

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

*One Hundred and Third  
Legislature*

**OF THE**

**STATE OF MAINE**

**Volume II**

**May 10 to June 15, 1967**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Monday, May 22, 1967

Senate called to order by the President.

Prayer by Rev. Donald Kroah of Augusta.

Reading of the Journal of yesterday.

**Papers From The House  
Non-concurrent matters**

Bill, "An Act Providing an Education Loan Fund for the Higher Education of Teachers." (H. P. 626) (L. D. 882)

In House, May 16, Bill substituted for the report. Passed to be Engrossed, May 17th.

In Senate, May 18, Ought Not to Pass report Accepted in non-concurrence.

Comes from the House, that body having insisted and asked for a Committee of Conference.

(On motion by Mr. Snow of Cumberland, tabled and specially assigned for Tuesday, May 23, pending further consideration.)

Bill, "An Act to Preserve and Enhance Scenic Values in the State of Maine." (S. P. 500) (L. D. 1215)

In Senate, May 15, Passed to be Engrossed.

Comes from the House, Bill and Report Indefinitely Postponed in non-concurrence.

(On motion by Mr. Hildreth of Cumberland, the Senate voted to insist and ask for a Committee of Conference.)

**House Papers  
Joint Resolution****STATE OF MAINE****JOINT RESOLUTION RELATING  
TO EXPRESSING LEGISLATIVE  
OPINION TO CONGRESS CONCERNING  
FEDERAL GRANT-IN-  
AID PROGRAMS.**

**Whereas**, each year, the Federal Government has an even greater impact upon governmental programs in Maine; and

**Whereas**, many categorical federal grant-in-aid programs impose restrictions and conditions which are not well adapted to Maine's needs; and

**Whereas**, acceptance and implementation of such grant-in-aid programs commit state funds and thereby restricts our freedom to establish our own procedures and initiate our own programs; and

**Whereas**, declining rates of federal matching funds and unexpected cutbacks in federal funds impose serious burdens upon our taxpayers in supporting contributing programs, now, therefore, be it

**Resolved**: By the Senate and House of Representatives of the 103rd Legislature that we express our strong support for the concept that federal assistance to the states should move in the direction of tax-sharing proposals or bloc grants which do not impose restrictive conditions upon their imaginative use for Maine's needs; and be it further

**Resolved**: That the Secretary of State be directed to forward a copy of this resolution to each member of our Congressional Delegation. (H. P. 1169)

Comes from the House, Read and Adopted.

(On motion by Mr. Hildreth of Cumberland, tabled and specially assigned for Tuesday, May 23, pending adoption.)

**Joint Order****STATE OF MAINE**

May 19, 1967

**ORDERED**, the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill: "An Act Establishing Social Security Benefits for State Classified Service Employees," Legislative Document No. 1015, introduced at the regular session of the 103rd Legislature. Said study shall also include a general review of all phases of the Social Security Act with particular reference to the application or possible application of the benefits of the Federal Social Security Act to the members of the State Retirement System, looking toward the possibility or desirability of supplementing the state plan with social security; and be it further

**ORDERED**, that a report of such study, including such recommendations for or proposed legislation

as the committee may adopt, shall be made at the next regular session of the Legislature. (H. P. 1170)

Comes from the House Read and Passed.

(On motion of Mr. Johnson of Somerset, placed on the Special Legislative Research Table, pending consideration.)

### Joint Order STATE OF MAINE

May 19, 1967

ORDERED, the Senate concurring, that the Legislative Research Committee be, and hereby is, directed to study the subject matter of Bill: "An Act Relating to Retirement Benefits of State Employees at Correctional and Mental Institutions and Liquor Inspectors," Legislative Document No. 1378, introduced at the regular session of the 103rd Legislature, to determine the need for or the desirability of extending special retirement benefits to those positions which are considered to be athletic or hazardous in nature or in which age must be a consideration of employment; and be it further

ORDERED, that a report of such study, together with any recommendations or proposed legislation deemed necessary and so adopted by the Committee, be made at the next regular session of the Legislature. (H. P. 1171)

Comes from the House, Read and Passed.

(On motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table, pending consideration.)

### Orders

On motion by Mr. Johnson of Somerset

ORDERED, that, effective May 23, 1967, the President of the Senate is hereby directed to lay before the Senate on Tuesday, Wednesday and Thursday of each week, such tabled matters as appear unassigned on the Senate calendar, in order in which they appear, the exceptions being the Special Highway Appropriation Table and the Special Appropriations Table and a Special Legislative Research Table; further exceptions being such tabled matters as the Majority

Floor Leader, the Minority Floor Leader, or the President of the Senate may deem necessary to keep on the table because of extenuating circumstances.

Which was Read and Passed.

On motion by Mr. Curtis of Penobscot

ORDERED, that the subordinate officers of the Senate, which were appointed January 4, 1967, to serve for the present biennium, be as follows: By the President, a Secretary to the President; by the Secretary, a Secretary to the Secretary, a Secretary to the Assistant Secretary, an Index Secretary, a Recording Secretary and two Senate Stenographers; and be it further

ORDERED, that the intent of the Legislature that the retirement benefit provisions for such subordinate officers of the Senate shall be granted for the biennium or to the date of a resignation or separation for any reason; and be it further

ORDERED, that the President and Secretary respectively are authorized to accept resignations and fill any vacancies of said subordinate office during the biennium.

Which was Read and Passed.

### Committee Reports House

#### Leave to Withdraw

The Committee on State Government on Bill, "An Act Relating to Appointment of Directors of Local Organizations under Civil Defense Law." (H. P. 1083) (L. D. 1548) reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on State Government on Resolve, Authorizing the Attorney General to Convey a Certain Lot of Land in Washington County to the Northeast Peat Moss Company. (H. P. 1103) (L. D. 1571) reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Relating to Payments by Town of York to York Beach Village Corporation."

(H. P. 590) (L. D. 845) reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Administration Expansion and New Activities at Maine Maritime Academy." (H. P. 656) (L. D. 911) reported that the same should be granted Leave to Withdraw—as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize a Bond Issue in Amount of Seven Hundred and Fifty Thousand Dollars for Construction of a Dormitory at Maine Maritime Academy." (H. P. 343) (L. D. 491) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize a Bond Issue in Amount of Four Hundred and Five Thousand Dollars for Construction of a Multipurpose Building at Southern Maine Vocational Technical Institute." (H. P. 84) (L. D. 114) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Minor Improvements and Repairs at Maine Maritime Academy." (H. P. 344) (L. D. 492) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Cumberland County." (H. P. 549) (L. D. 781) reported that the same should be granted Leave to With-

draw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Increasing the Salary of the Register of Deeds of Washington County." (H. P. 170) (L. D. 233) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Increasing the Salary of the Clerk of Courts of Washington County." (H. P. 564) (L. D. 796) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Increasing the Salary of the Register of Probate of Washington County." (H. P. 565) (L. D. 797) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Increasing the Salary of the County Treasurer of Washington County." (H. P. 563) (L. D. 795) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Increasing Salary of the Sheriff of Washington County." (H. P. 561) (L. D. 793) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Increasing Salaries of the Sheriffs of the Several Counties." (H. P. 552) (L. D. 784) reported that the same should be granted Leave to Withdraw as covered by other Legislation.

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Reconstruction of Leavitt Hall, Maine Maritime Academy." (H. P. 437) (L. D. 612) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for Central Heating Plant and Warehouse at Maine Maritime Academy." (H. P. 439) (L. D. 614) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill, "An Act Establishing Monetary Compensation for Accrued Sick Leave for Classified Service Employees." (H. P. 1030) (L. D. 1496) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill, "An Act Providing for the Administration of a Major Medical Insurance Program for State Employees." (H. P. 1055) (L. D. 1525) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill, "An Act to Create an Alternate Member to Serve on the State Probation and Parole Board." (H. P. 422) (L. D. 586) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Towns and Counties on Bill, "An Act Relating to Contribution by Municipalities Towards Retirement of Teachers." (H. P. 1042) (L. D. 1514) 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 - As Amended

The Committee on Judiciary on Bill, "An Act Relating to the Protection of Trade Secrets." (H. P. 943) (L. D. 1375) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-316)

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

Which report was Read and Accepted in concurrence, and the Bill read once. Committee Amendment "A" was Read and Adopted, and the Bill, As Amended, tomorrow assigned for Second Reading.

#### Divided Report

The Majority of the Committee on State Government on Bill, "An Act Creating the Maine Board of Auctioneers." (H. P. 1021) (L. D. 1509) reported that the same Ought Not to Pass.

(Signed)

Senators:

WYMAN of Washington  
LUND of Kennebec  
STERN of Penobscot

Representatives:

STARBIRD  
of Kingman Township  
DENNETT of Kittery  
RIDEOUT of Manchester  
CORNELL of Orono

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

(signed)

Representatives:

PHILBROOK  
of South Portland  
MARTIN of Eagle Lake  
WATTS of Machias

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

(On motion by Mr. Katz of Kennebec, tabled until later in today's session.)

#### Divided Report

Five members of the Committee on Legal Affairs on Bill, "An Act Relating to Right to Vote on Approval of Final Urban Renewal Plans." (H. P. 829) (L. D. 1237)

reported in Report "A" that the same Ought to Pass.

(Signed)  
 Representatives:  
 BAKER of Orrington  
 SHAW of Chelsea  
 CUSHING of Bucksport  
 BELIVEAU of Rumford  
 RICHARDSON  
 of Stonington

Five members of the same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

(Signed)  
 Senators:  
 GOOD of Cumberland  
 STERN of Penobscot  
 SPROUL of Lincoln

Representatives:  
 WHEELER of Portland  
 CONLEY of Portland

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

On motion by Mr. Good of Cumberland, the Senate voted to accept the Ought Not to Pass Report in non-concurrence.

Sent down for concurrence.

**Senate**

**Leave to Withdraw**

Mr. Snow for the Committee on Education on Bill, "An Act to Authorize a Bond Issue in Amount of \$2,200,000 to Provide Funds for School Building Construction." (S. P. 155) (L. D. 326) reported that the same should be granted Leave to Withdraw as covered by other legislation.

Mr. MacLeod for the Committee on Education on Bill, "An Act Providing for a Coordinator of Apprenticeship in the Department of Education." (S. P. 259) (L. D. 639) reported that the same should be granted Leave to Withdraw as covered by other legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

**Ought to Pass**

Mr. Girard for the Committee on Agriculture on Bill, "An Act Providing for the Purchase of Land by the Seed Potato Board." (S. P.

640) (L. D. 1646) reported that the same Ought to Pass.

Which report was Read and Accepted and the Bill read once and tomorrow assigned for Second Reading.

**Ought to Pass—As Amended**

Mr. Katz for the Committee on Education on Bill, "An Act Providing for Associate Degree in Nursing at Fort Kent and Aroostook State Colleges." (S. P. 296) (L. D. 735) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-168)

Which report was Read and Accepted and the Bill read once.

Committee Amendment "A", Filing S-163, was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A"**  
 to S. P. 296, L. D. 735, Bill, "An Act Providing for Associate Degree in Nursing at Fort Kent and Aroostook State Colleges."

Amend said Bill in the Title by striking out the words "Fort Kent and Aroostook State Colleges" and inserting in place thereof the words 'Aroostook State College'

Further amend said Bill by striking out in the first and 2nd lines (same in L. D. 735) the underlined words "**Fort Kent and Aroostook State Colleges**" and inserting in place thereof the underlined words '**Aroostook State College**'; and by striking out in the 2nd and 3rd lines (2nd line in L. D. 735) the words "Fort Kent State College and"

Further amend said Bill by striking out all of section 2 and inserting in place thereof the following:

**'Sec. 2 Appropriation.** There is appropriated from the General Fund to the Department of Education the sum of \$34,212 for the fiscal year ending June 30, 1968 and the sum of \$101,715 for the fiscal year ending June 30, 1969 to carry out the purposes of this Act. The breakdown shall be as follows:

	1967-68	1968-69
EDUCATION, DEPARTMENT OF		
Personal		
Services (5)	\$19,212 (9)	\$57,215
All Other	10,000	19,000
Capital		
Expenditures	5,000	25,500
	<hr/>	<hr/>
	\$34,212	\$101,715

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

Mr. Harding for the Committee on Judiciary on Bill, "An Act Relating to Pecuniary Injuries in Actions for Injuries Causing Death of a Minor." (S. P. 504) (L. D. 1219) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-164)

Which report was Read and Accepted and the Bill read once.

Committee Amendment "A," Filing S-164, was read by the Secretary as follows:

**COMMITTEE AMENDMENT "A"** to S. P. 504, L. D. 1219, Bill, "An Act Relating to Pecuniary Injuries in Actions for Injuries Causing Death of a Minor."

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

**"R. S., T. 18, §2552, amended.** The last sentence of section 2552 of Title 18 of the Revised Statutes, as amended by chapter 255 of the public laws of 1965, is further amended to read as follows:

The jury may give such damages as they shall deem a fair and just compensation with reference to the pecuniary injuries resulting from such death to the persons for whose benefit such action is brought and in addition thereto, shall give such damages as will compensate the estate of such deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, and in addition thereto, where the deceased was a minor child at the time of the injury which resulted in death, damages not exceeding \$5,000 may be recovered on behalf

of the parents of said deceased minor for the loss of comfort, society and companionship of said minor, provided such action shall be commenced within 2 years after the death of such person."

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:

#### House

Bill, "An Act Relating to Eligibility for Benefits Under Employment Security Law by Those Attending Vocational Training Courses." (H. P. 1163) (L. D. 1664)

Bill, "An Act Relating to Realty Subdivisions in Municipalities and Unorganized Territory." (H. P. 1162) (L. D. 1663)

(On motion by Mr. Hildreth of Cumberland, tabled until Friday, May 26, pending passage to be engrossed.)

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

#### House—As Amended

Bill, "An Act Relating to Enactment of Municipal Zoning." (H. P. 853) (L. D. 1386)

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

Sent down for concurrence.

#### Senate

Bill, "An Act Providing for a Coordinator of Apprenticeship in the Department of Education." (S. P. 199) (L. D. 430)

Bill, "An Act Providing for a State Government Internship Program." (S. P. 200) (L. D. 431)

Bill, "An Act Relating to Expenditure of Assessment for Fire Protection Tax in Certain Townships." (S. P. 571) (L. D. 1441)

Bill, "An Act Relating to County Funds for Buildings for Education Programs for Retarded Children." (S. P. 201) (L. D. 432)

Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements." (S. P. 251) (L. D. 611)



Which were Read a Second Time and Passed to be Engrossed.  
Sent down for concurrence.

#### Senate—As Amended

Bill, "An Act Prohibiting Hunting From or On Public Ways." (S. P. 262) (L. D. 643)

Bill, "An Act Relating to Transportation and Possession of Liquor by Minors." (S. P. 407) (L. D. 1038)

Bill, "An Act Relating to Review of and Issuing Bonds for Projects Under Housing Authority Law." (S. P. 354) (L. D. 938)

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:

An Act Increasing Minimum Wages. (S. P. 48) (L. D. 38)

An Act Revising the Minimum Wage Law. (S. P. 91) (L. D. 172)

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

An Act Directing Review of the Liquor Laws. (S. P. 274) (L. D. 654)

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

An Act relating to Municipal Appropriation of Money for Volunteer Fire Departments. (H. P. 254) (L. D. 362)

An Act Creating a New Charter for the Town of Fairfield. (H. P. 848) (L. D. 1262)

An Act Amending Charter of the City of Hallowell. (H. P. 906) (L. D. 1356)

An Act Relating to Fallout Shelters in Public School Buildings. (S. P. 607) (L. D. 1589)

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

An Act Changing the Foundation Program Per Pupil Allowances. (S. P. 638) (L. D. 1642)

(On motion by Mr. Johnson of Somerset, tabled pending enactment.)

An Act Relating to Privately-Owned Business, Trade and Technical Schools. (H. P. 1152) (L. D. 1644)

(On motion by Mr. Katz of Kennebec, tabled until later in today's session.)

An Act Appropriating Funds for Operation of the Governor's Advisory Committee on Education. (S. P. 645) (L. D. 1651)

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

An Act Improving Payment of Benefits Under the Maine State Retirement System Law. (H. P. 1156) (L. D. 1653)

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

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

#### Finally Passed

Resolve to Reimburse Mrs. Hazel Carson, of Milford, for Well Damage. (H. P. 475) (L. D. 688)

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

Resolve proposing Study of Feasibility of Making the Kennebec Arsenal an Historic Site. (H. P. 835) (L. D. 1243)

Resolve Permitting Thomas D. Smith of Ellsworth to Take Examination for the Practice of Pharmacy. (H. P. 1157) (L. D. 1654)

Which were Finally Passed, and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

#### Emergency

An Act Increasing Borrowing Power of Maine Maritime Academy. (H. P. 128) (L. D. 192)

This, being an emergency measure and having received the affirmative vote of 31 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 relating to Expending Aroostook County Funds for Maine Potato Blossom Festival. (H. P. 169) (L. D. 232)

This, being an emergency measure and having received the affirmative vote of 30 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 Increasing the Number of Medical Examiners for the County of Oxford. (H. P. 1006) (L. D. 1473)

This, being an emergency measure and having received the affirmative vote of 30 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 relating to Financial Matters of the Mount Desert Island Regional School District and Authorizing School Administrative District No. 48 to Take Water from Nokomis Pond. (H. P. 1128) (L. D. 1605)

This, being an emergency measure and having received the affirmative vote of 30 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 President laid before the Senate the first tabled and today assigned matter, (H. P. 1016) (L. D. 1508) House Report — Ought to Pass in New Draft under same Title (H. P. 1153) (L. D. 1649) from the Committee on Business Legislation on Bill, "An Act Concerning the Practice of Public Accountancy." Tabled May 17 by Senator Couturier of Androscoggin, pending Acceptance of Report.

Mr. Couturier of Androscoggin moved the pending question, and the Senate voted to accept the Ought to Pass in New Draft Report of the Committee.

Thereupon, the Bill was read once and tomorrow assigned for second reading.

The President laid before the Senate the second tabled and today assigned matter, (H. P. 1120) (L. D. 1592) Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces." Tabled May 19 by Senator Couturier of Androscoggin, pending Passage to be Engrossed.

Mr. Couturier of Androscoggin moved the pending question, and the Bill was passed to be engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the third tabled and today assigned matter, (H. P. 1122) (L. D. 1594) Bill, "An Act Relating to Weight Violations of Trucks." Tabled May 19 by Senator Lund of Kennebec, pending Passage to be Engrossed.

Mr. Lund of Kennebec offered Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-165, was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 1122, L. D. 1594, Bill, "An Act Relating to Weight Violations of Trucks."

Amend said Bill in the 25th line (20th line in L. D. 1594) by striking out the underlined figure "\$200" and inserting in place thereof the underlined figure "\$500"

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: As I looked over this Legislative Document 1594, I found it rather confusing and so I had to rely substantially upon the explanations given to me by a member of the lobby representing the truckers. He explained to me that this bill in its new draft form does two things to the existing law relative to the penalty for weight violations.

In the first instance, it eliminates a mandatory provision that is now in effect. Under the mandatory provision now in effect the amount of the fine is not up to the discretion of the judge in certain cases, and is scaled according to the amount of the over-

load, the argument for the trucker being that perhaps there is some reason, some excuse, for this overload that he would like to present to the Court. I don't wish to try to quarrel with that principle, and my amendment doesn't touch upon that.

The second thing the bill does is to change the limit of the penalty, as I understand it, from a \$500. limit at the present time to a \$200. limit, so that at the bottom of the first page of the bill the fine is now not less than \$100. This bill would provide that it was not less than \$100. nor more than \$200. As I understand it, the present law is a maximum of \$500.

It seems to me, as I look upon the condition of our highways, that perhaps we need better regulation of overloads these days rather than less regulation. And it seems to me that limiting the maximum to a mere \$200. would serve to go in the opposite direction that we should perhaps be going in. I, therefore, would hope that my amendment would be adopted which would restore the fine levels to where they are at the present time.

The PRESIDENT: The Chair recognizes the Senator from Somerset. Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would like to speak against this amendment. I am not sure, but it seems to me that the gentleman who is putting the amendment on here is actually doubling the present fine as it is today in the law. He has amended Line 2520 in I. D. 1594. In other words, it is 5,000 pounds, and he is raising that with his amendment here to \$500., which is two times what the present law is.

Now, this bill came out of Committee a combination of two bills. One had to do with the tolerance or, as an attorney would call it, a rule of evidence on the maximum weight allowed in this State of 73,280. We had a good hearing. There were probably 25 or 30 people there speaking in favor of both of these bills. As I look at my records, there was one person opposed to each of the bills.

This bill will not allow any increases in weight. As the Senator from Kennebec has said, our roads are in bad shape, but if you would look at the road in front of the State House, where the largest and heaviest loads from all over the State pass by every day and hour of the night, there is not even a pothole out there. The reason they do go around this side is that they cannot afford to pay the \$12. on the Turnpike.

The second part of this bill does reduce the fine from \$500. to \$200. In Fort Kent a year or so ago — I am not sure whether any of you gentlemen know what these loggers do, but they go out in the woods, and they have these big vehicles that weigh 35,000 pounds empty. They load up their vehicles and they start out the next morning. They park them in their yard that night and they start out the next morning. Well, this one particular day the State Police moved in about five o'clock in the morning, and nobody moved. No one moved up there for a week. Finally, an association, I imagine, was formed with some attorneys, and they got together with the State Police and asked them if they could bring these trucks out to weigh them and see what they weighed. They had one vehicle that weighed 18,000 pounds empty, and another 24,000 pounds empty. They each put on the same cubic load and yet when they measured them and weighed them, there was only 200 pounds difference. Now, these people did not intend to overload. It just happened that the load they put on, even though cubic content was the same, the weight of the bolt or the log was coming from a different area and was heavier.

I say the little fellow is now the big man. The man who takes logs down to Boston, we will say, for firewood in the Fall, he loads up and he makes just about \$25. on that trip, and yet he has got a big vehicle and he has got the maximum weight on there. He will go by the Kittery scales three or four times and everything is fine. The fifth time or the fourth time, he has got the identical load on, and he is fined \$400. Well,

this man is making \$25. a day, and it was not his intention to overload this truck. This bill allows this tolerance. In other words, if a man is guilty the judge can fine him, but at least he will have his day in court. If he is a pound over the 73,280, and the judge figures it is intentional, he is fined. As I say, people call it the tolerance but, as any attorney will say, it is a rule of evidence. It is the same as you have rules of evidence in a murder case. The motive has got to be established and the weapon has got to be found. It applies the same here. It is a much lesser type of a crime, but it still applies as a rule of evidence, and not a tolerance, although the word is used indiscriminately.

As far as the fine is concerned, and I am worried now about this amendment, because it seems to me that it does just twice the damage of what we are trying to correct here. I would feel that in fairness to these people, the little man that now drives the big vehicle, that makes his \$100. or \$110. a week, the \$400. fine just puts him out of business. The reduction in the fines will probably not increase any weights on the road. The tolerance or the rule of evidence change here will not increase any weights on the road. I would move now that this amendment be indefinitely postponed.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Johnson, that Senate Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: In view of the debate on this bill, I would just like to point out, and I am not for the moment quarreling with the provisions that would allow the trucker to show whatever reason there may be for the weight violation, and the amendment that I am offering doesn't touch upon that feature of the bill, but if my amendment is not adopted, not only will the

trucker be able to show the reason for the violation, but the court will be prevented from effectively punishing what he might regard as a willful violation. So, I would hope that you would vote against indefinite postponement of this amendment, and I would ask for a division.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I rise in opposition to the motion made by the Senator from Somerset, Senator Johnson. I think this amendment is good, and I think we should have it on this bill.

No. 1, this bill has got a \$50,000. cost to the Highway Fund. As you know, we are scraping the bottom of the barrel. There is no question but this is giving tolerance to a line of trucking that really doesn't deserve it. We have ample tolerance for wood products now, and it has worked very well, and I don't believe we should go along any further. This bill would eliminate the mandatory fine or cost for weight in excess of the 73,280. I think that anybody hauling this type of material, 73,280, that they know exactly how much they are going to put on their vehicles. This would be in excess, but less than 2,000 pounds. Since a 1,000 pound weight tolerance would be provided, and would be necessary to prove intent, what do we know what the intent of a person is? They might intend to overload, but still they go before the courts, and a couple of fellows afterwards say that they didn't intend to. Of course, you know what the act is, but you don't know what the intent is. Nobody knows what the intent is, only the person who is loading the truck.

On the lower group, on the 2,000 pounds or less, the cost is just the same now as it was before. When you get up to the 8,000 pounds or over, then the cost is cut from not less than \$350. as it is now, up to \$500., which this bill would provide for reducing the fine to not less than \$100. and not more than \$200. And before they could as-

sess this fine they would have to show intent.

I think this amendment is good. I didn't get the number off it when it came through here, but I hope that the motion to indefinitely postpone this amendment doesn't prevail.

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I rise in support of the motion made by my colleague on the Transportation Committee, the Senator from Somerset, Senator Johnson.

I sat in on the hearing of this bill. Now, this is not crime; this is a misdemeanor. I think \$500. is away in excess of being reasonable. I think it is exorbitant and away out of line in regard and in proportion to other fines levied in the State for misdemeanors. Many of these truckers are small operators who are trucking lumber or pulpwood, and they put on a load and start out of the woods and they pick up snow or some ice and, consequently, without any intent whatsoever they pick up some overload or some tolerance. I think if we levy a fine of a maximum of \$500. we are going to put some of these little operators out of business. I am opposed to this amendment, and I hope the members of this Senate will support the motion of Senator Johnson. Thank you.

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

Mr. MILLS of Franklin: Mr. President, a new facet seemed to enter the debate a few minutes ago when we heard that this had some serious monetary considerations. If I am not mistaken, I heard the Chairman of the Highway Committee, the good Senator from Oxford, Senator Ferguson, say that this bill would cost the State some \$50,000. I wonder if the good Senator from Somerset, Senator Johnson, would comment on that? Is there a price tag on this bill?

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

Mr. JOHNSON of Somerset: I believe, as near as I can figure out, the Highway Commission has said there would be a cost of approximately \$50,000. This \$50,000., however, is coming out of the pocket of the man that can least afford it.

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

Mr. COUTURIER of Androscoggin: Mr. President, is there anyone from the Committee on Transportation who could tell me what the maximum fine is under the present statutes?

The PRESIDENT: The Senator from Androscoggin, Senator Couturier, has asked a question of any member of the Highway Committee, any one of whom may answer if he so desires.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Members of the Senate: In answer to the question, the maximum fine is \$500.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: As I pointed out before, there is ample tolerance now for wood-hauling products. I was one of the ones responsible for giving it to the wood-haulers back here 10 years ago. But you are going to have people taking a chance not registering for the amount that they should. This is a bad bill. We shouldn't have it. We were promised, I remember very well at the time that we did give the heavy trucks 73,280, that was one of the promises that were made, by the good Senator, the late Senator Cole at the time, that they wouldn't want any tolerance under 73,280. I remember it very well. It was part of the agreement. Now they are in here wanting to get tolerance in reducing fines and go down on the highway fund. Certainly we have a responsibility, wrecking our roads with heavy trucks, etc. that we should give them protection and try to hold the line on these things. Thank you.

The PRESIDENT: The pending question is on the motion of the Senator from Somerset, Senator Johnson, that Senate Amendment "A" be indefinitely postponed. The Senator from Kennebec, Senator Lund, has asked that the vote be taken by a division.

As many as are in favor of indefinite postponement will stand and remain standing until counted. Those opposed will stand and remain standing.

A division was had. 15 Senators having voted in the affirmative, and 14 Senators having voted in the negative, the motion prevailed and Senate Amendment A" was indefinitely postponed.

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

The President laid before the Senate Item (8-10) "An Act relating to Privately-Owned Business, Trade and Technical Schools." (H. P. 1152) (L. D. 1644) tabled earlier in today's session by the Senator from Kennebec, Senator Katz, pending the motion of the Senator from Cumberland, Senator Berry, that this item be placed on the Special Appropriations Table.

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

On motion by Mr. Ross of Piscataquis,

Adjourned until 10 o'clock tomorrow morning.