

# 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**

Thursday, June 26, 1969

Senate called to order by the President.

Prayer by Brigadier Alfred C. Davey of Augusta.

Reading of the Journal of yesterday.

**Papers From the House  
Joint Order**

ORDERED, the Senate concurring, that the Clerk of the House, in her capacity as Executive Officer of the Legislature when the Legislature is not in session, be and hereby is authorized with the approval of the Speaker of the House to employ whatever members of her staff may be necessary to complete the records of the House and conduct the business of the Clerk's office and payment for same to be approved by the Clerk and the Speaker.

(H. P. 1287)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the following Bills: "Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation", House Paper 447, Legislative Document 571; "Resolve, Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation", House Paper 1016, Legislative Document 1324; and "An Act Conferring Upon Others the Powers Now Vested in the Executive Council", House Paper 1052, Legislative Document 1418; introduced at the regular session of the 104th Legislature; to determine whether the best interest 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.

(H. P. 1286)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. HANSON of Kennebec: Mr. President and Members of the Senate: I believe at the present time we have something like twenty - eight studies that are before the Legislative Research Committee. I think we have had many studies on practically this same question many times. There was a study made by Bowdoin College in 1959 and we have had reports from them at various times. I think this has been studied in one form or another plenty, and I would move for indefinite postponement of this order.

The PRESIDENT: The Senator from Kennebec, Senator Hanson, moves that Joint Order 1-2, House Paper 1286, be indefinitely postponed. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Hancock, Senator Anderson.

Thereupon, on motion by Mr. Anderson of Hancock, a division was had. Eighteen Senators having voted in the affirmative, and ten Senators having voted in the negative, the Joint Order was Indefinitely Postponed in non-concurrence.

(See action later in today's session.)

**Communications**

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

June 26, 1969

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

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act to Provide for the Construction and Improvement of Airports Throughout the State, for a Tourist Information Building at Kittery; the Repair, Planning and Improvement of Certain State-owned Buildings and Institutions and Provide for Other Essential Improvements to Facilities for the Department of the Adjutant General, Finance and Administration, Veterans Services and the Maine Port Authority by Issuing Bonds in the Amount of \$1,940,000" (H. P. 307) (L. D. 394)

Messrs. BENSON of

Southwest Harbor  
HASKELL of Houlton  
RICHARDSON

of Cumberland

Respectfully,

S BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

#### Senate Papers

Mr. Greeley of Waldo presented, Bill, "An Act to Provide for the Reconstruction of the Interstate Bridge at South Berwick, Known as Landing Bridge." (S. P. 541)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10)

Signed: JERROLD B. SPEERS  
Secretary of the Senate)

Thereupon, under suspension of the rules, the Bill was given its First and Second Readings and Passed to be Engrossed.

Sent down forthwith for concurrence.

#### Orders

On motion by Mr. Hoffses of Knox,

ORDERED, that free telephone service be provided after final adjournment of the Legislature, during the remainder of the biennium, for each member of the Senate to a reasonable number of calls of reasonable duration from a point within the State of Maine to any state department, commission or agency within the limits of the State of Maine, and that each member of the Senate be provided with a card to be certified

by the Secretary of the Senate, the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates.

Which was Read and Passed.

#### Joint Order

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Secretary of the Senate, in his capacity as Executive Officer of the Senate when the Senate is not in session, be and hereby is authorized to retain whatever members of his staff may be necessary to complete the records of the Senate and whatever secretarial staff as may from time to time be necessary, and approve payment for same. (S. P. 542)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby Joint Order 1-2, House Paper 1286, was indefinitely Postponed.

On further motion by the same Senator, tabled until later in today's session, pending Passage.

#### Committee Reports

##### House

##### Ought to Pass in New Draft

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives. (H. P. 1015) (L. D. 1323)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1256) (L. D. 1588)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "B" (H-580).

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once, House Amendment "B" was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Resolve was given its Second Reading and Passed to be Engrossed as amended in 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 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)

Ask leave to report: that the House recede from passage to be engrossed, adopt Senate Amendment "B" and pass the Bill to be engrossed as Amended by House Amendment "E" (H-522) and Senate Amendment "B"; that the Senate recede and concur with the House.

On the part of the House:

DENNETT of Kittery  
CROSBY of Kennebec

On the part of the Senate:

WYMAN of Washington  
DUQUETTE of York  
LETOURNEAU of York

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "E" (H-522) and Senate Amendment "B" (S-304) in non-concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Revise the Liquor Laws. (H. P. 1224) (L. D. 1556) ask leave to report: that the House recede from passage to be engrossed and from adoption of Senate Amendment "A" as amended by House Amendment "A" Thereto and from adoption of House Amendment "A" to Senate Amendment "A"; that the House indefinitely postpone House Amendment "A" to Senate Amendment "A"; that the House adopt Senate Amendment "A", adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by House Amendments "A" and "B", Senate Amendment "A" and Conference Committee

Amendment "A"; that the Senate recede and concur with the House.

On the part of the House:

DENNETT of Kittery  
HICHENS of Eliot  
TANGUAY of Lewiston

On the part of the Senate:

BERRY of Cumberland  
BOISVERT of

Androscoggin  
CONLEY of Cumberland

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendments "A" (H-436) and "B" (H-440), Senate Amendment "A" (S-249) and Conference Committee Amendment "A" (H-597) in non-concurrence.

Which report was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur.

### Orders of the Day

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

Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 1272) (L. D. 1601)

Tabled — June 25, 1969 by Senator Reed of Sagadahoc.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec,

Recessed, pending the sound of the bell.

### After Recess

Called to order by the President.

On motion by Mr. Moore of Cumberland the Senate voted to reconsider its action of yesterday whereby it Passed to be En-

grossed Bill, "An Act to Amend Bond Issue Acts by Removing Limitations as to Interest" (S. P. 540) (L. D. 1614).

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

Senate Amendment "A", Filing No. S-327 was Read.

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

Mr. BERRY of Cumberland: Mr. President, I reluctantly move the indefinite postponement of Senate Amendment "A", and I would discuss my motion.

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

The Senator has the floor.

Mr. BERRY: Mr. President and Members of the Senate: Senator Moore's amendment, which we discussed in principle yesterday when we were discussing the bill itself, I think points up the nature of the problem that we have tried to overcome with the document, and he has underscored the difficulty of putting a flat ceiling in the statutes.

He has changed the maximum amount of interest from five to six per cent. Now already, as I said yesterday, we have been officially advised that the current bond market is in the nature of five and a quarter per cent. I also appreciate his concern that he would like to keep this down as low as possible, but who amongst us can foretell the future well enough to know that perhaps two weeks from now the going interest rate could be, say, six and an eighth per cent?

The Bill, as originally prepared and before this body, was prepared by the Attorney General's office in connection with the Department of Finance and Administration and in conjunction with the State Treasurer's office, and it has been approved by bond counsel in Boston as being in proper form. I repeat my complete sympathy with Senator Moore's concern that there is no ceiling in it, but I repeat again that the ceiling in all bond issues is the money market, and every one of these bond issues

which go out for bid attracts many bidders. There has never been a bond issue that we have put out that hasn't been a very desirable one on the market, and this means that there can be any number and are any number of people striving desperately to buy these bond issues.

Our pension funds and investment trusts today are looking for large amounts of money to invest in one single purchase such as this. This is highly desirable and, as a result of this, it gets very competitive rates. This is what sets the cost of our money market. It would be unfortunate to put a restriction in here that would actually prohibit the State from selling authorized bonds. For these reasons, I do hope that my motion to indefinitely postpone does prevail.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: About half of the states in the nation have limitations and most of them are at six per cent. We at the present time have no limitations on interest, but usually it has been written into the bonds that the interest rates will not exceed five per cent.

I called one of the major banks in Portland yesterday and they called one of the large firms in New York and checked with the New York market in regards to this. Their recommendation was that any limitation should not exceed six per cent. At the present time definitely it wouldn't cost us over five and a half per cent because the State of Maine at this time enjoys a triple A rating.

It is true, the bonds that we have on the table now, roughly \$200 million worth, quite a sizable amount of money, I think, they are on the table without any limitation. Now, I feel that if we can't sell bonds for six per cent or less that maybe we better hold up on them until we can. That is why I have offered this amendment, and it is up to you gentlemen whether you indefinitely postpone it or accept it.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from

Cumberland, Senator Berry, that Senate Amendment "A" to Bill, "An Act to Amend Bond Issue Acts by Removing Limitations as to Interest," be indefinitely postponed. As many Senators as are in favor of the motion for indefinite postponement will say "Yes"; those opposed, "No."

A viva voce vote being in doubt, the Chair ordered a division. Eight Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion did not prevail.

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

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Reed of Sagadahoc, recessed until 1:30 o'clock this afternoon.

#### After Recess

Called to order by the President.

#### Papers from the House

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

#### Non-concurrent Matter

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

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

Reporting that they are unable to agree.

In the House June 25, 1969, the report Read and Rejected and the House further Insisted and asked for a Second Committee of Conference with the following conferees appointed on its part: PAYSON of Falmouth, LUND of Augusta and HEWES of Cape Elizabeth.

In the Senate June 25, 1969, the report Read and Accepted in non-concurrence.

Comes from the House, that Body having Adhered.

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

Mr. KATZ of Kennebec: Mr. President, noting that the Conference Committee has been reap-

pointed from its original form, and knowing their attitude, I move that the Senate adhere.

Thereupon the Senate voted to Adhere.

#### Non-concurrent Matter

Bill, "An Act Establishing a Human Rights Commission." (H. P. 1050) (L. D. 1384)

In the House June 18, 1969, Report "B" Ought to Pass in New Draft "B" Under New Title of Bill, "An Act Creating a Human Rights Act for Maine" (H. P. 1263) (L. D. 1593) Read and Accepted and the Bill, in New Draft "B", (L. D. 1593,) on June 24, 1969, Passed to be Engrossed as Amended by House Amendment "B" (H-582) as Amended by House Amendment "A" (H-590) thereto.

In the Senate June 25, 1969, Report "A" Ought to Pass in New Draft "A" Under Same Title (H. P. 1262) (L. D. 1592) Read and Accepted and the Bill, in New Draft "A" (L. D. 1592) Passed to be Engrossed, in non-concurrence.

Comes from the House that Body having Insisted and asked for a Committee of Conference with the following conferees appointed on its Part:

RIDEOUT of Manchester  
MARSTALLER

of Freeport

McTEAGUE of Brunswick

Thereupon, on motion by Mr. Katz of Kennebec, the Senate voted to Insist and Join in a Committee of Conference. The President appointed as Conferees on the part of the Senate:

Senators:

WYMAN of Washington  
LETOURNEAU of York  
KATZ of Kennebec

#### Joint Order

WHEREAS, for over 200 years the rivers and streams of the State of Maine have been used for the commercial transportation of logs and pulpwood to feed the mills of the lumber and paper industry; and

WHEREAS, through purchase and legislative action certain legal rights have been acquired for such use; and

WHEREAS, through the continuation of such use the rivers and streams of the State have had deposited within them quantities of bark and sunken logs which have been contributing to the pollution load of such streams and rivers; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study such practice; its effects on said streams and rivers, the alternative means of transporting said logs and pulpwood and the effect on whatever legal rights may presently exist by curtailing or limiting such practice; and be it further.

ORDERED, that the State Department of Forestry and the Water and Air Environmental Improvement Commission be directed to provide the Committee with such technical advice and other assistance as the Committee deems necessary or desirable to carry out the provisions of this Order; and be it further

ORDERED, that the Committee reports its recommendation, together with such proposed legislation as it may deem appropriate, to the next regular session of the Legislature.

(H. P. 1292)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

#### Joint Order

ORDERED, the Senate Concurring, that the Joint Rules be amended by amending Joint Rule 8, to read as follows:

**8. Cloture.** During any regular session all other requests for bills and resolves shall be submitted to the director of Legislative Research not later than 1 P.M. of the fourth Friday following the convening of the session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 P.M. of the sixth Tuesday following.

(H. P. 1291)

Comes from the House, Read and Passed.

Which was Read.

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

#### Joint Order

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 7-A, to read as follows:

**7-A. Requirements for drafting.** All requests for bills and resolves, filed with the Director of Legislative Research pursuant to Joint Rules 8 and 10, shall be considered as received for drafting provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation.

(H. P. 1290)

Comes from the House, Read and Passed.

Which was Read.

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

#### Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the desirability of shortening the foreclosure period of real estate mortgages, particularly in connection with any effect it may have on the debtor-creditor relationship; and be it further

ORDERED, that the State Department of Banks and Banking be directed to provide the Committee with such technical advice and other needed assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of such study at the next regular or special session of the Legislature.

(H. P. 1289)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. ANDERSON of Hancock: Mr. President, I want to move indefinite postponement on this order, and I would speak to the motion.



The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Joint Order 1-6, House Paper 1289, be indefinitely postponed.

The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: If you will recall two or three weeks ago, we had a bill before the Senate on shortening the f o r e c l o s u r e period to three months. At that time somebody suggested an amendment of six months. Well, this was just pure strategy to get the thing through. This bill has been coming up ever since the 100th Legislature, and I can see absolutely no sense of any further research on this bill.

Now, it says here, "ORDERED, that the State Department of Banks and Banking be directed to provide the Committee with such technical advice and other needed assistance as the Committee deems necessary to carry out the purposes of this Order." Now, you know very well that the State Department of Banks and Banking will go along for a three-month period or a six-month period, and I don't think it is right. As I said before, our industries in the State of Maine, almost all are seasonal: blueberries, apples, p o t a t o e s , Christmas trees, overnight camps, motels, so I certainly hope that you will go along with my motion to indefinitely postpone this order.

The PRESIDENT: Is it the pleasure of the Senate that Joint Order 1-6, House Paper 1289, be indefinitely postponed in non-concurrence and sent down for concurrence?

The motion prevailed.

#### Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the problems connected with surficial mining of sand, gravel and borrow in this State for the purpose of devising recommendations for a workable and equitable reclamation procedure or requirements. Such study shall not be limited to problems connected with the reclamation of newly opened or proposed surface pits but shall also include the reclamation

of abandoned or non-operating pits; and be it further

ORDERED, that the Division of Geological Survey of the Department of Economic Development is directed to provide the Committee with technical advice, information and other assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of this study at the regular session of the One Hundred and Fifth Legislature. (H. P. 1288)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Katz of Kenenebec, placed on the Special Legislative Research Table.

#### Communications

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine  
June 26, 1969

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

Sir:

The House today voted to Adhere to its action whereby Joint Order (S. P. 522) relative to recalling Bill "An Act Providing for the Taxation of Forests" (H. P. 876) (L. D. 1119) failed final passage.

The House also voted to Adhere to its action whereby Resolve Proposing an Amendment to the Constitution to Permit Insurance of Payments on Mortgage Loans Made for Service Enterprises (S. P. 391) (L. D. 1316) failed final passage.

The House also voted to Insist on its action whereby it indefinitely postponed Reports and Bill on "An Act relating to Property Tax Administration" (S. P. 392) (L. D. 1340) and join in a Committee of Conference. The Speaker appointed the following conferees on the part of the House:

Messrs. BRAGDON of Perham  
EVANS of Freedom  
DUDLEY of Enfield.

Respectfully,  
s BERTHA W. JOHNSON  
Clerk of the House

Which was Read and ordered Placed on File.

**Committee Reports**  
**House**

**Ought to Pass As Amended**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Adjusting State Employees' Pay." (Emergency) (H. P. 1009) (L. D. 1311)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-601).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-601).

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A", Filing No. H-601, was Read and Adopted in concurrence.

Thereupon, under suspension of the rules, the Bill, as Amended, was given its Second Reading and Passed to be Engrossed in concurrence.

Under suspension of the rules, sent forthwith to the Engrossing Department.

**Enactors**

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

An Act to Provide Protection for the Consumer Against Unfair Trade Practices. (H. P. 770) (L. D. 1003)

An Act Establishing a Full-time Administrative Hearing Commissioner. (H. P. 1242) (L. D. 1577)

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

**Emergency**

An Act Relating to the Purposes and Powers of the Maine Port Authority. (H. P. 1265) (L. D. 1595)

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Earlier in the week I offered an amendment, and the amendment was adopted, which provided for an increase for the members of the Maine Port Authority. There are problems

which have arisen since the adoption of this amendment, and I would like to move that we reconsider our action whereby this bill was passed to be engrossed so, in turn, I could move the indefinite postponement of the amendment. This is done with the consent of the members of the Port Authority. I so move, Mr. President.

Thereupon, on motion by Mr. Beliveau of Oxford, and under suspension of the rules, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted and, on subsequent motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

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

Sent down for concurrence.

**Non-concurrent Matter**

Bill, "An Act Increasing Salaries of County Attorneys and Assistant County Attorneys." (H. P. 1049) (L. D. 1377)

In the House, June 13, 1969, Recommended to the Committee on State Government.

In the Senate June 25, 1969 Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted and asked for a Committee of Conference with the following Conferees appointed on its part:

RIDEOUT of Manchester  
RICHARDSON

of Cumberland  
JALBERT of Lewiston

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I may be confused, but if this county attorney bill to have full-time county attorneys in five counties is well on its way to passage, I think it provides for the county attorneys' salaries and this is not needed. Now, has that bill fallen by the wayside somewhere? Can somebody answer me?

The **PRESIDENT**: The Senator from Washington, Senator Wyman, has posed a question through the Chair which any Senator may answer, if he desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. **KATZ** of Kennebec: Mr. President, I think it is ill-advised of us to dispose of this bill until the other one has been enacted, and it hasn't been. I would hope the Senator would agree to keeping it alive. Therefore, I move that the Senate insist and join in a committee of conference.

The **PRESIDENT**: The Senator from Kennebec, Senator Katz, moves that the Senate insist and join in a committee of conference. Is this the pleasure of the Senate?

The motion prevailed.

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

Senators:

LOGAN of York  
TANOUS of Penobscot  
BELIVEAU of Oxford

#### Enactors

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

#### Emergency

An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1970 and June 30, 1971. (H. P. 1244) (L. D. 1579)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriations Table.)

The President laid before the Senate Join Order 1-2, House Paper 1287, tabled earlier in today's session by Mr. Katz of Kennebec, pending Passage.

Mr. Katz of Kennebec then moved that the Joint Order be placed on the Special Legislative Research Table.

On motion by Mr. Hanson of Kennebec, a division was had. Eighteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion prevailed.

The President laid before the Senate a matter tabled earlier in

today's session by Mr. Katz of Kennebec:

Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 1272) (L. D. 1601)

Tabled — June 25, 1969 by Senator Reed of Sagadahoc.

Pending — Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table Bill, An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine. (H. P. 590) (L. D. 732).

On motion by Mr. Dunn of Oxford, and under suspension of the rules, the Senate then 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-328, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6. (S. P. 358) (L. D. 1222)

Tabled—June 6, 1969 by Senator Katz of Kennebec.

Pending—Enactment.

Thereupon, on motion by Mr. Berry of Cumberland, retabled pending Enactment.

On motion by Mr. Katz of Kennebec the Senate voted to take from the table Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain

Unclassified State Officials." (H. P. 1272) (L. D. 1601)

Mr. Mills of Franklin then presented Senate Amendment "D" and moved its Adoption.

Senate Amendment "D", Filing No. S-329, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I trust the Senators will notice the content of the amendment. The amendment expresses what was the sentiment of the Senate, and I believe fairly belongs in this context, particularly in regard to the other amendment that has been put onto the bill.

The subject matter of this amendment had not as good sledding in the other branch, but we feel that it is proper at this time to assert the Senate's position again in the context of this bill.

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

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I find myself in a position of some jeopardy, and I would like to arrive at some informal understanding with the proponents of this amendment. In the event it does not survive a test down at the other end of the corridor, I would hope that those who sponsor this amendment would nonetheless protect me against the loss of the entire bill. On that basis I certainly would join in the support of this amendment.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: It is true that an attempt is being made by myself and those who agree with me to use the vehicle of this bill to reassert a previous position of the Senate, and I think it is a proper thing to do, especially if everyone is aware of the amendment and the context of the amendment. That is why I paused and asked that it be examined. I have no intention of what you might call sabotage of the bill,

and I think each amendment should stand on its own footing. We will have to trust the other branch to be discriminatory, and if the matter comes back here without the amendment then we will judge it as it appears, and certainly not retaliate against the good Senator on his previous amendment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Not being used to court language, I am not quite sure what the gentleman said. Let me say what I would like to say, that I would very much like to support this amendment and urge the Senate to join in, to give the judges their day in court, but if this amendment does fail in the other branch, I would look for one hand to wash the other, and have the proponents of this support the other amendment, not only perhaps on its merits, because on its merits they were opposed to it, but as part of an agreement to have a day in court.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't think I have to use barnyard English to get across to the good Senator, but if he doesn't like this amendment, say so, have a vote on it and kill it, if you want to. And if we don't like your amendment and your bill, when it comes back here we will have the same privilege. We are not going to try to knife anybody because we don't like what has happened to our amendment. Everybody will get a fair show and all that sort of thing. But I am not making any commitment as to what we will do. If you don't like this, you are welcome to the floor and welcome to fight this amendment right here and now.

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

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

the motion by Mr. Mills of Franklin to Adopt Senate Amendment "D".

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Hoffses of Knox, recessed pending the sound of the bell.

#### After Recess

Called to order by the President.

#### Papers from the House

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

#### Non-concurrent Matter

Bill, "An Act Relating to Jurisdiction and Judicial Divisions of the District Court." (S. P. 468) (L. D. 1526)

In the Senate June 23, 1969, Passed to be Engrossed as Amended by Senate Amendment "A" (S-306) in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-306) as Amended by House Amendment "A" (H-603) thereto, in non-concurrence.

Mr. Mills of Franklin then moved that the Senate Recede and Concur.

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

Mr. BELIVEAU: Mr. President, we don't seem to have the House Amendment H-603. Could someone explain exactly what that amendment would do?

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: There was a feeling in the Assistant Attorney General's office, concurred in by Attorney Frank Chapman, that there was a little discrepancy in regard to civil appeals. A good lawyer in the House picked up the amendment that was supposed to be a curative amendment, and in his opinion, and I think perhaps correctly, the

amendment that was prepared and sent up would have wrought more havoc than it would have done good and would have caused an appellant perhaps to have to appear in a distant court on a civil matter. This amendment that has now been adopted in the House in non-concurrence puts the bill back into the situation it was before we got what we thought was the enlightened viewpoint and adopted Senate Amendment "A". If you can follow that, I would suggest that the progressive action to have this bill in concurrence with the other body would be to leave it as it was when it came from the committee, and I think in the correct form, Senator Beliveau.

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

The motion prevailed.

#### Communications

State of Maine  
Senate Chamber  
Augusta, Maine

June 26, 1969

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

Attached hereto is the Report of the Election Laws Revision Committee appointed by the 103rd Legislature.

Very truly yours,

(Signed)

RICHARD N. BERRY  
Chairman

(S. P. 544)

#### REPORT OF THE ELECTION LAWS REVISION COMMITTEE

The Election Laws Revision Committee was appointed pursuant to Joint Order Senate Paper 341 to consider various legislative proposals dealing with problems in the areas of recount procedures, changing the date of the State Primary from June to September, promotion of machine balloting using punch card ballots, revision of voter registration procedures and related matters.

The Committee worked on the preparation of proposed legislation, in the above - mentioned matters, for submission to the regular session of the 104th Legislature; eight meetings were held.

RICHARD N. BERRY

Which was Read and Ordered  
Placed on File.  
Sent down for concurrence.

**Enactors**

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

**Bond Issue**

An Act To Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways. (S. P. 521) (L. D. 1607)

On motion by Mr. Greeley of Waldo, tabled until later in today's session, pending Enactment.

**Non-concurrent Matter**

Bill, "An Act to Amend Bond Issue Acts by Removing Limitations as to Interest." (S. P. 540) (L. D. 1614)

In the Senate June 26, 1969 Passed to be Engrossed as Amended by Senate Amendment "A" (S-327).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-327) and House Amendment "A" (H-604) in non-concurrence.

On motion by Mr. Moore of Cumberland, tabled until later in today's session, pending Consideration.

**Orders**

On motion by Mr. Beliveau of Oxford,

ORDERED, that there is created a special committee to consist of 3 Senators to be appointed by the President of the Senate and 4 Representatives to be appointed by the Speaker of the House, to study, under the supervision of the Legislative Research Committee, revenues, expenditures, policies, functions and general operation of the State Highway Commission and its several divisions for the purpose of determining necessary and possible improvement or economies in its operations; and be it further

ORDERED, that the special committee, with the advice and consent of the Legislative Research

Committee, shall report the results of its study at the regular session of the 105th Legislature; and be it further

ORDERED, that the members of the special committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Appropriation; and be it further

ORDERED, that the special committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is appropriated to this special committee from the Legislative Appropriation the sum of \$25,000 to carry out the Purposes of this Order. (S. P. 545)

Which was Read.

On motion by Mr. Katz of Kennebec, placed on the Special Legislative Research Table.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: With reference to the order which we just considered, this is an approach which many legislators have felt might be a practical one to try to do something on economy in State operations. If this is going to function somewhat along the line of the Legislative Research Committee, and this order so stipulates, I think it would only be fair that the members of such committee receive the same remuneration, as well as their expenses, as members of the Legislative Research Committee. I would hope between now and tomorrow morning that perhaps Senator Beliveau would give this some thought, and if he feels it in order, after talking with the right people, amend this, because they would be doing the job that the Legislative Research Committee would be doing and these people are paid \$20 a day. It seems very little to ask that the members of the committee who are doing this should receive the same compensation.

**Committee Reports****Senate****Committee of Conference Report**

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

Bill, "An Act Creating the Department of Natural Resources." (S. P. 386) (L. D. 1381) ask leave to report: that they are unable to agree.

On the part of the Senate:

BERRY of Cumberland

REED of Sagadahoc

SEWALL of Penobscot

On the part of the House:

MARSTALLER

of Freeport

DONAGHY of Lubec

WATSON of Bath

Which report was Read and Accepted.

Sent down for concurrence.

**Enactors**

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

An Act Compelling Testimony in Civil Discovery Proceedings and Providing Immunity from Criminal Prosecution with Respect Thereto. (H. P. 860) (L. D. 1102)

Mr. Mills of Franklin then moved that the Bill be Indefinitely Postponed.

The PRESIDENT: The Chair recognizes the same Senator.

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

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: This bill was debated at length shortly, and I am not going to continue the debate today. I do, however, ask the Senate to continue to support my objection to having this bill indefinitely postponed.

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 Bill, An Act Compelling Testimony in Civil Discovery Proceedings and

Providing Immunity from Criminal Prosecution with Respect Thereto, be indefinitely postponed. As many Senators as are in favor of indefinite postponement 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 eleven Senators having voted in the negative, the motion prevailed in non-concurrence.

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

Mr. BERRY of Cumberland: Mr. President, having voted on the prevailing side, I move that we reconsider our action and I hope everybody votes against me.

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

Mr. VIOLETTE of Aroostook: Mr. President, I request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby this bill was indefinitely postponed will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

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

Sent down for concurrence.

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

Bill, "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified State Officials" (H. P. 1272) (L. D. 1601)

Pending — the motion by Mr. Mills of Franklin to Adopt Senate Amendment "D".

Mr. Mills of Franklin then moved the pending question.

Thereupon, Senate Amendment "D" was Adopted and the Bill

Passed to be Engrossed as amended in non-concurrence.

Sent down for concurrence.

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

**Bond Issue**

An Act to Authorize the Issuance of Bonds in the Amount of Twenty-one Million Five Hundred Thousand Dollars on Behalf of the State of Maine to Build State Highways. (S. P. 521) (L. D. 1607)

On motion by Mr. Katz of Kennebec, retabled until later in today's session, pending Enactment.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the eleventh tabled matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 366) (L. D. 1248)

Tabled — June 25, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed

Mr. Levine of Kennebec then presented Senate Amendment "C" and moved its Adoption.

Senate Amendment "C", Filing No. S-330, was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending the motion by Mr. Levine of Kennebec to Adopt Senate Amendment "C".

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

On motion by Mr. Hoffses of Knox.

Recessed until 7:30 o'clock this evening.

**After Recess**

Called to order by the President.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.