

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Thursday, March 30, 1967

Senate called to order by the President.

Prayer by Rev. Jack Shankel of Augusta.

Reading of the Journal of yesterday.

Papers from the House

Non-concurrent Matter

Report of Election Laws Committee on Bill "An Act Relating to Signatures on Petitions for Nomination for State and County Officers." (H. P. 313) (L. D. 447)

Committee reported Ought not to Pass.

In House, March 2, Bill substituted for the report.

March 23, Passed to be engrossed As Amended by House Amendment "A" (H-77)

In Senate, March 28, ought not to pass report read and accepted in non-concurrence.

Comes from the House that body having insisted and asked for a committee of conference.

On motion by Mr. Berry of Cumberland, the Senate voted to adhere.

Committee Reports

House

Referred to the 104th Legislature

The Committee on Judiciary on Bill "An Act Relating to Creation of Professional Service Corporations." (H. P. 366) (L. D. 513)

Reported that the same should be referred to the 104th Legislature.

Comes from the House, read and accepted.

Which report was read and accepted in concurrence.

Leave to Withdraw

The Committee on Education on Resolve Relative to Federal Funds for Certain Positions at Southern Maine Vocational-Technical Institute. (H. P. 664) (L. D. 919)

Reported that the same should be granted leave to withdraw, as covered by other Legislation.

Comes from the House, report read and accepted.

Which report was read and accepted in concurrence.

Ought Not to Pass

The Committee on Education on Bill "An Act Requiring Protective Eye Devices for Certain Students." (H. P. 403) (L. D. 569)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

The Committee on Judiciary on Bill "An Act Repealing the Law on Comparative Negligence in Civil Actions." (H. P. 318) (L. D. 452)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

On motion by Mr. Hildreth of Cumberland, tabled pending acceptance of the report.

The Committee on Transportation on Bill "An Act Relating to Lights on Motor Vehicles." (H. P. 816) (L. D. 1192)

Reported that the same Ought not to Pass.

Comes from the House, report read and accepted.

Which reports were read and accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill "An Act Relating to Validation of Defects in Foreclosure of Real Estate Mortgages." (H. P. 753) (L. D. 1100)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill passed to be engrossed.

The Committee on Legal Affairs on Bill "An Act to Change the Name of the Congregational-Christian Conference of Maine and to Enlarge its Purposes." (H. P. 530) (L. D. 760)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Bill Passed to be engrossed.

Which reports were read and accepted in concurrence, the Bills read once and tomorrow assigned for second reading.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Money to Supplement Federal Vocational

Funds for Area Education Programs for Apprentices and Other Adult Workers." (H. P. 777) (L. D. 1139)

Reported that the same Ought to Pass As Amended by Committee Amendment "A"

Comes from the House, report read and accepted and the Bill passed to be engrossed, As Amended.

The Committee on Judiciary on Bill "An Act Relating to Suspension of Motor Vehicle Operator's License Pending Appeal in Operating Under the Influence Cases." (H. P. 270) (L. D. 391)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-106)

Comes from the House, report read and accepted and the Bill Passed to be engrossed As Amended by Committee Amendment "A"

The Committee on Judiciary on Bill "An Act Relating to Detention of Juveniles." (H. P. 407) (L. D. 573)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-107).

Comes from the House, report read and accepted and the Bill Passed to be engrossed as Amended by Committee Amendment "A".

Which reports were read and accepted in concurrence, 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 Children Needing Protective Custody." (H. P. 607) (L. D. 851)

Reported that the same Ought to Pass in New Draft H. P. 1089 L. D. 1556 under the same title.

Comes from the House, Report read and accepted and the Bill, in New Draft, Passed to be engrossed.

Which report was read and accepted in concurrence, the Bill in New Draft read once and tomorrow assigned for second reading.

Senate

Ought Not to Pass

Mr. Boisvert for the Committee on Liquor Control on Bill "An Act Permitting Pin Ball Machines on Premises of Liquor Licensees." (S. P. 477) (L. D. 1198)

Reported that the same Ought not to Pass.

Which report was read and accepted.

Sent down for concurrence.

Ought to Pass — As Amended

Mr. Mills of Franklin for the Committee on Judiciary on Bill "An Act Relating to Trespass on Unimproved Land Devoted to Preservation of Wildlife." (S. P. 177) (L. D. 367)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-48)

Which report was read and accepted and the Bill read once. Committee Amendment "A" (Filing S-48) was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 177, L. D. 367, Bill, "An Act Relating to Trespass on Unimproved Land Devoted to Preservation of Wildlife."

Amend said Bill by striking out everything after the enacting clause and inserting in place thereof the following:

R. S., T. 17, § 3859, repealed and replaced. Section 3859 of Title 17 of the Revised Statutes, as enacted by chapter 64 of the public Laws of 1965, is repealed and the following enacted in place thereof:

§ 3859. Trespass on land devoted to wildlife preservation. Whoever willfully and knowingly hunts upon unimproved land devoted to the preservation of wildlife and owned by a corporation organized under Title 13, chapter 81, including that portion of any public way which crosses or abuts said land, provided that all boundaries of said land are posted with signs at least every 50 feet indicating that said land is a wildlife preserve, shall be punished by a fine of not more than \$50.

Committee Amendment "A" was adopted, and the Bill, as amended, tomorrow assigned for second reading.

Second Readers

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

House

Bill "An Act Relating to Salaries Paid by the State to Ministers of the Gospel." (H. P. 83) (L. D. 113)

Bill "An Act Relating to Biennial Elections of Penobscot Tribe of Indians." (H. P. 748) (L. D. 1095)

Bill "An Act Relating to Area Directional Sign for China Lake Region." (H. P. 138) (L. D. 202)

Bill "An Act Relating to Registration and Safety of Inland Steamers for Hire." (Emergency) (H. P. 523) (L. D. 754)

Bill "An Act Revising the Railroad Workers Credit Union of Maine." (Emergency) (H. P. 676) (L. D. 948)

Bill "An Act Providing for Oceanographic Research Projects by Division of Geological Survey, Department of Economic Development." (Emergency) (H. P. 536) (L. D. 765)

Bill "An Act Reclassifying Certain Tidal Waters of Hancock County." (H. P. 196) (L. D. 285)

Bill "An Act Reclassifying Certain Tidal Waters in York County." (H. P. 236) (L. D. 344)

Bill "An Act Reclassifying Certain Tidal Waters of Waldo County." (H. P. 239) (L. D. 347)

Bill "An Act Classifying Certain Inland Waters of the Presumpscot River Basin." (H. P. 280) (L. D. 400)

Which were read a second time and passed to be engrossed in concurrence.

House — As Amended

Resolve Providing for Purchase of Copies of History of Richmond-on-the-Kennebec, (H. P. 464) (L. D. 677)

Resolve Designating Certain Highways in Lincoln County as Mariner and Pioneer Trail. (H. P. 743) (L. D. 1065)

Which were read a second time and passed to be engrossed, As Amended, in concurrence.

Resolve To Reimburse Dwight H. Wheeler of Manchester for Payment of Fine in Motor Vehicle Speeding Case. (H. P. 877) (L. D. 1289)

Which was read a second time and passed to be engrossed As Amended by Senate Amendment "A" in non-concurrence.

Sent down for concurrence.

Senate

Bill "An Act Creating the Maine Higher Education Loan Authority Act." (S. P. 59) (L. D. 72)

Bill "An Act to Reconstitute School Administrative Districts Numbers 9, 17, 27, 46, 47, 48, 49, 55 and 61." (Emergency) (S. P. 399) (L. D. 1071)

Bill "An Act Appropriating Matching Funds Under Title VI of the Federal Higher Education Act for Maine Maritime Academy." (S. P. 328) (L. D. 983)

Bill "An Act to Permit School Administrative Districts to Join Together." (Emergency) (S. P. 396) (L. D. 1029)

Which were read a second time and passed to be engrossed.

Sent down for concurrence.

Senate — As Amended

Resolve Proposing an Amendment to the Constitution Pledging Credit of State and Providing for the Issuance of Bonds Not Exceeding, at Any One Time issued and Outstanding, Twenty-five Million Dollars for Loans to Private Colleges for Construction and Expansion of Facilities. (S. P. 60) (L. D. 73)

Bill "An Act Prohibiting Annoying Telephone Calls." (S. P. 269) (L. D. 650)

Bill "An Act to Provide for Practical Nursing Course at Central Maine Vocational-Technical Institute." (S. P. 400) (L. D. 1031)

Bill "An Act Relating to Costs of Flander's Bay Community School District." (S. P. 470) (L. D. 1162)

Resolve Providing Funds for Dental Education. (S. P. 260) (L. D. 640)

Which were read a second time and passed to be engrossed, As Amended.

Sent down for concurrence.

Enactors

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

An Act Relating to the Guardianship of Mentally Retarded Persons. (H. P. 408) (L. D. 574)

On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.

An Act Relating to Tagging of Bedding and Upholstered Furniture. (S. P. 290) (L. D. 642)

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

Emergency

An Act to Create the Solon Water District. (H. P. 595) (L. D. 832)

This being an emergency measure and having received the affirmative vote of 33 members of the Senate, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Creating the Paris Utility District. (H. P. 640) (L. D. 906)

This being an emergency measure and having received the affirmative vote of 33 members of the Senate, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Incorporate the Bethel Water District. (H. P. 1075) (L. D. 1510)

This being an emergency measure and having received the affirmative vote of 33 members of the Senate, was passed to be enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The Chair laid before the Senate the first tabled and today assigned matter (H. P. 655) (L. D. 910) House Report Ought not to Pass

from the Committee on Agriculture on Bill, "An Act Appropriating Money for Additional Marine Worm Inspection in the Department of Agriculture." Tabled March 23 by Senator Sproul of Lincoln pending acceptance of report.

Mrs. SPROUL of Lincoln: Mr. President and members of the Senate: I move that the bill be substituted for the Ought not to Pass report of the committee.

For the benefit of those who do not live along the coast, the worm industry is quite a valuable one, and I think especially so, probably, in Lincoln County. As I drive up mornings, I frequently, in fact practically every morning, I see these diggers out digging for marine worms, and the surprising thing is that no matter how much they dig there still seem to be some marine worms left.

This particular bill provides for two additional inspectors so that they could verify the count of the diggers. What is happening is that when the worms are shipped to New York the difference in the count is sometimes quite marked. Now whose fault it is I don't know, but I do know they are very interested in my area about this particular bill.

I had hoped to work this out some other way, and I had been to the Commissioner of Sea and Shore Fisheries, but I found out that they couldn't handle this; they thought perhaps they might have to have more men. They said, no, this has to come under Agriculture, which handles weights and measures.

That is about all I can say, but I would move that the Ought not to Pass report of the committee be not accepted and I would move passage of the bill.

The PRESIDENT: The pending question is on the motion of the Senator from Lincoln, Senator Sproul, that the bill be substituted for the Ought not to Pass report.

Mr. BARNES of Aroostook: Mr. President and members of the Senate: I have a great deal of respect and admiration for the distinguished lady Senator from Lincoln, Senator Sproul, and I do not want to make a big issue over this,

because I have found, from experience over the years, that if you get into a battle with a female you always come out the loser.

This bill had a fair and impartial hearing before the Committee on Agriculture, and it was our feeling, after much deliberation and consideration, that the marine worm industry people should first demonstrate their interest and willingness to do something for themselves. Cases*in point are the dairy industry and the potato industry where they tax themselves to supply funds for the inspection of their product. We felt that, before we were justified in advocating the expenditure of state funds for the inspection of marine worms or the counting of worms, that these people should first demonstrate that they could do something for themselves.

I might add that the Commissioner of Agriculture, under whose jurisdiction it would fall to enforce this inspection work, is not in favor of this bill, so I would hope that you would not support the good Senator's motion.

Mr. WYMAN of Washington: Mr. President, I would like to ask a question of anyone who wishes to answer: Are these worm fishermen licensed and do they pay a license fee to the State?

The PRESIDENT: The Senator from Washington, Senator Wyman poses a question to any member of the Senate through the Chair, and any Senator may answer who so desires.

Mr. YOUNG of Hancock: Mr. President, in answer to the question of the Senator from Washington, Senator Wyman, they are licensed, the dealers are licensed and the diggers are licensed. They pay a ten-dollar fee, and I think it goes to the Sea and Shore Fisheries, and I think it is used for research.

While I am on my feet, I would like to support Senator Sproul's motion to substitute the bill for the report. If this bill should pass, it would require an appropriation at the end of the session and if there was no money it would die anyway. We have several marine worm dealers in my county, Hancock County; it is a large industry

and I personally would like to see the bill pass.

Mr. HOFFSE of Knox: Mr. President and members of the Senate: I have been approached by some of the good citizens of Lincoln County to support this bill. I might say that we have very few marine worm diggers in Knox County, and fewer bobcat, but I would like to go on record in support of Senator Sproul's motion.

The PRESIDENT: The pending question is the motion of the Senator from Lincoln, Senator Sproul, to substitute the bill for the report.

Mr. BARNES of Aroostook: Mr. President, I would respectfully ask for a division when the vote is taken.

Mr. HILDRETH of Cumberland: Mr. President, I would like to ask a question through the Chair of Senator Barnes or anyone else.

If I understand, his objection is that the worm diggers in the industry haven't taken any steps to do this on their own, such as the dairy industry has and I believe the sardine industry has, and perhaps the blueberry industry. I am wondering if it isn't true that the worm industry isn't a much smaller industry and the diggers themselves are not producing a product which is capable of generating enough profit to them so that they could logically be taxed in the same manner.

The PRESIDENT: I am not sure that is a question, but I will let the Senator from Aroostook, Senator Barnes, answer it if he can.

Mr. BARNES of Aroostook: Mr. President, as I understand it from hearing the testimony the worm diggers do not always come up with the count they are supposed to, and the packers and shippers of these worms run into difficulties on the other end, in New York, for instance, when they arrive down there, and they get claims for short counts, and they are asking for additional inspectors to make honest men out of these diggers.

Our committee came out with a unanimous report Ought not to Pass. As I say, I am not going to make a big issue of this because it isn't a lot of money, but if you do this you are opening the

door and establishing a precedent for other small industries to come in here and ask for State funds to police their own industries.

Mrs. SPROUL of Lincoln: Mr. President, I have to defend the honesty of these diggers. I have been told that where the trouble lies is in New York, and whenever they find they have a surplus of worms then they immediately say there is trouble with the count, and they also say they have too many dead ones, and so on, so if it was corrected on this end I think it would help.

Mr. MILLS of Franklin: Mr. President, I get the impression that we are already in the business of counting these worms. I am not sure whether that is correct. I do not know whether this is an opening wedge or whether we are just expanding an activity that the Department of Agriculture is already in. I know that the Department of Agriculture has been inspecting blueberries for a great many years, but as to counting these worms, I do not know whether we are in it now or whether this is an expansion of an already-existing activity. My seat-mate informs me that there is some hazard in this, that these worms will actually bite.

Mrs. SPROUL of Lincoln: Mr. President, I see that Senator Barnes is not going to answer this. I will say they are inspecting the worms some now, but the feeling is that if they had additional inspectors they could do it much better and do it more often.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Lincoln, Senator Sproul, that the bill be substituted for the Ought not to Pass report will rise and remain standing until they are counted; those opposed.

A division was had.

15 having voted in the affirmative and 18 in the negative, the motion to substitute the bill for the report of the committee did not prevail. The Senate thereupon voted to accept the Ought not to Pass report of the committee.

Sent down for concurrence.

Additional Paper from the House, out of order and under suspension of the rules:

Committee Report
House

The Committee on Towns and Counties on Resolve For Laying of the County Taxes for the Years Nineteen Hundred Sixty-Seven and Nineteen Hundred Sixty - Eight. (Emergency) (H. P. 1091)

Reported that the same Ought to Pass.

Comes from the House, report read and accepted and the Resolve passed to be engrossed.

Which report was read and accepted in concurrence, the Resolve read once, and under suspension of the rules it was given its second reading and passed to be engrossed in concurrence.

Additional Papers from the House, out of order and under suspension of the Rules:

Joint Resolution

State of Maine
House of Representatives
103rd Legislature

Joint Resolution Congratulating Holy Trinity Greek Orthodox Church on its Golden Jubilee

WHEREAS, the Greek Community of Central Maine has been a fulfilling and generous contributor to the welfare of the State of Maine, its culture and its citizens; and

WHEREAS, the Holy Trinity Greek Orthodox Church of Lewiston, Maine, is continuing its ever present aim for progress being displayed through a Building Fund Drive; and

WHEREAS, Holy Trinity is observing its Golden Jubilee with a special celebration April 15th and 16th, 1967; and

WHEREAS, the celebrant on this auspicious occasion will be His Eminence Archbishop Iakovos, Primate of the Greek Orthodox Church of North and South America, assisted by the Rev. Soterios C. Alexopoulos, pastor of Holy Trinity, Parish Council President Lewis N. Kesaris and Building Fund Chairman George Orestis; NOW, THEREFORE, be it

RESOLVED: That the 103rd Maine Legislature offers its most sincere and profound congratulations and best wishes for continued success in the years to come; and **BE IT FURTHER**

RESOLVED; that copies of this Resolution be transmitted by the Secretary of the Senate to the above-named individuals and to the Holy Trinity Greek Orthodox Church of Lewiston, Maine. (H. P. 1093)

Comes from the House Read and Adopted.

Which was read and adopted in concurrence.

Joint Order

ORDERED, the Senate concurring, that L. D. 429 Bill, An Act Amending the Charter of the Augusta Sanitary District, S. P. 195 be recalled from the Governor to the House. (H. P. 1094)

Comes from the House read and passed.

Which was read and passed in concurrence.

The Chair laid before the Senate the second tabled and today assigned matter (H. P. 534) (L. D. 764) House Report Ought to Pass with Committee Amendment "A" Filing H-99 from the Committee on Liquor Control on Bill, "An Act Relating to Quantity of Liquor to be Transported Into State by an Individual." Tabled March 28 by Senator Anderson of Hancock pending acceptance of report.

Mr. ANDERSON of Hancock: Mr. President and members of the Senate: In my opinion, this bill is not in the best interests of Maine. It will prevent any resident, any tourist or cruising yachtsman from bringing more than one quart of liquor from any source out of Maine into the State. In a State which is so dependent upon the economic effect of our thousands of tourists, enforcement of such a restrictive law will merely serve to harass and drive people away from the State. To enforce such a law, would require stopping and searching all automobiles and boats visiting our State. It would prevent residents of Maine from

bringing back gifts and purchases of liquor when returning home from touring other states and foreign countries, even though U. S. laws permit it. On popular West Indies cruises, which are taken by many, many people, U. S. customs permits four quarts of liquor to be brought in legally and free from the Virgin Islands, yet this bill would make it a criminal act to bring it home into Maine. This bill would contribute nothing to moderation or sobriety or morality, and, like Prohibition, would generate contempt and disregard of the law. The present existing law forbids transportation of liquor with intent to sell, and, if this were enforced, this should be sufficient. Thank you.

Mr. BECKETT of Washington: Mr. President, as Chairman of the Liquor Control Committee, and as this had a unanimous Ought to Pass report, I want to at least mildly stand behind the committee. However, since this has come out of committee, several different phases of this bill have been presented to us individually. The yachting feature I do not believe was considered. To start with, it was a revenue bill, and just how much revenue it would represent is not known. It was stated at the hearing that 20 per cent of the liquor drunk in Maine came from neighboring New Hampshire and Massachusetts, so if this could be confined to one quart it would mean more revenue for Maine. The fact that it cannot be policed, I do not see that it would make much difference, but some innocent driver who might be in Massachusetts and get a gift of a couple of fifths might be coming home and get into a slight accident and they would find liquor in his car and he would be in violation. As I say, my objection is moderate.

The PRESIDENT: The pending question is on the acceptance of the Ought to Pass report of the committee.

Mr. ANDERSON: Mr. President, when the vote is taken I move it be taken by - a division.

Mr. BERRY of Cumberland: Mr. President, I would move that the bill and all accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the bill and accompanying papers be indefinitely postponed.

As many as are in favor of the motion to indefinitely postpone the bill and accompanying papers will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill and accompanying papers were indefinitely postponed.

Sent down for concurrence.

The Chair laid before the Senate the third tabled and today assigned matter (S. P. 213) (L. D. 476) Senate Reports from the Committee on Education on Bill, "An Act Relating to School Entrance Age Requirements." Majority Report Ought to Pass as amended by Committee Amendment "A" Filing S-43; Minority Report Ought not to pass. Tabled March 29 by Senator Snow of Cumberland pending acceptance of either report.

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: At the point when this bill was tabled, the question had been raised concerning the effect which this legislation would have on twins who are constituents of the good Senator from Lincoln, Senator Sproul. I had wished to answer the question at that time, Mr. President, and I apologize to the members of the Senate for not doing so, the fact is that when I arose, I discovered that I was not wearing a belt. I will now answer the question.

If the twins will be five prior to September or June, depending upon their sex, 1965, there is no problem because the bill does not affect five year old children until 1969. It does not affect six year old children until 1970 and for those few communities which provide four year old education, it is effective in 1968. The bill was reported ought to pass by the Committee on Education with one dissenter.

The purpose of the bill is to recognize the result of a number of studies which have been made in Maine and elsewhere which tend to prove that children who enter school too young have problems

of adjustment which children who enter school at an older age do not have. It is significant, perhaps that of those entering school at a younger age, the girls do not have the same problems as the boys. Therefore, it recognizes, if you will — and this is difficult to say in a Senate which is dominated by the male sex — it recognizes the early advantage of ladies, and I would hope for this reason that I would have the support of the good Senator from Lincoln, Senator Sproul.

I have received a great deal of mail on the subject of this bill, much of it is in favor of the legislation. Here is one which comes, if I may have your indulgence here briefly, from a gentleman in Camden, Maine which reads as follows: "I know many mothers of several boys and they agree with me. When eight or ten boys from a graduating class of a hundred must go back for post-graduate work, there is something wrong." I have another letter from Milo, Maine, also in support of this, signed by Mrs. M. L. Clark: "Dear Senator Snow: I have read with interest and I am very much in agreement with your proposal. The only amendment I would suggest, I'm afraid, would bring the wrath of your already disgruntled mothers down on your head. I firmly believe that boys should be seven years of age before entering grade 1."

I have a letter, Mr. President, from the County of Kennebec, which also supports this. "We commend you on your bill raising the minimum age for school admission. I believe it would correct many problems. We hope you are still considering it favorably."

I did receive some mail in opposition from the County of Penobscot, and an irate mother there wanted to know where the research was performed which led to the conclusions which resulted in this bill. I would like to note that a study was recently conducted in the State which supports the intention of this bill. "From tests made of more than 100 school children in the past two years in Maine, it was discovered that 73 per cent of the girls whose birth-days fell between June and Sep-

tember were not adjusting properly in the first year of school, and that close to 90 per cent of the boys were not adjusting properly." There have also been national studies conducted on this, and our of them tend to support the argument that we would be doing our children a service by setting the age at a slightly older point than it now is.

I would move that the Ought to Pass report of the committee be accepted.

The PRESIDENT: The pending question is on the acceptance of the Ought to Pass as Amended report of the committee.

As many as are in favor of accepting the Ought to Pass as Amended report of the committee will say aye; contrary-minded no.

A viva voce vote being taken, the motion prevailed and the Ought to Pass as Amended report of the committee was accepted. The bill was given its first reading. Committee Amendment "A" was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 213, L. D. 476, Bill, "An Act Relating to School Entrance Age Requirements."

Amend said Bill by striking out all of the 3rd and 4th paragraphs (same in L. D. 476) and inserting in place thereof the following:

"In schools which offer a one year childhood education program prior to grade one **kindergarten program**, only those children boys who will be 5 years of age on or before October 15th **June 1st** of the school year and **only those girls who will be 5 years of age on or before September 1st of the school year** shall be admitted, except that not more than 5 pilot programs related to school entrance age may be administered locally with approval of the State Board of Education during the 1965-66, 1966-67 school years only. Grade one age limitations shall not apply to children participating in these pilot programs.

In schools which offer a 2 year childhood education program prior to grade one **kindergarten and prekindergarten program**, only those children boys who will be 4 years of age on or before October 15th **June 1st** of the school year

and only those girls who will be 4 years of age on or before September 1st of the school year shall be admitted.'

Senate Amendment "A" was adopted, and the bill as amended was assigned for second reading on the next legislative day.

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

Mr. KATZ: Mr. President, I do not wish to give the impression that I sit here during the session reading newspapers while spirited debate is going on, but so many things are put on our desks. Might I call to your attention a copy of the Coastal Journal, which I believe is on all our desks. If you will turn to Page 1, Column 5, you will see a very good reason why I am sure all of you will join me in extending our congratulations to Senator Sproul and to her daughter Laura. (Applause)

On motion by Mr. Lund of Kennebec, the Senate voted to reconsider its action taken earlier in today's session whereby it adopted Committee Amendment "A" and assigned for second reading tomorrow Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License Pending Appeal in Operating Under the Influence Cases. (H. P. 270) (L. D. 391)

Mr. LUND of Kennebec: I now move the indefinite postponement of this bill and its accompanying papers and I will speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Lund, now moves that Item 6-9 Bill, "An Act Relating to Suspension of Motor Vehicle Operator's License Pending Appeal in Operating Under the Influence Cases" be indefinitely postponed. The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND: Mr. President and Members of the Senate: Under the present law, when a person is convicted of driving under the influence of intoxicating liquor when he is convicted in the district court and he appeals, it is within the discretion of the presiding judge

to permit or deny a request to retain his operator's license pending the appeal. This seems to me to be a sound provision because in a case where the evidence appears very strong and where the defendant might be appealing for some reason other than that he thinks he might get a different decision in Superior Court, the judge can keep the license pending the appeal. This bill, as I understand it, would prevent a judge from suspending the license pending appeal. The amendment which was adopted would limit it to first offense cases so that if this bill passes, any person convicted of driving under the influence and if it is a first offense, no matter how strong the evidence was in the case, whether there be a blood test and evidence thereof, no matter what the evidence might be, this bill would remove the discretion of the presiding judge to hold that license pending the appeal. Now we do have a problem, a drunk-driving problem in the State of Maine, I think we ought to become aware of that. I think there is a need for more effective enforcement. As far as I can see this bill would have an adverse effect. The suspension of the license, the one penalty attached to a conviction, is what everybody fears, and it seems most unwise to weaken the enforcement situation. We already have a difficult problem. I would, therefore, hope that the Senate would go along with me in indefinitely postponing this bill and its accompanying papers, and I would ask for a division.

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

Mr. STERN of Penobscot: Mr. President, I have had experience with a great number of these cases. I feel that, as a practical matter, most judges in these cases will recommend that, pending appeal, the accused retain his license. Occasionally a judge will not. I was not present when the Judiciary Committee heard this bill, but I am sure they had a very good reason because many of them are able practitioners and have these

problems, and I think the reason this bill was passed out was because, in many instances, a man has gone through life without being involved in a drunken driving charge suddenly is brought before the court, he has a family, he has a wife to support, he has a job, and if he was able to retain his license pending his appeal — and I say this would be of short duration, because throughout the counties we have frequent terms of court — this would enable the accused to straighten out his affairs, this would help the family get readjusted — and I am assuming the worst type of cases — this would help him get adjusted to a new job and a new position and he would not have to call on the State for support of his family.

I have seen too many of these cases, and, believe me, when you have an individual who is arrested for drunken driving the ordinary case is it is the first time in his life, and it is very unusual that pending his appeal he will get into any further trouble.

I happened to be in Judiciary when they heard a bill — and I think they passed it out Ought to Pass — that would enable a District Court Judge, pending an appeal, or any case that might be brought before the Judge for a traffic violation, that District Court Judge would have the privilege and the discretion to suspend the man's license for thirty days. I think that Act is coming before you, I am heartily in favor of it. This would simply take care of any danger to the public if that individual was brought in that short space of time before the Judge for a second violation, the judge, under those circumstances, without having to go to the Secretary of State, would have the privilege and the right and the power to suspend his license for thirty days.

I know of many instances where there has been a severe hardship, where a judge would not permit the defendant to have his license for that short period pending an appeal. I think this is not too much

to ask for, since the Judiciary Committee took all the practical factors into consideration. I certainly am opposed to the indefinite postponement of this bill.

Mr. LUND of Kennebec: Mr. President, I would only point out that here in Kennebec, one of the more populous counties of the State, we have a criminal term in February and we have no criminal term until June. If this bill were to pass, no matter how strong the evidence might be, if a man were convicted after a hearing in the District Court he would have the unqualified right and the judge would not be able to suspend his license and he would be able to drive until his case came up in June, and that might be the month of July.

Mr. HARDING of Aroostook: Mr. President, I am speaking on this as a member of the Judiciary Committee, and to try to relate to you some of the reasons of the members of the Judiciary Committee in voting this out unanimously Ought to Pass.

I would mention to you that the Judiciary Committee is composed of former prosecutors, former judges, and people like me who have been on both sides of these cases, representing both the State and the defendant.

Now the issue here is very simply this: as to whether you wish to punish a man before he is convicted. Now the strongest deterrent, as has been mentioned, on a drunken driving case is the loss of your license. I think it is a rule which we all accept in this country that you are innocent until you are proven guilty. Now what the good Senator from Kennebec would like to have you do is that, once the lower court has made a finding that takes care of the thing and you should consider that man is guilty and that the penalty should then be assessed against him. But let me show you how this works in the case of the innocent.

In the County of Aroostook, a man could be charged with drunken driving in the month of April and he could appeal his case. Under what the Senator from

Kennebec, Senator Lund would have you do — every judge has the discretion to take his license away from him — however he goes to the September term of court, his trial would be approximately the last of September, and he is found innocent. This man has been deprived of a very valuable right, his right to operate a motor vehicle, which could cost him hundreds of dollars or thousands of dollars when he was innocent by finding of the jury.

Now the problem in this case is that some of the judges, I guess, do exercise some discretion, in fact most of them do, but there are some judges who have the feeling "We will let everyone have his license pending appeal." There are other judges, to my knowledge who take the position "I will let no one have his license pending appeal." This is very unfair. So I would hope that you would not go along with the Senator from Kennebec, Senator Lund, in his motion, because if you are arrested and brought into court you would expect to have your day in court and be found guilty before you were punished, either by the suspension of your license or by a fine. That is all we are asking here. If this man is found guilty he is going to lose his license for the year, which the law provides; if he is found innocent, he is not going to lose his license, and why is that not the way we ought to have it.

Mr. STERN of Penobscot: Mr. President, I would just like to support the remarks of Senator Harding and tell of several experiences I had along this same line. I had a judge in the lower court suspend and recommend the taking away of my client's license pending the appeal, and then I was successful in winning the case before a jury. Pending that time, the man lost his job, he was unable to get it back and he suffered financially. I hope the Senate will take that into consideration.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the motion of the Senator from Kennebec, Senator Lund, that this bill be indefi-

nately postponed will say aye; those opposed nay.

A division was had.

6 having voted in the affirmative and 26 in the negative, the motion to indefinitely postpone did not prevail.

The Senate thereupon voted to accept the Ought to Pass report of the committee, the bill was given its first reading, Committee Amendment "A" (H-106) was read and adopted, and the bill was assigned for second reading on the next legislative day.

On motion by Mr. Ross of Piscataquis,

Recessed until the sound of the bell.

After Recess

Called to Order by the President.

Additional Paper from the House, out of order and under suspension of the rules:

Enactor

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

Emergency

Resolve For Laying of the County Taxes for the Years Nineteen Hundred Sixty-Seven and Nineteen Hundred Sixty-Eight. (Emergency) (H. P. 1091)

Mr. COUTURIER of Androscoggin: Mr. President, I would like to state at this time that I will vote for this Resolve. As a member of the Committee on Towns and Counties, I have seen Senator Sproul do some marvelous work and I think that she should be commended for the work that she has done. However, I do want to state that as far as I am con-

cerned, the Committee on Towns and Counties has been hampered by the fact that we are working with an archaic system and also by the fact that the members of the Committee on Towns and Counties have to deal with the various delegations and please them so that this Resolve can get through.

I have seen abuses in many of the counties. There are other counties which are working fine. However, I have seen other counties as far as salaries are concerned, it seems to have become a kind of a game where different county officials each trying to better their fellow officials as far as salaries are concerned, and there are other counties where the salaries are not commensurate with the responsibilities. I will vote, as I have said, for the Resolve. However, I do feel that the time has come for this legislature to look into the matter and to classify the counties, and to make a thorough study of the counties in the State of Maine. I think we have reached the point where the State of Maine will have good county government if we do something about it or else county government will go down the drain.

The PRESIDENT: Now is it the pleasure of the Senate that this Resolve be finally passed.

This being an emergency measure and having received the affirmative vote of 28 members of the Senate, was Finally Passed, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Ross of Piscataquis,

Adjourned until 9:30 o'clock tomorrow morning.