tabled and specially assigned matter: Bill, "An Act Relating to State Employees' Suggestion Awards Board and Providing Funds to Activate the Awards Program" (H. P. 208) (L. D. 258)

Tabled—June 17, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Duquette of York, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-283, was Read.

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

Mr. DUQUETTE of York: Mr. President, maybe I should say that this amendment removes the appropriation from the bill, the small appropriation of \$500, so the bill can be enacted.

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

Sent down for concurrence.

The President laid before the Senate the fourteenth tabled and specially assigned matter: Bill, "An Act to Permit Administrative Units to Operate Classes for Educable or Trainable Children." (H. P. 508) (L. D. 679)

Tabled—June 17, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the fifteenth tabled and specially assigned matter: Bill, "An Act Relating to the Uniform Disposition of Unclaimed Property Act." (S. P. 267) (L. D. 905)

Tabled—June 17, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

On motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

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

Senate Amendment "A", Filing No. S-278, 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 sixteenth tabled and specially assigned matter: Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 142) (L. D. 424)

Tabled—June 17, 1969 by Senator Berry of Cumberland.

Pending—Motion by Senator Mills of Franklin to Suspend Rules and Reconsider Enactment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think this is one instance where we can act in the absence of an interested member, and this would be a very happy surprise, I know, to Senator Mills when he comes back. It is my bill and I not only was present at its birth but I guess I am going to officiate at its burial too. The bill merely states that the Attorney General is the chief law enforcement officer. The Governor doesn't like it, the Democratic Party doesn't like it, Senator Mills doesn't like it, the Attorney General says he doesn't care about it, so I think I am pretty much left alone. Accordingly, Mr. President, I guess Senator Mills cannot withdraw his motion, him not being here, so I would suggest we put the pending question and then, if it prevails,

I will move indefinite postponement.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the Senate suspend the rules in order to reconsider its action whereby the bill was passed to be enacted.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Thereupon, on motion by Mr. Kats of Kennebec, tabled and tomorrow assigned, pending the motion by Mr. Mills of Franklin to suspend the rules and reconsider Enactment.

Pursuant to Joint Order Relative to University of Maine in Portland With Reference to Preservation of Building (S. P. 423), the President appointed the following members of the committee on the part of the Senate:

Senators:

KELLAM of Cumberland  
BERRY of Cumberland  
CONLEY of Cumberland.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Bill, An Act Revising Certain Probate Laws (H. P. 522) (L. D. 693).

Thereupon, on motion by Mr. Katz of Kennebec, tabled and

tomorrow assigned, pending Enactment.

(Off Record Remarks)

**Joint Order**

Out of Order and under suspension of the rules, on motion by Mr. Tanous of Penobscot,

Ordered, the House concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An Act Relating to Chiropractic Services for Injured Employee Under Workmen's Compensation Law", House Paper 95, Legislative Document 104, introduced at the regular session of the 104th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further,

ORDERED, that the Committee report its findings and recommendations at the next regular or special session of the Legislature.

(S P 506)

Which was read.

On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned, pending Passage.

On motion by Mr. Hoffses of Knox,  
adjourned until 10 o'clock tomorrow morning.