

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, June 19, 1967

Senate called to order by the President.

Prayer by the Rev. Malcolm Galbraith of Hallowell.

Reading of the Journal of yesterday.

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

Bill "An Act Regulating Snow Traveling Vehicles." (S. P. 654) (L. D. 1666)

On June 9, the Senate Receded and Concurred with the House in Engrossing

As Amended by Senate Amendment "A" (S-171) and

As Amended by House Amendment "A" (H-359) as amended

By House Amendment "A" thereto. (H-393)

Comes from the House Passed to be Engrossed

As Amended by Senate Amendment "A" and

As Amended by House Amendment "A" as amended

By House Amendment "A" thereto; and

As Amended by House Amendments "B" H-417 and "D" H-428 in non-concurrence.

On motion by Mr. Johnson of Somerset, tabled and specially assigned for Tuesday, June 20, pending the motion of Mr. Hoffses of Knox that the Senate Recede and Concur with the House.

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

Mr. HOFFSES of Knox: Mr. President, I would respectfully ask if Senate Paper 694 is in possession of the Senate?

The PRESIDENT: The Chair will reply in the affirmative, S. P. 694 being a Joint Order relative to recalling from the Governor L. D. 1678 having been held for reconsideration by the Senator from Knox, Senator Hoffses.

On motion by Mr. Hoffses of Knox, out of order and under suspension of the rules, the Senate voted to reconsider its action whereby it passed this Joint Order.

On further motion by the same Senator, the Senate voted to Indefinitely Postpone this Joint Order in non-concurrence.

Sent down for concurrence.

Order

Mr. Albair of Aroostook presented the following Order and moved its adoption:

ORDERED, the House concurring, that the State Budget Officer be and is hereby directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all state departments, commissions and agencies as soon as same come into his possession.

(S. P. 698)

Which was Read and Passed.

Sent down for concurrence.

**Committee Reports
House****Leave to Withdraw**

The Committee on Judiciary on Bill "An Act Relating to Amount of Damages for Tortious Conduct of Charitable Corporations." (H. P. 606) (L. S. 850) reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Judiciary on Bill "An Act Relating to Consent to Adoption." (H. P. 673) (L. D. 945) reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Senatorial Reapportionment, acting in accordance with Joint Order (H. P. 1111), reporting a Bill "An Act Placing the Indian Voting Districts with Representative Class Districts." (H. P. 1208) (L. D. 1720) reported that the same Ought to Pass.

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill, "An Act Relating to a Power of Sale in a Mortgage and Sale Under a Power in a Mortgage." (H. P. 365) (L. D. 512) reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-424).

(Signed)

Senators:

HILDRETH

of Cumberland
HARDING of Aroostook
MILLS of Franklin

Representatives:

FOSTER

of Mechanic Falls
HEWES of Cape Elizabeth
DAREY

of Livermore Falls
BRENNAN of Portland
QUINN of Bangor

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

(Signed)

Representatives:

BERMAN of Houlton

DANTON

of Old Orchard Beach

Comes from the House, Majority Report - Ought to Pass as Amended by Committee Amendment "A" (H-424) Read and Accepted, and the Bill Passed to be Engrossed As Amended by Committee Amendment "A".

In Senate: Majority Ought to Pass, As Amended, Report of the Committee Accepted and the Bill Read Once. Committee Amendment "A" was read and adopted. Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Relating to Highway Commission Land Taking." (H. P. 409) (L. D. 575)

Reported that the same Ought to Pass in New Draft. (H. P. 1196) (L. D. 1699).

(Signed)

Senators:

HILDRETH

of Cumberland
MILLS of Franklin
HARDING of Aroostook

Representatives:

DANTON

of Old Orchard Beach
FOSTER

of Mechanic Falls
QUINN of Bangor

DAREY

of Livermore Falls
HEWES

of Cape Elizabeth
BERMAN of Houlton

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

(Signed)

Representative:

BRENNAN of Portland

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

(On motion by Mr. Ross of Piscataquis, tabled and specially assigned for Tuesday, June 20, pending Acceptance of Either Report.)

Divided Report

The Majority of the Committee on State Government on Bill "An Act to Establish the Division of Municipal Affairs in the Executive Department." (H. P. 1184) (L. D. 1686)

Reported that the same Ought to Pass.

(Signed)

Senators:

WYMAN of Washington

LUND of Kennebec

STERN of Penobscot

Representatives:

WATTS of Machias

PHILBROOK

of South Portland

MARTIN of Eagle Lake

STARBUCK

of Kingman Township

RIDEOUT of Manchester

The Minority of the same Committee on the same subject

matter reported that the same Ought Not to Pass.

(Signed)

Representatives:

DENNETT of Kittery
CORNELL of Orono

Comes from the House, Majority Report — Ought to Pass Read and Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A".

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Tuesday, June 20, pending the motion of the Senator from Washington, Senator Wyman, that the Senate accept the Majority Ought to Pass Report of the Committee.)

Senate

Ought to Pass — As Amended

Mr. Albair for the Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Salaries of Official Court Reporters." (S. P. 58) (L. D. 71)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-275)

Which report was Read and Accepted and the Bill Read Once, Committee Amendment "A", Filing S-275, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 58, L. D. 71, Bill, "An Act Increasing Salaries of Official Court Reporters."

Amend said Bill in section 1 by striking out in the last line (next to last line in L. D. 71) the underlined figure "\$12,000" and inserting in place thereof the underlined figure "\$11,000"

Further amend said Bill in section 2 by striking out in the 2nd line (same in L. D. 71) the figure "\$31,500" and inserting in place thereof the figure "\$22,500", and by striking out in the 3rd line (2nd line in L. D. 71) the figure "\$42,000" and inserting in place thereof the figure "\$30,000"; and by striking out all of the last line (same in L. D. 71) and inserting in place thereof the following:

Personal Services

(12) \$22,500 (12) \$30,000'

Committee Amendment "A" was Adopted, and the Bill, As Amended,

tomorrow assigned for Second Reading.

Mr. Mills for the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 543) (L. D. 1444)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-277)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment "A", Filing S-277 was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 543, L. D. 1444, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 12, a new section, as follows:

'Sec. 12-A. R. S., T. 12, §2301, sub-§3, amended. The first sentence of subsection 3 of section 2301 of Title 12 of the Revised Statutes, as revised, is amended to read as follows:

The commissioner shall issue a hunting, trapping and fishing license to any Indian over the age of 16 years of the Passamaquoddy and Penobscot tribes without any charge or fee, providing the Indian presents a certificate from the Commissioner of Indian Affairs stating that the person described is an Indian and a member of that tribe.'

Further amend said Bill by inserting after section 15, 2 new sections, as follows:

'Sec. 15-A. R. S., T. 14, §160, additional. Title 14 of the Revised Statutes is amended by adding a new section 160, to read as follows: §160. Certain cases of negligence.

In actions to recover damages for negligently causing the death of a person or for injury to a person who is deceased at the time of trial of such action, the person for whose death or injury the action is brought shall be presumed to have been in the exercise of due care at the time of all acts in any way related to his death or injury, and if negligence of the deceased is to be relied on as a defense, it shall be pleaded and proved by the defendant.

Sec. 15-B. R. S., T. 15, §2142, amended. The first sentence of the 2nd paragraph of section 2142 of Title 15 of the Revised Statutes, as enacted by section 1 of chapter 419 of the public laws of 1965, is amended to read as follows:

The appellate division shall have jurisdiction to consider the appeal with a hearing, review the judgment so far as it relates to the sentence imposed, and also any other sentence imposed when the sentence appealed from was imposed, notwithstanding the partial execution of any such sentence, and shall have jurisdiction to amend the judgment by ordering substituted therefor a different appropriate sentence or sentences or any other disposition of the case which could have been made at the time of the imposition of the sentence or sentences under review, but no sentence shall be increased without giving the defendant an opportunity to be heard.'

Further amend said Bill by inserting after section 16, a new section, as follows:

'Sec. 16-A. R. S., T. 21, §1622, sub-§§ 2, 10, amended. Subsections 2 and 10 of section 1622 of Title 21 of the Revised Statutes are amended to read as follows:

2. Voting place. The Commissioner of Indian Affairs shall provide a suitable building for use as a voting place for all elections. He shall equip it with voting booths, guardrails and other necessary equipment as required by this Title.

10. Compensation. After each election, the registration commissioner shall prepare an itemized bill stating the amount due him and the election clerks. He shall submit the bill to the Commissioner of Indian Affairs, who shall pay it from funds appropriated by the State for support of the Indian tribes.'

Further amend said Bill by inserting after section 17, the following new sections:

'Sec. 17-A. R. S., T. 22, §4761, sub-§2, amended. Subsection 2 of section 4761 of Title 22 of the Revised Statutes is amended to read as follows:

2. Adoption. By adoption into the tribe as determined by its tribal council, in accordance with sections 4762 and 4763;

Sec. 17-B. R. S., T. 22, §4762, amended. Section 4762 of Title 22 of the Revised Statutes is amended to read as follows:

§4762. Adoption of person into tribe

The tribal council at any regularly held meeting may, by $\frac{3}{4}$ vote of its total membership, adopt into said tribe any person who is in whole or to the extent of at least $\frac{1}{4}$ part Indian blood, and who is the husband, wife or child of a member of said tribe, and who has his or her residence for at least one year next preceding such adoption upon any reservation of said tribe. The decision of said council upon such residence and Indian descent and such adoption shall not be effective until the same has been ratified and approved in writing by the commissioner. The adoption of a child by any member of the tribe under ordinary legal process shall not of itself constitute such child a member of said tribe but the power of adoption into the tribe shall in all cases rest with the tribal council, subject to approval of the commissioner.

Sec. 17-C. R. S., T. 22, §4767, amended. The first sentence of section 4767 of Title 22 of the Revised Statutes is amended to read as follows:

Whenever said tribal council shall vote to adopt any person into said tribe, a certificate of such vote or adoption shall be signed by the person presiding at the meeting, and said certificate shall be filed with the commissioner.

Sec. 17-D. R. S., T. 22, §4767, amended. The 2nd sentence of section 4767 of Title 22 of the Revised Statutes is amended to read as follows:

If at the end of 60 days said commissioner shall have refused or neglected to restore said person to membership, he shall have the right of appeal to the tribal council which shall thereupon forthwith hear the facts and enter such judgment as to restoration to membership as is just and right.

Sec. 17-E. R. S., T. 22, §4781, amended. The 2nd and 4th paragraphs of section 4781 of Title 22 of the Revised Statutes are amended to read as follows:

"Know all men by these presents, that I,, Commissioner of Indian Affairs, have caused to be surveyed and set off to, a portion of the lands belonging to said tribe on the islands in Penobscot River, as contemplated by Acts of the Legislature, bounded and described as follows, viz:

In witness whereof I have hereunto set my hand and seal as Commissioner of Indian Affairs, this . . . day of, nineteen hundred and"

Sec. 17-F. R. S., T. 22, §4790, amended. Section 4790 of Title 22 of the Revised Statutes is amended to read as follows:

§4790. Excise taxes

All excise taxes on motor vehicles owned by members of the Penobscot Tribe of Indians who live on the reservation shall be paid to the tribal clerk who shall hold and disburse the proceeds for the benefit of the tribe in accordance with the vote of the tribal council. The tribal clerk shall give a corporate surety bond for the faithful discharge of his duty to the tribal council in the sum and with such sureties as they approve.

Sec. 17-G. R. S., T. 22, §4791, amended. Section 4791 of Title 22 of the Revised Statutes is amended to read as follows:

§4791. Census; annual meeting; notices; correction of lists; compensation of council

An accurate census of the Penobscot Tribe shall be taken early each January by the tribal council upon the best information which they can obtain, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the first day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and a copy thereof to the governor of said tribe for their use. On the first Wednesday of January, annually, the said council shall hold a meeting with said tribe on Old Town Indian Island, for receiving

information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names. Due notice in writing of the time and place of which meeting shall be given by said council. At said meeting 5 of said tribal council shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the council, be certified to the commissioner and he shall correct his list accordingly.

Sec. 17-H. R. S., T. 22, §4792, amended. The first and 2nd sentences of section 4792 of Title 22 of the Revised Statutes are amended to read as follows:

Biennially on the even-numbered years, on the first Tuesday of September, the Penobscot Indians shall hold their election for the choice of governor and lieutenant governor of said tribe, and a representative at the Legislature of this State, and a tribal council to consist of 12 members of said tribe, each of whom must be at least 21 years of age. The governor shall preside over all meetings of the council and be a member ex officio.'

Sec. 17-I. R. S. T., 22, §4831, amended. The first and 4th sentences of section 4831 of Title 22 of the Revised Statutes are amended to read as follows:

Biennially on the even-numbered years, on the first Tuesday of November the Passamaquoddy Tribe of Indians shall hold their election for the choice of governor and lieutenant governor of each reservation of said tribe, a representative at the Legislature of this State and tribal council to consist of 6 members of said tribe from each reservation, all of whom must be at least 21 years of age. The governors shall preside over all meetings of the council and be a member ex officio.

Sec. 17-J. R. S., T. 22, §4832, amended. Section 4832 of Title 22 of the Revised Statutes is amended to read as follows:

§4832. Census

An accurate census of the Passamaquoddy Tribe shall be taken early each January by the tribal council upon the best infor-

mation which they can obtain, as provided, stating, as nearly as may be, the name, sex and age of each Indian as it existed on the first day of such January, each family by itself. On or before the 10th day of January, annually, the original, certified under oath, shall be delivered to the commissioner, and a copy thereof to the governor of said tribe for their use. On the first Wednesday of January, annually, the said council shall hold a meeting with said tribe, for receiving information from such of the tribe as may attend, as to the membership of the tribe, the identity of persons and the correctness of names; due notice in writing of the time and place of which meeting shall be given by said council. At said meeting 5 of said tribal council shall constitute a quorum thereof.

Corrections of the list, by reason of births, deaths or omissions, may, as they come to the knowledge of the council, be certified to the commissioner and he shall correct his list accordingly.'

Further amend said Bill by inserting after section 23, 2 new sections, as follows:

'Sec. 23-A. R. S., T. 29, § 2124, amended. The 6th paragraph of section 2124 of Title 29 of the Revised Statutes, as amended by section 8 of chapter 248 of the public laws of 1965 and by section 2-A of chapter 68 of the public laws of 1967, is further amended to read as follows:

No person other than the holder of a valid inspection mechanic's certificate issued by the Chief of the State Police shall perform an inspection, issue or sign a certificate of inspection.

Sec. 23-B. Effective date. Section 23-A shall become effective 91 days after the adjournment of the Legislature.'

Further amend said Bill by inserting after section 24, a new section, as follows:

'Sec. 24-A. R. S., T. 30, §5105, sub-§2, amended. Subsection 2 of section 5105 of Title 30 of the Revised Statutes is amended to read as follows:

2. Hospital. Constructing, maintaining, operating and supporting a hospital serving its residents.'

Further amend said Bill by inserting after section 25, a new section, as follows:

'Sec. 25-A. R. S., T. 34, §2421, sub-§3, amended. Subsection 3 of section 2421 of Title 34 of the Revised Statutes is amended to read as follows:

3. Fees for transportation. In instances of indorsement on the certificate of the licensed physicians by a Justice of the Superior Court, a judge of probate, the District Court or by a complaint justice, under section 2332 or 2333, for the purpose of authorizing a health or police officer to transport a patient to a hospital, fees for such transportation shall be charged in the first instance to the department. Any fee so charged shall be first approved in writing by a Justice of the Superior Court, a judge of probate, the District Court or by a complaint justice. Reimbursement shall be sought for such expenditures as in cases of expenses incurred in probate court commitment proceedings.'

Further amend said Bill by striking out all of sections 27, 28 and 29.

Further amend said Bill by adding at the end, a new section, as follows:

'Sec. 33. Application. From the effective date of chapter 336 of the public laws of 1967, which repeals and replaces the Revised Statutes, Title 14, sections 1254 and 1255 until July 31, 1968, the municipal officers and jury commissioners of the several counties shall comply with said chapter 336, except that they may prepare the jury pool at a time other than during June and July.'

Further amend said Bill by renumbering sections 30 to 33 to be sections 27 to 30.

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Tuesday, June 20, pending adoption of Committee Amendment "A".)

Divided Report

The Majority of the Committee on Judiciary on Bill "An Act to Clarify Authority of Complaint Justices and District Court Judges." (S. P. 378) (L. D. 990) re-

ported that the same Ought to Pass As Amended by Committee Amendment "A" (S-276)

(Signed)

Senator:

MILLS of Franklin

Representatives:

HEWES of Cape Elizabeth
DANTON

of Old Orchard Beach
DAREY

of Livermore Falls
BRENNAN of Portland

BERMAN of Houlton

FOSTER
of Mechanic Falls

One member of the same Committee on the same subject matter reported in Minority Report "A" that the same Ought to Pass.

(Signed)

Senator:

HILDRETH

of Cumberland

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

(Signed)

Senator:

HARDING of Aroostook

Representative:

QUINN of Bangor

(On motion by Mr. Harding of Aroostook, tabled and specially assigned for Tuesday, June 20, pending Acceptance of one of the Committee Reports.)

Divided Report

The Majority of the Committee on State Government, Pursuant to Joint Order S. P. 629, of May 4th, reported that Bill "An Act Increasing Compensation of Court Justices and Certain Department Heads." (S. P. 695) (L. D. 1731) Ought to Pass.

(Signed)

Sensors:

WYMAN of Washington

LUND of Kennebec

STERN of Penobscot

Representatives:

DENNETT of Kittery

WATTS of Machias

RIDEOUT of Manchester

MARTIN of Eagle Lake

CORNELL of Orono

The Minority of the same Committee on the same subject matter reported that Bill "An Act Relating to Pay Increases for Department Heads and Court Justices." (S. P. 696) (L. D. 1732) Ought to Pass.

(Signed)

Representatives:

PHILBROOK

of South Portland

STARBIRD

of Kingman Township

On motion by Mr. Wyman of Washington, the Senate voted to accept the Majority Ought to Pass Report of the Committee and the Bill was Read Once. Tomorrow assigned for Second Reading.

Divided Report

Five members of the State Government Committee on "An Act Relating to Method of Fixing Salary of Commissioner of Inland Fisheries and Game." (S. P. 250) (L. D. 610) reported in Report "A" that the same Ought to Pass in New Draft, under a new title: "An Act Relating to Method of Fixing Salaries of Certain State Officials." (S. P. 697) (L. D. 1733)

(Signed)

Representatives:

STARBIRD

of Kingman Township

RIDEOUT of Manchester

PHILBROOK

of South Portland

WATTS of Machias

DENNETT of Kittery

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

(Signed)

Sensors:

WYMAN of Washington

LUND of Kennebec

STERN of Penobscot

Representatives:

MARTIN of Eagle Lake

CORNELL of Orono

On motion by Mr. Wyman of Washington, the Senate voted to accept Report "B" of the Committee, Ought Not to Pass.

Final Reports

The following Committees submitted their Final Reports:

The Committee on Judiciary
The Committee on Natural Resources

The Committee on State Government

Which reports were Read and Accepted and Sent down for concurrence.

Second Readers

House

Bill "An Act Repealing Economic and Recreational Development in Oxford County." (H. P. 1201) (L. D. 1708)

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

(On motion by Mr. Ferguson of Oxford, tabled and specially assigned for Tuesday, June 20, pending Passage to be Engrossed.)

House—As Amended

Bill "An Act to Authorize Bond Issues in the Amount of \$270,000 to Provide Funds for the Construction of Regional Technical and Vocational Centers Under the Provisions of Section 2356-B of Title 20, R. S." (H. P. 399) (L. D. 565)

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

Senate—As Amended

Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred Thousand Dollars for Land and Classroom Building for University of Maine in Augusta." (S. P. 526) (L. D. 1362)

Which was 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 Providing for Paid-up Life Insurance Coverage for State Employees and Teachers. (S. P. 236) (L. D. 561)

An Act Relating to Election of School Board of City of Old Town. (S. P. 352) (L. D. 936)

An Act Increasing Salaries of the Several County Attorneys and

Their Assistants. (H. P. 700) (L. D. 981)

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

An Act Relating to Pensions for Members of the Police Department and Fire Department of the City of Auburn and Their Beneficiaries. (H. P. 925) (L. D. 1357)

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

An Act Relating to Exemption of Property from Attachment and Execution. (S. P. 538) (L. D. 1389)

An Act Relating to Approval of Plans and Competitive Bids Under Bureau of Public Improvements Law (H. P. 1127) (L. D. 1600)

An Act Relating to Membership of the Advisory Council of the Department of Economic Development. (S. P. 671) (L. D. 1702)

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

An Act Revising the Laws Relating to Arson. (S. P. 675) (L. D. 1705)

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

Bond Issue

An Act to Authorize the Creation of the Maine State Park and Recreation Area Fund and the Issuance of Not Exceeding Four Million Dollar Bonds of the State of Maine for the Financing Thereof. (S. P. 14) (L. D. 30)

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

Constitutional Amendment

Resolve, Proposing an Amendment to the Constitution to Increase Credit of State for Guaranteed Loans for Recreational Purposes. (S. P. 153) (L. D. 329)

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

Constitutional Amendment

Resolve Proposing an Amendment to the Constitution Insuring Payment of Industrial Loans to

Fisheries and Agriculture, (H. P. 1035) (L. D. 1501)

(On motion by Mr. Hildreth of Cumberland, tabled, unassigned, pending Final Passage.)

Orders Of The Day

The President laid before the Senate the first tabled and today assigned matter, (S. P. 544) (L. D. 1392) Senate Reports—from the Committee on Judiciary on Bill “An Act Creating a District Court Division of Northern Androscoggin and Franklin.” Majority Report, Ought to Pass; Minority Report Ought Not to Pass.

Tabled—June 14, 1967 by Senator Johnson of Somerset.

Pending—Motion by Senator Mills of Franklin to Accept the Majority Ought to Pass Report.

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

Mr. JOHNSON of Somerset: Mr. President, I yield to the Senator from Franklin, Senator Mills.

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

Mr. MILLS of Franklin: Mr. President and Republican Floor Leader: I have got nothing to say if things are going along all right. We have now got the motion.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, I move the indefinite postponement of L. D. 1392, and I would speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Lund, moves that the Senate indefinitely postpone this Item No. 1 and its accompanying papers.

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President and Members of the Senate: It is with some genuine reluctance that I again take up the cudgels against a majority of the Committee on Judiciary. However, this is an important and a serious matter, and one we

should take a few minutes today, I think, to discuss.

We have a fine judicial system in our District Court. It was set up only a few years ago as a result of an interim study conducted by a legislative research committee in which they hired the Institute on Judicial Administration, who performed a valuable service and submitted a study that has served as a model for such studies. It was adopted in substance and has proven an excellent tool in upgrading the court that most people in Maine have the opportunity to see, our District Court, our court of first resort for misdemeanors and court of first resort in most felony cases.

Briefly, we have a number of districts throughout the State. They are laid out according to the work load, and a judge is assigned to each district. In addition to that, we have two judges-at-large, one of whom is the Chief Judge, Judge Chapman. As there are vacations or sickness the Chief Judge fills in where he is needed.

This bill, if it is enacted, would alter the system that was established by the Legislature pursuant to this study, and establish a new district in northern Androscoggin and Franklin County. Before proceeding with this bill I felt it was worthwhile to inquire of the Chief Judge of the District Court, Judge Chapman, to ask him what he felt we needed in Maine. I have caused to be placed upon your desks this morning copies of his letter of June 19 in response. I won't go through the letter in detail. I am sorry that it occupies three pages, but Judge Chapman apparently felt strongly enough about this to present his views in detail. In substance what he says in his letter is that we do not need and do not want another District Court judge as proposed by L. D. 1392, but we do need and do want another judge-at-large, as would be established by the next item on the calendar, L. D. 993. And he sets it forth in reasons that are clear and, to me, very compelling.

I would remind you all in the Senate today, perhaps unnecessarily, that we do have a system of three branches in the State of

Maine, that we do have the legislative branch and the judicial branch. By tradition, the judiciary does not come up here and lobby for their bills, and I think it is incumbent upon us to have a certain deference to at least inquire and to pay some respect to what the courts say that they need.

In this case the District Court says that they do not need a new district; that it does need a new judge-at-large to help cover the districts which are now so busy that they are holding sessions into the evening. I can tell you that this is so; that one of our District Court judges has recently spent several weeks in the hospital as a result of a bleeding ulcer, which many of us who know him attribute to his conscientiousness in trying to discharge the heavy work load that he has.

If this were a matter of taking home something to the people of Franklin County, I would have no quarrel with it. I have no quarrel with people in Franklin County or any other county. But I do not think that our judicial system is a place for pork barrel, and I do not think that we should be endorsing judicial pork barrel here in this Legislature. I think that we should pay at least a prima facie respect to what the judges in the system say that they need. We have a fine District Court system, and I would like to keep it that way.

Incidentally, as many of you probably are aware, the District Court system, although some oppose this, at the present time is not a financial burden upon the appropriations of the State, but does maintain itself out of the fines that are collected. The law provides that the surplus will from time to time be paid to the counties as reimbursement for their loss when they lost the fines when the system was established.

I would, therefore, hope that in order to act favorably upon the bill providing for a judge-at-large that the Senate will today indefinitely postpone the bill creating a District Court division for northern Androscoggin and Franklin Counties.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am quite unprepared to answer name calling. I didn't quite expect it in this body, but coming from the gentleman who has issued those words "pork barrel" it does take me completely aback, and I to retaliate, and I don't want to retaliate; he is such a gentleman and he is not capable of anything that would smack of pork barrel himself.

I wonder if there is a conspiracy going on here — I don't think there is — a conspiracy to make me talk, because you heard me talk so much the other day that I guess you got enough of it. I have spoken once on this bill, and after I got through someone put it on the table, and I am rather forced up again to answer these charges that have been made and to justify this legislation.

I will say, in answer to good Senator Lund, that there is no timidity on the part of this court to lobby for what it wants in this area. We have had the Chief Judge before our committee several times this winter, and his views are very well known to us. It wasn't with any reluctance that he expressed them and I am sure that Senator Lund knew what the letter was going to be before he ever wrote it because he has been in close collaboration with this matter, and there was no reluctance on the part of Judge Chapman to express it.

I think we should stick to the merits on it. There is undoubtedly between both viewpoints a desire and a need for additional court personnel in the District Court System. If my way of looking at it, or the way of the Committee of looking at it, constitutes a pork barrel approach, then the other manner of looking at it may equally be regarded with some suspicion. I wouldn't compare a judge to a horse, but I would say that this at-large situation is an attempt to put another horse in Judge Chapman's stable. You see, these judges-at-large are subject to his designation, and subject to his maneuvering around the State. As

we said a few weeks ago, when this first came before you, the great criticism of the Superior Court work is that those judges are suitcase judges, and they are subject to the designation by the Chief Justice to go anywhere willy-nilly all over the State, and that has been one of the drawbacks in that system. Now, the District Court system is based on a different philosophy. It is based on the philosophy of every judge having his own bailiwick, having his own situs, and not being subject to continual movement. However, each and every one of them is subject to filling in for other judges on occasion, and thereby lies the merit in this proposition that is before you now.

If a court were created in the northern Androscoggin section, covering Livermore Falls, Livermore, Leeds, and other towns in northern Androscoggin, with the entire Franklin County, it would be a natural geographic district because of the flow of traffic and the flow of business north and south between the two areas. And it would provide a judge who could fill in in the crowded Androscoggin Court rather easily. It also would alleviate for the Rumford District the Oxford County District so that that judge too would be available on occasion for filling in other courts. And, to the eastward, as I said the other day, the Somerset Court would likewise be free to some extent to fill in in Kennebec.

Now, there is a judge-at-large in Bangor, Judge Brown, who qualifies and has the position of court judge-at-large, and he apparently is able to fill in satisfactorily to the north and to the east, so that there is nothing needed beyond there.

There is a court at the present time in the northern end of Franklin County which is probably the last one of the trial justice courts. That area is extensive in size and it is becoming much more important to the economy of the State, particularly in a recreational way. The Rangeley - Saddleback - Sugar Loaf-Bear Mountain-Bigelow complex is the distinctive ski recreational area of the State and, as all of you know, it is recommended

for participation in the Olympics in another few years. So, there is no court there. It is some fifty miles from the top part of Franklin County down to any court. I think you would agree that certainly this area is entitled to more than just an itinerant judge.

This system was set up by the Legislature quite a few years ago. It was quite a few years coming into being, and there was nothing sacred about the lines that were drawn at that time. I think experience has shown that this particular area would profit very much by having its resident judge.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise to oppose the motion which the Senator from Kennebec, Senator Lund, has made, and I would like to speak briefly on the matter.

I would say, first of all, that I think you members of the Senate have recognized that if someone wants to kill something one of the best ways to do it is to call it pork barrel. I do not feel that this in any sense justifies that particular name calling. I feel that this bill, and I believe the majority of the Committee on Judiciary felt the same way, that this was a good compromise on the matter.

I would say, first of all, that when these divisions were set up that there was nothing sacred about them. In fact, on the study that was made, there were very substantial changes made by the Legislature as contrasted with the study which was recommended to them. I know that in Aroostook County, according to the study which was set up, the system would have been unworkable, and very substantial changes were made by the Legislature to make it workable. Also, these district lines have been changed, I believe, by every Legislature since they were set up to take care of the practicalities of the matter.

To get right down to the issue that we discussed in the Judiciary Committee, I will tell you that the majority of the Committee on Judiciary was not completely satisfied

with the way the judge-at-large has functioned. We felt that the judge with a home base does a better job. I think that Chief Judge Chapman has pointed out exactly what we had in mind: if we assigned this judge in this area he would not have a heavy workload, and it would free some of the work load on the judges in Bangor. And all of these judges would have a home base, so to speak, but they would have some free time to be assigned in cases of emergency. We felt in that way we would be killing two birds with one stone: we would be giving a judge this area that deserves a judge, and we would also be taking some of the workload off from the judges who are overburdened. That is the basis that this Committee decided it upon, and no other basis. When the vote is taken, I would ask that it be taken by division.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I do not suggest that there is anything sacred about the lines that we have. The only point I would make is that if we are going to change them let's change them in some orderly fashion; not upon the rather brief study which is necessarily conducted during a legislative session.

I would point out that, in his letter, Judge Chapman expresses the thought that the areas where the load would be relieved by this new district are not areas where the pressure is now acute; that in the areas where the pressure is now acute this district would not give the assistance that would be given by a judge-at-large.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: The District Court System was passed in 1931. Judge Chapman has been working with this system ever since its inception. I am sure that he is more acquainted with the system than any other individual. I have to give his letter great weight, and I have to vote

with the gentleman from Kennebec, Senator Lund.

The PRESIDENT: The pending question is the motion of the Senator from Kennebec, Senator Lund, that the bill and its accompanying papers be indefinitely postponed.

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

A division was had. 16 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Indefinitely Postpone prevailed.

The President laid before the Senate the second tabled and today assigned matter, (S. P. 380) (L. D. 993) Senate Reports—from the Committee on Judiciary on Bill "An Act Providing for a n Additional District Court Judge at Large." Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—June 14, 1967 by Senator Johnson of Somerset.

Pending—Motion by Senator Mills of Franklin to Accept the Majority Ought Not to Pass Report.

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

Mr. LUND of Kennebec: Mr. President, I hope that the Senate will vote against acceptance of the Ought Not to Pass Report.

Thereupon, a viva voce vote being taken, the motion to accept the Majority Ought Not to Pass Report of the Committee did not prevail.

The Senate then voted to accept the Minority Ought to Pass Report of the Committee and the bill was Read Once.

Thereupon, under suspension of the rules, the bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 635) (L. D. 1635) Bill "An Act Relating to the Water and Air Environmental Improvement Commission."

Tabled—June 15, 1967 by Senator Johnson of Somerset.

Pending—Enactment.

On motion by Mr. Sewall of Penobscot, retabled until later in today's session.

The President laid before the Senate the fourth tabled and today assigned matter, (S. P. 422) (L. D. 1076) Bill "An Act Appropriating Funds for Fort Fairfield Municipal Park."

Tabled—June 15, 1967 by Senator Barnes of Aroostook.

Pending—Consideration.

(In Senate—June 7, 1967 Passed to be Engrossed.)

(In House—June 9, 1967 Indefinitely Postponed in Non-concurrence.)

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

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: I felt that this L. D. 1076 did have quite a lot of merit but, apparently, members of the other branch did not concur with my feelings, as evidenced by the overwhelming majority by which they rejected this. Both parties rejected it. I conferred with leaders of both parties in the other branch and I find very little support for it. Therefore, I very reluctantly at this time move that the Senate recede and concur.

Thereupon, the Senate voted to Recede and Concur.

The President laid before the Senate the fifth tabled and today assigned matter, (S. P. 329) (L. D. 863) Senate Reports—from the Committee on Judiciary on Bill "An Act Providing for a Study for the Creation of a Full-time Prosecuting Attorney System for the State of Maine." Majority Report, Ought to Pass in New Draft; Minority Report, Ought to Pass.

Tabled—June 15, 1967 by Senator Johnson of Somerset.

Pending—Motion by Senator Mills of Franklin to Accept the Majority Ought to Pass in New Draft Report.

On motion by Mr. Lund of Kennebec, retabled and specially assigned for Tuesday, June 20, pending motion by Senator Mills of Franklin to accept the Majority Ought to Pass in New Draft Report.

The President laid before the Senate the sixth tabled and today assigned matter, (H. P. 1045) (L. D. 1517) Bill, "An Act Relating to Hours of County Offices of Androscoggin County."

Tabled — June 16, 1967 by Senator Couturier of Androscoggin.

Pending — Consideration.

(In Senate— June 9, 1967 Passed to be Engrossed as Amended by Committee Amendment "A", Filing H-396.)

(In House — June 15, 1967 Passed to be Engrossed as Amended by Committee Amendment "A" and as Amended by House Amendment "B", Filing H-433.)

On motion by Mr. Girard of Androscoggin, retabled and specially assigned for Tuesday, June 20, pending consideration.

The President laid before the Senate the seventh tabled and today assigned matter, (H. P. 1191) (L. D. 1691) Bill, "An Act Clarifying the Offense of Procuring Liquor for Certain Persons."

Tabled — June 16, 1967 by Senator Katz of Kennebec.

Pending — Enactment.

On motion by Mr. Katz of Kennebec, retabled and specially assigned for Tuesday, June 20, pending Enactment.

The President laid before the Senate the eighth tabled and today assigned matter, (H. P. 1213) JOINT ORDER — Relative to Recalling from the Files Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 1120) (L. D. 1592)

Tabled — June 16, 1967 by Senator Hoffses of Knox.

Pending — Passage.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for Tuesday, June 20, pending Passage.

The President laid before the Senate the ninth tabled and today assigned matter, (H. P. 583) (L. D. 815) House Reports — from the Committee on Judiciary on Bill, "An Act Establishing the Maine Planning Commission on Criminal Law Administration." Majority Report, Ought to Pass as Amended by Committee Amendment "B", Filing H-427; Minority Report, Ought Not to Pass.

Tabled — June 16, 1967 by Senator Lund of Kennebec.

Pending — Acceptance of Either Report.

On motion by Mr. Lund of Kennebec, retabled and specially assigned for Tuesday, June 20, pending Acceptance of Either Report.

The President laid before the Senate the tenth tabled and today assigned matter, (S. P. 70) (L. D. 152) Senate Reports — from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of Seventeen Million Eight Hundred Two Thousand Dollars for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." Majority Report, Ought to Pass in New Draft "A" under New Title: Bill "An Act to Authorize Bond Issue in the Amount of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 691) (L. D. 1726) Minority Report, Ought to Pass in New Draft "B" under New Title: Bill, "An Act to Authorize Bond Issue in the Amount of \$21,740,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 692) (L. D. 1727)

Tabled — June 16, 1967 by Senator Johnson of Somerset.

Pending — Acceptance of Either Report.

On motion by Mr. Albair of Aroostook, retabled and specially assigned for Tuesday, June 20, pending Acceptance of Either Report.

The President laid before the Senate the 11th tabled and today

assigned matter, (H. P. 457) (L. D. 631) Bill, "An Act Creating County Commissioner Districts."

Tabled—June 16, 1967 by Senator Berry of Cumberland.

Pending—Enactment.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I have tread on the good nature of the Senate here only once before in debating again for a second time items which have gone through rather decisively. I must ask your indulgence on Item 11, "An Act Creating County Commissioner Districts."

I had not realized at the beginning of the debate on this matter that there might be party benefits from it, and I am not convinced that there are actually. My prime concern with county commissioner districts is that it will deprive those people of the right to vote for county commissioners if they do not live in the district which is having its commissioner up for election at that particular time. Now, in the County of Cumberland we would have three county districts, and those people who reside in one district would vote, say, one year for one man, and the other two districts would not be voting for a county commissioner. I feel this is depriving the people of the county of their right to select their county commissioners. This is my objection to the bill. I believe it is a serious one, and possibly one whose legal basis might be taken to the courts for interpretation.

I would ask, Mr. President, that my motion for indefinite postponement of the bill be put.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that this item, No. 11, be indefinitely postponed.

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 of the good Senator from Cumberland, Senator Berry. I think this is a very important bill for good representation of county

commissioners in all the counties of the State of Maine.

As you know, this is Mr. Dunn's bill, Representative Dunn from Denmark in Oxford County. We have a situation in Oxford County, and I think in a good many of the other counties, where the county commissioners come from the larger cities, the built-up section, and where there is very little work for the county commissioners to do. As you know, the duties of the county commissioners are very limited in the larger cities. They are needed and they are certainly a part of county government. Part of their function is to go out and hear hearings on highways, particularly in the unorganized territories. Another very important function of the county commissioners is in the time of tax abatement when your municipal officers and your assessors, most generally in the smaller communities, when they come out and make assessments and the property owners take exception to the assessment and they make appeals to the county commissioners to review the assessment. This sort of action doesn't very often happen in larger communities like Portland, Bangor, Biddeford and Lewiston, where they have professional assessors.

Most smaller or medium sized communities in the State of Maine are not so blessed with professional assessors, and much of the assessing is done generally by your selectmen. I am not saying you don't get good assessments, but I think that the taxpayers in the State are a little bit reluctant to go before the county commissioners or take exceptions to your professional assessors.

This bill certainly is not a partisan bill, I don't think. I think that my good friend, the Senator from Oxford, Senator Norris, supports this bill. As you know, though we don't scrap or say that he is a Democrat and I am a Republican, this doesn't go on in Oxford County, we are supporting what we think best for the whole State of Maine for every county in the State. Particularly, perhaps, we are a little bit partial to what

goes on in Oxford County; this is what they send us down for.

I might say that I have been an assessor in my own town for the last 18 years. I think that I have got to know over the years the value of property. Most municipalities only hold an assessor for two or three years. They put in new people on the board. But in my case nobody else wants the job so they keep me on, although every year we have an article in the town warrant asking for the people in the town to vote to employ a professional assessor to review whether we are doing a good job. Generally it is voted down every year. Certainly, if the people in the town would go along and appropriate the money, this is what we would do, have some professional men come in and review what we are doing.

Again, I want you to think about this particular bill a little bit, and think of the representation you are going to give the whole county. Now, there is the expense also to the county. A group of county commissioners in one corner of the county, the expense traveling for reviews of highways and other things, it is going to be more costly to the counties as years go on. Only a few years ago we were appropriating the sum of around five or six million dollars in county appropriations as the taxes to be levied against each county, and now it is up to over eight and a half million dollars.

This is good progressive legislation. I think that you would be very wise in defeating the motion of the good Senator from Cumberland, Senator Berry, and I hope you will vote with me in defeating that motion. Thank you.

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

Mr. FARLEY of York: Mr. President and Members of the Senate: I rise to support the Senator from Cumberland County, Senator Berry. In reference to the Senator from Oxford County, it was my duty for three or four terms to serve upon the Towns and Counties Committee. At that time when things were all his way there didn't seem to be much trouble in refer-

ence to towns and counties and the county commissioners who had been elected during any of that time.

He has spoken about Biddeford. It is true at the present time we have two. But we had a Republican prior to that along with two Democrats. So it hasn't been a Democratic County Commission all the time.

The Senator from Oxford County has spoken relative to the appropriations and this and that. Surely the Senator from Oxford County realizes today that through the District Courts and what we have lost from the overloaded trucks in the State of Maine from these counties, naturally the burden has been placed back upon cities and towns and their property taxes. If we were getting today what we were getting a few years ago to run the counties from the courts the appropriations would possibly be large, but at the same time the tax assessment would be much lower.

I think the Senator from Oxford County kind of carries it a little too far. When things are going his way it is all right. When they go the other fellow's way he doesn't quite like them. I don't know what the trouble is in Oxford County, but if it happens to be Democratic then I think it is just a lackness upon his own political party that they don't go out and get the votes. The county committee has the function and it is their duty to select a county ticket. In my county I have voted for a great many county commissioners, and I have been defeated in the primaries, but in all truth, I still like our system. As the Senator from Cumberland County says, Senator Berry, leave us alone because the cities themselves do pay more than their share of the county tax, and I think they should have some rights insofar as the county commissioners are concerned. So, I support Senator Berry from Cumberland County.

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

Mr. BECKETT of Washington: Mr. President, I move that this

item lay on the table until Wednesday, June 21st.

The PRESIDENT: The Senator from Washington, Senator Beckett, moves that Item 11 be tabled and specially assigned for Wednesday, June 21, pending the motion of the Senator from Cumberland, Senator Berry, that the bill be indefinitely postponed.

For what purpose does the gentleman rise?

Mr. BERRY of Cumberland: I wish to debate the timing of the tabling motion.

The PRESIDENT: The Senator may proceed.

Mr. BERRY: Mr. President and Members of the Senate: I don't consider this the biggest thing in front of us. I think we are nearing the closing days of the session and I would like to see some action. I would request a division on the tabling motion.

The PRESIDENT: The Senator from Cumberland, Senator Berry, has requested that the vote be taken by a division.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President, if I am out of order on this you can rule me out of order. But it seems to me others have been tabling here all day long, and I don't see why we should object to tabling this bill for two days.

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

Mr. BECKETT of Washington: Mr. President, my only reason for not tabling this until the next legislative day is that I am going to Montreal tomorrow and I won't be here, so I would like to have it tabled until Wednesday.

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

Mr. BERRY of Cumberland: Mr. President, I withdraw my request for a division.

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

Mr. MILLS of Franklin: Mr. President, on the issue of the time of the tabling, I would like to extend every courtesy, but I think it is kind of miserable to get every-

body to make their speeches and then table something, but I will go along with the Senator this time.

Thereupon, retabled and specially assigned for Wednesday, June 21, pending motion by Senator Berry of Cumberland that the bill and accompanying papers be indefinitely Postponed.

The President laid before the Senate the twelfth tabled and today assigned matter, (S. P. 263) (L. D. 644) Bill, "An Act Adopting the Uniform Arbitration Act."

Tabled — June 16, 1967 by Senator Hildreth of Cumberland.

Pending — Enactment.

On motion by Mr. Hildreth of Cumberland and under suspension of the rules, the Senate voted to reconsider its action whereby it passed this bill to be engrossed.

Then the same Senator presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing S-278, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 263, L. D. 644, Bill "An Act Adopting the Uniform Arbitration Act."

Amend said Bill in that part designated "§5938" in paragraph D of subsection 1, by striking out in the last line the underlined word "or"

Further amend said Bill in that part designated "§5938", in paragraph E of subsection 1, by adding in the last line, after the semicolon, the underlined word "or"

Further amend said Bill in that part designated "§5938", by inserting after paragraph E of subsection 1, a new paragraph F, to read as follows:

F. The award was not made within the time fixed therefor by the agreement or, if not so fixed, within such time as the court has ordered, and the party has not waived the objection;

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

Sent down for concurrence.

The President laid before the Senate the thirteenth tabled and

today assigned matter (S. P. 682) (L. D. 1715) Bill "An Act to Amend the Maine Recreation Authority Law."

Tabled—June 16, 1967 by Senator Hildreth of Cumberland.

Pending — Passage to be Engrossed.

Mr. Hildreth of Cumberland presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing S-273, was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 682, L. D. 1715, Bill "An Act to Amend the Maine Recreation Authority Law."

Amend said Bill by adding at the end (same in L. D. 1715) the following section:

'Sec. 5. Effective date. This Act shall take effect January 1, 1968.'

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I think a few brief words of explanation are in order on this amendment. As you know, the bill would become effective 90 days after the adjournment of the Legislature were not another date specified put on the bill. The reason for this is that, as we discussed the other day, when L. D. 1715 was being debated here in the Senate, the Maine Recreation Authority has made a commitment to the Flagstaff - Bigelow Development in the amount of \$8,000,000 which is subject to the Development meeting certain conditions placed upon it, one of which is to raise \$4,000,000 of equity prior to the end of July. In the event that this Development is able to raise the \$4,000,000 private equity which has been required, they will also have to meet certain other requirements set forth by the Maine Recreation Authority regarding construction proposals and other financing details, which will have to be cleared by the Maine Recreation Authority. With a project of this size, I think additional time will be required from the end of July to 90 days from the time the

Legislature adjourns, whenever that may turn out to be. Therefore, because of the size of this project, it seemed advisable to move on the effective date.

This is the bill that does put restrictions on the maximum amount of a guaranteeable loan. In the meantime the members of the Committee have discussed with the Maine Recreational Authority what our intention in putting this amendment on is, and that is, during the time after this bill becomes passed into law, and before it becomes effective, between that time and January one of next year, the Maine Recreation Authority will not make any commitments that are in contradiction to the terms of L. D. 1715, except in those instances where they have already made tentative commitments to projects that, before this law was passed, have come in and made applications for guaranteeable loans so that from the time this bill is passed to January first of next year, the Maine Recreation Authority will not, for instance, entertain any application that is in excess of 3.4 million dollars or that have, for instance, less than 33 per cent equity.

I understand that there are two commitments that have been made; one to the Evergreen Development on Kezar Lake and the other to the South Portland Arena. These two would not be considered covered by the law if the Flagstaff falls through on July 30, so that the MRA would then have the proper sufficient funds to go ahead and guarantee loans to these two projects.

Thereupon, the Senate voted to adopt Senate Amendment "A" and the Bill was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fourteenth tabled and today assigned matter, (S. P. 597) (L. D. 1575) Bill, "An Act to Appropriate and Provide Moneys for the Expenditures of State Government and for Other Pur-

poses for the Fiscal Years Ending June 30, 1968 and June 30, 1969."

Tabled — June 16, 1967 by Senator Johnson of Somerset.

Pending — Motion by Senator Johnson of Somerset to Reconsider.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Tuesday, June 20, pending the motion by the same Senator to Reconsider.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the first tabled and unassigned matter (S. P. 140) (L. D. 268) Bill, "An Act Classifying Certain Inland Waters of the Androscoggin River Basin." Tabled May 25 by Senator Johnson of Somerset, pending Passage to be Engrossed.

On further motion by the same Senator, the Senate Passed the Bill to be Engrossed.

Sent down for concurrence.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the fourth tabled and unassigned matter (H. P. 946) (L. D. 1377) Bill, "An Act to Enable City of Portland to Establish Sewer Service Charges." Tabled May 25 by Senator Johnson of Somerset, pending Passage to be Engrossed.

On further motion by the same Senator, the Senate Passed the Bill to be Engrossed.

The President laid before the Senate the third tabled and today assigned matter (S. P. 635) (L. D. 1635) Bill, "An Act Relating to the Water and Air Environment Improvement Commission." Tabled earlier in today's session by the Senator from Penobscot, Senator Sewall.

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

Mr. SEWALL of Penobscot: Mr. President, reluctantly I must ask your indulgence to retable this item until the next legislative day. I had prepared an amendment and, on careful examination, I find an error in the amendment and we would want to correct that.

Thereupon, on motion by Mr. Sewall of Penobscot, retabled and specially assigned for Tuesday, June 20, pending Enactment.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.