

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, March 23, 1971

Senate called to order by the President.

Prayer by the Honorable Gerard P. Conley of Cumberland.

Reading of the Journal of yesterday.

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

Bill, "An Act Relating to Operation of Snowmobiles in Cemeteries." (H. P. 299) (L. D. 399)

In the Senate March 9, 1971, Passed to be Engrossed in concurrence.

Comes from the House, Passed to be Engrossed, as Amended by House Amendment "A" (H-59), in non-concurrence.

On motion by Mr. Quinn of Penobscot, tabled and specially assigned for March 25, 1971, pending Consideration.

**Joint Resolution
State of Maine**

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE
HUNDRED AND SEVENTY-ONE

IN MEMORIAM

WHEREAS, on March 16, 1971 this State and Nation lost a most distinguished and honored public servant in the death of the Honorable Thomas E. Dewey; and

WHEREAS, the Nation will long remember him as a great patriot and statesman who left many imprints on our beloved country during his lifetime; and

WHEREAS, Citizens of Maine take special pride in recalling those delightful moments that came through his visits to the Pine Tree State accompanied by his late wife, Frances; now, therefore, be it

RESOLVED: That we, the Members of the 105th Legislature now assembled, inscribe this token of our enduring affection and esteem for his memory and extend our deepest sympathy to his family and our understanding to all others who share in the loss; and be it further

RESOLVED: That a copy of this Joint Resolution, suitably engrossed, be immediately transmitted by the Secretary of the

State to his two sons as a token of our esteem.

(H. P. 1216)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

Joint Order

ORDERED, the Senate concurring, that Wednesday, April 14, 1971 be designated as "Welcome Back Day" at the Legislature; and

BE IT FURTHER ORDERED, that all former presiding officers of the House and Senate, and all former Officers of the House and Senate are hereby extended a cordial invitation to be guests of the 105th Legislature in session on that date; and

BE IT FURTHER ORDERED, that each individual member of the present Legislature be charged with the duty of urging all former House and Senate members from his district to avail themselves of the opportunity of returning on "Welcome Back Day" to renew old established friendships; and

BE IT FURTHER ORDERED, that the lady legislators be instructed to further plans for "Welcome Back Day".

(H. P. 1215)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

Bills, Resolves, and Resolutions today received from the House requiring Reference to Committees were acted upon in concurrence.

The PRESIDENT: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Cumberland, Senator Berry, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Senator Berry to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

**Senate Papers
Transportation**

Mr. Johnson of Somerset presented, Bill, "An Act Relating to

Test Operations for Double Bottom Trucks." (S. P. 515) (L. D. 1564)

(Approved by a majority of the Committee on Reference of Bills Pursuant to Joint Rule No. 10)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Payment of Retirement Allowances under State Retirement System." (H. P. 249) (L. D. 330)

Bill, "An Act Relating to Retirement of State Employees with 20 years of Service." (H. P. 622) (L. D. 832)

Leave to Withdraw

The Committee on Labor on, Bill, "An Act Increasing the Minimum Wage." (H. P. 52) (L. D. 86)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill "An Act Relating to Service Retirement Under State Retirement Law." (H. P. 169) (L. D. 225)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass — As Amended

The Committee on Transportation on, Bill "An Act Repealing Law Providing for Statutory Agent for Foreign Domiciled Carriers Purchasing Semitrailer Plates." (H. P. 512) (L. D. 657)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-53).

The Committee on Education on, Bill, "An Act Providing for Adult Education." (H. P. 384) (L. D. 499)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-52).

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

Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills as Amended. Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act Relating to Reporting of Motor Vehicle Accidents." (H. P. 417) (L. D. 544)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1206) (L. D. 1267)

Comes from the House, the report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed as amended by House Amendment "A", Filing No. H-58.

Which report was Read and Accepted in concurrence and the Bill, in New Draft, Read Once.

House Amendment "A" was Read and Adopted in concurrence, and the Bill in New Draft, as Amended, Tomorrow Assigned for Second Reading.

Divided Reports

The Majority of the Committee on State Government on, Resolution Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council. (H. P. 207) (L. D. 273)

Reported that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD

of Androscoggin

Representatives:

GOODWIN of Bath
STARBIRD

of Kingman Township

CURTIS of Orono
HODGDON of Kittery
STILLINGS of Berwick
FARRINGTON

of Old Orchard Beach
MARSTALLER

of Freeport

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

Signed:

Representatives:

COONEY of Webster
DONAGHY of Lubec

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

Which reports were Read.

On motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

The Majority of the Committee on State Government on, Bill, "An Act Relating to Leave of Absence for Legislative Service by Teachers." (H. P. 505) (L. D. 651) Reported that same Ought to Pass:

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD
of Androscoggin

Representatives:

STARBIRD
of Kingman Township
GOODWIN of Bath
FARRINGTON
of Old Orchard Beach
CURTIS of Orono
STILLINGS of Berwick

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

Signed:

Representatives:

DONAGHY of Lubec
MARSTALLER of
of Freeport
HODGDON of Kittery
COONEY of Webster

Comes from the House, the reports and Bill Indefinitely Postponed.

Which reports were Read.

The PRESIDENT pro tem: The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: This bill allows school committees to let teachers come to the legislature on half pay. It also says it would apply to any teacher, principal or other person, and it seems to me that is pretty broad, so I would move that we accept the Ought Not to Pass Report of the Committee.

The PRESIDENT pro tem: The Senator from Oxford, Senator Dunn, now moves that the Senate accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I request a division on the motion.

The PRESIDENT pro tem: A division has been requested.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I believe the Senator from Oxford, Senator Dunn, is quoting from existing law when he talks about bus drivers and so forth, and there is no attempt to limit the existing law.

This bill did not come before my committee. I don't consider it a very important bill, but what it says is that after seven years of service with the school system, if it is desired by the local board of education to permit a teacher to serve in the legislature, they may do so with half pay if that is the desire of the local people. It doesn't change anything else in the existing law at all, such as was just mentioned. I don't consider it an important measure, but I do think that the quality of teachers who have been sent here in the past two sessions to serve in the legislature has been extraordinarily good, and I think the legislature has been enriched by their presence. Consequently, I will vote against the motion to accept the Ought Not to Pass Committee Report.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: There is one fact that influenced me more to vote in favor of this than any other one thing.

We have a couple teachers on the State Government Committee, and one of them said to me, "Every teacher ought to go to the legislature for a term or two to find out the way it is, which is not the way we are taught in school that it is." It just seems to me that with a lot of these teachers

in college teaching their students entirely different from what the matters are in the legislature that it might be worth-while for them to come here. That one fact influenced me to support the bill. Now, if it is written incorrectly, or if it should have an amendment, I would have no objection to that, but I am in favor of some sort of a measure to encourage teachers to know more about the way it is and not the way they are taught it is.

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

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I haven't any objection to a teacher coming here to the legislature, but I can see no reason why the property taxpayers in their locality should be paying half of their salaries. If we are going to start that, we might as well start it for everyone who has a job and has to give it up to come to the legislature. Why don't we say, "Well, he will receive half pay and the taxpayers will pay it." I am very much opposed to this type of legislation.

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: With reference to the remarks of my good friend, Senator Moore, teachers who go on sabbatical now do receive half pay, and the school board makes the determination as to who will go after having seven years of service. As far as I can see, this will cost the taxpayers nothing.

The PRESIDENT pro tem: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Oxford, Senator Dunn, that the Senate accept the Minority Ought Not to Pass Report of the Committee. A division has been requested. All those in favor of accepting the Minority Ought Not to Pass Report will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. Twelve Senators having voted in the affirmative, and thirteen Senators

having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

The Majority of the Committee on State Government on, Bill, "An Act to Place Full-time Deputy Sheriffs under Personnel Law." (H. P. 431) (L. D. 566)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD

of Androscoggin

Representatives:

HODGDON of Kittery
COONEY of Webster
MARSTALLER

of Freeport

DONAGHY of Lubec
FARRINGTON

of Old Orchard Beach

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

Signed:

Representatives:

STARBIRD

of Kingman Township

GOODWIN of Bath

STILLINGS of Berwick

CURTIS of Orono

Comes from the House, the Bill substituted for the reports and subsequently referred to the Committee on County Government.

Which reports were Read, the Bill substituted for the reports and subsequently referred to the Committee on County Government in concurrence.

The Majority of the Committee on State Government on, Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature. (H. P. 206) (L. D. 272)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset
CLIFFORD

of Androscoggin

Representatives:

HODGDON of Kittery
DONAGHY of Lubec
MARSTALLER

of Freeport
STILLINGS of Berwick
CURTIS of Orono
GOODWIN of Bath
STARBIRD

of Kingman Township

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

Signed:

Senator:

WYMAN of Washington

Representatives:

COONEY of Webster
FARRINGTON

of Old Orchard Beach

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read, the Minority Ought to Pass Report Accepted and the Bill Indefinitely Postponed in concurrence.

The Majority of the Committee on Labor on, Bill, "An Act Relating to Availability of Statistical Reports of Employment Security Commission." (H. P. 11) (L. D. 11)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
MARCOTTE of York

Representatives:

LINCOLN of Bethel
KELLEY of Machias
LEE of Albion
ROLLINS of Dixfield
SIMPSON of Millinocket
BEDARD of Saco
GENEST of Waterville
GOOD of Westfield

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

Signed:

Senators:

LEVINE of Kennebec

Representatives:

McTEAGUE of Brunswick
BUSTIN of Augusta

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

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Senate

The following Ought Not to Pass reports shall be placed in the Legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Hunting with Muzzle-loading Rifles." (S. P. 94) (L. D. 258)

Bill, "An Act Prohibiting Water Skiing Between Sunset and 9 a.m." (S. P. 236) (L. D. 698)

Sent to the House.

Change of Reference

Mr. Katz for the Committee on Education on, Bill, "An Act Providing Funds for Operation of Kennebec Valley Vocational-Technical Institute." (S. P. 250) (L. D. 757)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Which report was Read and Accepted, and the Bill referred to the Committee on Appropriations and Financial Affairs.

Sent down for concurrence.

Ought to Pass

Mr. Johnson for the Committee on State Government on, Bill, "An Act to Establish a Maine Library Advisory Committee." (S. P. 263) (L. D. 769)

Reported that the same Ought to Pass.

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Statement Setting Forth the Total Necessary to Retire All Outstanding Bonds on Ballots for Bond Issues." (S. P. 282) (L. D. 838)

Reported that the same Ought to Pass.

Mr. Johnson for the Committee on State Government on, Bill, "A Act Relating to Temporary Loans by State." (S. P. 283) (L. D. 839)

Reported that the same Ought to Pass.

Mr. Johnson for the Committee on State Government, on, Bill, "An Act Continuing the Maine Cultural Building Authority." (S. P. 348) (L. D. 1016)

Reported that the same Ought to Pass.

Mr. Quinn for the Committee on Legal Affairs on, Bill, "An Act Changing the Name of Maine Association of Plumbing Contractors, Inc." (S. P. 234) (L. D. 696)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Katz for the Committee on Education on, Bill, "An Act Relating to the Testing of Vision and Hearing for School Pupils." (S. P. 271) (L. D. 799)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-36).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Clifford for the Committee on State Government on, Bill, "An Act Relating to Legislative Ethics." (S. P. 11) (L. D. 39)

Reported that the same Ought to Pass in New Draft Under Same Title: (S. P. 511) (L. D. 1368)

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Bill, "An Act to Clarify Law Relating to Experiments on Polluted Shellfish." (S. P. 191) (L. D. 552)

Reported that the same Ought to Pass in New Draft Under New Title:

Bill, "An Act to Prohibit the Importing and Introduction to our Coastal Waters of any Uncertified Marine Species." (S. P. 513) (L. D. 1370)

Mr. Anderson for the Committee on Fisheries and Wildlife on Bill, "An Act Relating to Weight and Number of Whitefish Taken from Waters of the State." (S. P. 175) (L. D. 527)

Reported that the same Ought to Pass in New Draft Under New Title:

Bill, "An Act Relating to Number of Whitefish Taken from Waters of the State." (S. P. 512) (L. D. 1369)

Which reports were Read and Accepted, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

Mr. Wyman for the Committee on State Government on, Bill, "An Act to Place the State Department of Audit Under the Legislative Research Committee." (S. P. 182) (L. D. 534)

Reported that the same Ought to Pass in New Draft Under New Title: Bill, "An Act Relating to the Administration of the Department of Audit." (S. P. 514) (L. D. 1371)

Which report was Read and Accepted and the Bill in New Draft Read Once.

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

Mr. KATZ of Kennebec: Mr. President prior to assignment, I would like to inquire through the Chair if the intent of this bill in its original form was to put the Department of Audit under the legislature through the Legislative Research Committee. I wonder if some member of the committee might explain to me whether this intent has been retained in the redraft?

The PRESIDENT pro tem: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: No, it is not retained in the redraft. The original bill did put it under the Legislative Research. With their present set-up now, they are nothing more than a post-audit outfit. Now, this bill gives them the right to review and study the expenditures of dedicated funds, independent boards, commissions and so forth, and to report their findings, whatever the results of their studies reveal, to the legislature to implement whatever action they may feel is necessary.

Thereupon, the Bill in New Draft was Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Certain Agreements in Construction Contracts." (S. P. 118) (L. D. 297)

Reported that the same Ought Not to Pass.

Signed:

Senators:

QUINN of Penobscot

KELLAM of Cumberland

CLIFFORD

of Androscoggin

Representatives:

SILVERMAN of Calais

CURTIS of Bowdoinham

COTE of Lewiston

BRAWN of Oakland

FECTEAU of Biddeford

NORRIS of Brewer

GAUTHIER of Sanford

SMITH

of Dover-Foxcroft

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

Signed:

Representatives:

CROSBY of Kennebunk

EMERY of Rockland

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted. Sent down for concurrence.

At this point President MacLeod entered the Senate Chamber and proceeded to the rostrum where he thanked Senator Berry for performing the duties assigned to him as President pro tem.

Whereupon, the Sergeant-at-arms escorted Senator Berry to his seat on the floor of the Chambers, amid the applause of the Members of the Senate.

Second Readers

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

House

Bill, "An Act to Appropriate Funds for Payment to Veterinarians for Vaccinating against Brucellosis." (H. P. 626) (L. D. 849)

Bill, "An Act Increasing the Hundredweight Fees Payable to Maine Milk Commission." (H. P. 516) (L. D. 679)

Bill, "An Act Relating to Charges for Transporting Milk." (H. P. 515) (L. D. 678)

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

Bill, "An Act Increasing Salaries of District Court Judges." (H. P. 489) (L. D. 630)

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

Sent down for concurrence.

Senate

Bill, "An Act Exempting Kents Hill School from the Maine State Retirement System." (S. P. 244) (L. D. 705)

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

Sent down for concurrence.

Enactors

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

An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition. (H. P. 952) (L. D. 990)

An Act Relating to Group Fishing Permits for Inmates and Patients at State Institutions. (S. P. 177) (L. D. 529)

An Act Relating to Financial Report of State Housing Authority. (S. P. 181) (L. D. 533)

An Act Pertaining to the Salary of the Administrative Hearing Commissioner. (S. P. 237) (L. D. 699)

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

An Act Providing Funds for Shalom House, Inc., a Halfway House, in Portland. (S. P. 272) (L. D. 800)

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

An Act Relating to Jurisdiction of the District Court in Proceedings to Quiet Title in Real Estate Matters. (S. P. 437) (L. D. 1147)

An Act Relating to Carrying Life Savings Devices in Canoes. (H. P. 115) (L. D. 159)

An Act to Cause the Central Register of Attorneys to be Maintained by the Administrative Assistant to the Chief Justice of the Supreme Judicial Court. (H. P. 195) (L. D. 251)

An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities. (H. P. 311) (L. D. 411)

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

An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River. (H. P. 404) (L. D. 517)

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

An Act Relating to the Commitment of Persons to Correctional Centers. (H. P. 461) (L. D. 616)

An Act to Create an Interstate Boundary Commission to Establish a Marine Boundary Compact between Maine and New Hampshire. (H. P. 685) (L. D. 920)

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

An Act Relating to Definition of Wholesaler under Liquor Law. (H. P. 1067) (L. D. 1127)

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

Orders of the Day

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

Senate Reports — from the Committee on Judiciary on Bill, "An Act Providing for Western Hancock District Court to be Held at Bucksport." (S. P. 97) (L. D. 261) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 16, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

Mr. ANDERSON of Hancock: Mr. President I move that we accept the Minority Ought to Pass Report and I would speak to the motion.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that the Senate accept the Minority Ought to Pass Report of the Committee. The Senator has the floor.

Mr. ANDERSON: Mr. President and Members of the Senate: When the district court system was set up it was highly touted as an instrument of convenience to the public and to better administer justice. I can't understand why those delegated to the task of setting up site criteria in the district system ever bypassed Bucksport. It seems to me that there was and is a crying need for a court in this industrial town.

I know from checking records that the late Judge Conary never had a dull moment in his municipal court. The Chief of Police, Mr. Hunt of Bucksport, has given me traffic court cases for 1968-69-70 but, not to bore you with figures, I do want to bring you up on current court traffic. Now in the District Court of the Central Hancock Division, presided by Edwin R. Smith, on March 8th there was six cases from Bucksport, four from Stonington, one from Penobscot, and three from Sedgwick. Now, had there been a court in Bucksport, all of these cases would have been heard in that court. On March 15, there were five cases in Bucksport, Deer Isle two, Stonington one, and Orland one. Now I think you can readily see that the court traffic does warrant a court in Bucksport.

Judge Edwin Smith of Bar Harbor presides over the district court in Ellsworth on Monday and Thursday, Bar Harbor on Tuesday, and Belfast Wednesday and Friday.

The basic arguments of the opposition are that a court in Bucksport would be too costly, it would set a precedent and other communities would clamor for a district court division. Regarding cost, Bucksport has a newly constructed building, very modern, which houses the police and fire departments on the first floor. On the second floor is a very large

room which could easily seat one hundred fifty people. As you enter it, if you didn't know, you would think that the place was constructed for that particular purpose, a court room. Off this room there are two large well-lighted rooms, and one can be used for a judge's chamber and the other for a lawyers' room. All this will be absolutely free rent, heat, water and lights, at no cost.

If this bill involved building a new court house I can see at this time it might not be economically feasible, but with this made-to-order set-up offered by the Town of Bucksport, I can't understand why there should be opposition to it. As for setting a precedent and opening the door for the other communities, I just can't visualize this happening. But if another community warranted a division of a district court, why shouldn't they have it? After all, getting back to the beginning of this dissertation, the district court system was set up for the convenience of the people and to better mete out justice.

I urge my colleagues to see that justice is done today. Please vote to accept the Minority Ought to Pass Report.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I move that this bill be indefinitely postponed. In support of my motion, I would say, first of all, that the committee vote on this was ten to three Ought Not to Pass. In the terms which I have served in this legislature one of the things which has been inspiring to me is the good Senator from Hancock, Senator Anderson, in his plea for economy in the State of Maine. One thing which I have respected about him is his sense of integrity in that if a thing is not worthy of expenditure that the legislature ought not to vote for it. I can assure each member of the Senate that if anything came to your area and could not be justified, Senator Anderson would be the first to vote against it.

As to the need for this, I wasn't here during the last session but I have checked with some

members of the Judiciary Committee, and the plea was made that at least let it be optional that the judge could have one session per day in Bucksport if the need were to arise, and if that could be granted that is all that would be asked. That is the law now, and if the court load were to justify it, the committee last year accepted that bill, and it is the law and a court can sit there once a week if that is to be justified.

As to the expenditures, the district court system is obliged to pay rent for the premises that a court is held in. They are obliged to have a clerk there. A judge can only be in so many places, and if you spread him too thin, you will have to have more judges. So more expense is involved in this proposal.

I would also call to the attention of the Members of the Senate, a study which has been made of the Supreme Judicial Court, the Superior Court, and the District Court System by the Institute of Judicial Administration. This cost the State of Maine and the Federal Government some \$40,000. This proposal is not included in that; there is no such recommendation. In fact, one of the perils that was mentioned when the District Court System was set up is that if we get rid of the municipal court judges every single municipality will be in, and they will want a separate court. This will be so expensive that it will destroy the system. Luckily this legislature, in its wisdom over the years, has resisted those temptations, and the system as originally established has been pretty well adhered to.

Now, if this bill were to pass there are many, many other communities insofar as the distance, the caseload, and what have you, are much more worthy of divisions than Bucksport. For example, I can think of in my own county there are at least three towns which are as deserving or more deserving than Bucksport, at least they have more traffic count and they have a larger population. If this bill were passed I don't see any argument which could be raised, if an amendment were put on, giving these other towns the

same thing. I am sure that there would be another twenty or thirty towns throughout the state that would feel the same.

So, I hope that you will vote with the majority of this committee — the vote was ten to three — to indefinitely postpone this bill, because it does represent a real peril to the system that we have. Lord knows our Judicial System is inflicted with enough troubles and enough overload at this time without any additional problems such as this bill would present.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Aroostook, Senator Harding, that Bill, "An Act Providing for Western Hancock District Court to be Held at Bucksport," be Indefinitely Postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I would request a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Harding, that the Bill be indefinitely postponed will please 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 ten Senators having voted in the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

Senate Reports — from the Committee on State Government on Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 16, 1971 by Senator Moore of Cumberland.

Pending — Acceptance of Either Report.

On motion by Mr. Johnson of Somerset, retabled and specially

assigned for March 25, 1971, pending Acceptance of Either Report.

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

House Reports — from the Committee on Taxation on Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — March 17, 1971 by Senator Hoffses of Knox.

Pending — Motion by Senator Martin of Piscataquis to Accept the Minority Ought to Pass Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for March 25, 1971, pending the Motion by Senator Martin of Piscataquis to Accept the Minority Ought to Pass Report.

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

Joint Order — Relative to Joint Select Committee of Inquiry to Study the Department of Mental Health and Corrections. (S. P. 423)

Tabled — March 17, 1971 by Senator Carswell of Cumberland.

Pending — Passage.

On motion by Mrs. Carswell of Cumberland, retabled and specially assigned for March 26, 1971, pending Passage.

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

Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 13) (L. D. 41).

Tabled — March 17, 1971 by Senator Violette of Aroostook.

Pending — Consideration.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It's surprising that sometimes a bill comes along and you sense that its time has come, and I feel that the time has come for a control or recognition of the need to control legislative agents this session. The bill has had a turbulent passage so far, and this

morning I am going to reverse myself and suggest that it be recommitted to the Committee on State Government. I have spoken to members of the committee and am assured that it will get a fair and professional approach within the committee.

This does not mean in any way that the bill is going to be emasculated, and I for one want to serve notice that I consider the most important part of this bill the portion which refers to the disclosure by the employer of the lobbyist after the session is over, exactly what the nature of the compensation of expenses and any other agreements for employment.

My feeling of the timeliness of this bill is certainly increased this morning when I had learned that legislation will shortly be before us promoted by some of the larger discount retailers in the State of Maine to open up the State for Sunday selling. I am dismayed to hear, and I presume my information is correct, they have retained the Chairman of the Republican State Committee and the Chairman of the Democratic State Committee as a twin lobby team to promote this legislation. This hand is so heavy that I have the feeling that the reaction of the legislature will be predictable. Certainly I have nothing but the highest personal regard for the two chairmen who have been so honored by their party. I think they are both men of substantial unquestioned integrity. I think one of them wears a white hat and the other a black hat, but that is almost immaterial to our consideration this morning. But time and time again this session we have seen that the influence of the lobby in matters that are getting increasingly complicated is quite apparent. And the Maine Legislature strangely enough has refused consistently to take certain basic steps to make itself stronger and more able to deal with the problems before us. Every measure that we have had so far this session to implement the strength of the legislature has gone down to defeat.

Mr. President, we are in non-concurrence?

The PRESIDENT: Yes.

Thereupon, on motion by Mr. Katz of Kennebec, and under suspension of the rules, the Senate voted to Recede from its previous action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, Recommended to the Committee on State Government. Sent down for concurrence.

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

Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 213) (L. D. 280)

Tabled — March 19, 1971 by Senator Berry of Cumberland.

Pending — Motion to Reconsider Action whereby Senate Insisted and Asked for a Committee of Conference.

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

Mr. BERRY of Cumberland: Mr. President, in order that this may move along, and I think that everyone is in agreement, I would hope that the Senate would vote against my motion for reconsideration.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Berry, that the Senate reconsider its action whereby the Senate Insisted and Asked for a Committee of Conference will please say "Yes"; those opposed will say "No".

A viva voce vote being taken, the motion did not prevail.

Reconsidered Matter

Mr. Shute of Franklin then moved that the Senate reconsider its previous action whereby Bill, "An Act Relating to Definition of Class A Restaurant Under Liquor Laws," (H. P. 302) (L. D. 402), was Passed to be Engrossed.

Thereupon, on motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Shute of Franklin to Reconsider.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.