

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Judicial Council be respectfully requested to study, in cooperation with the Chief Judge of the District Court, the District Court System with regard to the present boundaries of districts and divisions, particularly respecting relative caseloads, the availability of service to inhabitants of rural areas such as Franklin County, and problems posed by the present district lines separating communities such as Topsham and Brunswick, and Fairfield and Waterville; and be it further

ORDERED, that the Council report its findings to the next regular or special session of the Legislature (S. P. 715)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Providing for an Additional District Court Judge at Large" (S. P. 380) (L. D. 993) reporting that the House recede and concur with the Senate in accepting the Minority "Ought to pass" Report, and passing the Bill to be engrossed.

(Signed)

HILDRETH

of Cumberland

SNOW of Cumberland

LUND of Kennebec

—Committee on part of Senate.

QUINN of Bangor

SHUTE of Farmington

BELIVEAU of Rumford

—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Darey.

Mr. DAREY: Mr. Speaker and Members of the House: I would like to move for indefinite post-

ponement of L. D. 993 and all its accompanying papers.

The SPEAKER: The Chair would advise the gentleman the only action this body can take upon this matter at this time is either the acceptance or the rejection of the Conference Report.

Mr. DAREY: I move for the rejection of the Report, Mr. Speaker.

The SPEAKER: The gentleman from Livermore Falls, Mr. Darey, moves the rejection of the Conference Report.

The Chair recognizes the gentleman from Rumford, Mr. Beliveau.

Mr. BELIVEAU: Mr. Speaker and Members of the House: Sometime last week, we discussed very briefly the merits of this bill which would create an additional District Court and also a companion bill which would create an additional District Court Judge at large. At that time I read a letter from the Chief Judge of the District Court in which he outlined his reasons for supporting the bill which would create the additional or give him an additional Judge at large and also in which he outlined his opposition to the creation of a new District Court. At that time we were unable to agree, at least this House was unable to agree with the other body and a Committee of Conference was created in an attempt to resolve our differences.

In his letter, Judge Chapman said that the work load of the judge in Northern Androscoggin did not warrant the creation of another District, but at this time there is a very real need for an additional District Court Judge to replace the Judges who are ill, to attend Court, to preside while the Judges were on vacation. Judge Chapman reviewed at great length the record of the District Court in Northern Androscoggin and also outlined in great detail what a burden this would place on our present District Court System. And it was his conclusion, after reviewing all of the various Districts and discussing the problem with the fifteen or sixteen District Judges that there is a very real need for an additional District Court Judge at Large. And this was also the prevailing feeling

of the conferees. So, without belaboring this issue, I would strongly urge the members of this body to reject the pending motion so a subsequent motion to adopt the Committee Report can be made.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. QUINN.

Mr. QUINN: Mr. Speaker and Members of the House: As a member representing this House on the Conference, I will supplement what my brother from Rumford, the good gentleman Mr. Beliveau, has already remarked and further say to you, that we considered the work load of the District. I will refer you to this supplement six which we are considering. We are now working on Item 2, I refer you to the reverse side, Item 4. Item 4 was the consideration of a new District Court in the area of Androscoggin and Franklin Counties. We considered not only the recommendation of the Chief Judge of the District Courts, but also some of the recommendations of Judges of the District Court that had served in this area.

We also considered the workload report of all the District Courts, and we found that this area had one of the lowest work load reports. Consequently, when we arrive at this four, you will see the disposition we recommended in this. But, in recommending the disposition of four, we considered the disposition in two that a Judge at Large would serve the need of the area set forth in item four and further than that, that that Judge would be kept busy in serving adjacent areas. And this we did as recommended by the Judges of the District Court and from our considered comparisons of the workloads of the various courts. Consequently, I hope you will support us in our decision here and reject the motion of the good gentleman, Judge Darey from Livermore Falls.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. NADEAU.

Mr. NADEAU: Mr. Speaker and Members of this House: Again, this is another expenditure. I would just like to note a couple of remarks have been made. First of all, my good friend, Mr. Beliveau from Rumford, said this was a

Committee of Conference. But mind you, five out of the six are lawyers. No wonder they're looking for another Judge at Large. I don't think it's a fair Committee of Conference, personally, if you want it even, put three of them that are lawyers and three of them that aren't. Then you'll really have an opinion. This is like trying to pick a fight with five brothers. You gotta lick them all. I'd like to remind you also, and like I say, five of them are lawyers, you can check me, supplement number six, right in front of you, just a little comment.

Secondly, L. D. 1731 which went back and forth. I'd like to remind you that under Section 4, et cetera, each Judge shall receive an annual salary \$13.5, whoops! We crossed that out and we made it \$16.5, another small expenditure. Of course, we haven't heard the Attorney General asking for an extra Judge, but maybe they need it. And again I'd like to remind you tonight that when you read this was going to — when this was read to you, it said the Minority Report. I think we have heard that throughout this session, again, we're going and we're accepting the Minority Report. What about the people back home? They're the Majority. That's the report we ought to accept. 16.5. I don't know, I just give up. God bless the taxpayers.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr SHUTE.

Mr. SHUTE: Mr. Speaker and Members of the House: Since I am one of the laymen appointed to this Committee, I suppose I should defend my position. One of the other laymen on this Committee is the good Senator from Cumberland, Senator Snow, so it wasn't exactly five to one, the legal profession dominating.

I had an opportunity to look at the case loads for Franklin County and for Northern Androscoggin in this situation and there was something over a thousand a month for Franklin County and something over six hundred for Northern Androscoggin. When compared with the twenty-five hundred in Augusta and something in the neighborhood

of two thousand in Waterville for Judge Poulin to handle on a five day week schedule, we could readily see comparing the two situations there was an overabundance of work for the Judgeship District Court at Large, District Court at Waterville and Augusta. After it was quite easy to see that it was impossible to secure a Judge for Franklin and Northern Androscoggin under these circumstances, after these figures were made available, rather than become an obstructionist, and to deny the District Court system with a Judge who was needed as evidenced in the testimony on the Floor of this House and in our Committee Conference, I reluctantly was a minority signer of the report on Franklin County and on Northern Androscoggin and after that had occurred, why I willingly signed the report of "Ought to pass" as far as the District Court Judge at Large. This is my position. I stand by it.

Furthermore, Mr. Speaker and ladies and gentlemen of the House, I'd like to point out that there is no initial expense to the State, those people who become involved with the Court, paying court costs, are helped to defray the expenses of the District Court system. This is the way it is set up currently. It may change within the next year or two, but this is the way it's handled now, so therefore there is no expense, and I would just like to call to the attention of the gentleman from Sanford, Mr. Nadeau, this fact.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker and Members of the House: In answer to Mr. Shute, I'm sorry—when I saw the word snow I figured we were going to be here until Christmas, and I forgot it wasn't a lawyer. And if this is going to be no expense to the taxpayers, well, that sixteen five has to come out some place. Why don't we leave it in the till? But again, I remember shortly that we passed a raise for our court reporters—we said we're already so short, where are we going to get this court reporter

for this judge at large? What about his help? We said they were practically extinct there are so few—that's why we gave them a raise. I only want to bring that to your attention. I hope personally that we'll vote with Judge Darey and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: I move the previous question.

The SPEAKER: The gentleman from Lewiston moves the previous question. For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present.

All those in favor of the Chair entertaining the motion for the previous question will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

The SPEAKER: Obviously, more than one third having voted in the affirmative, the motion for the previous question is entertained. The question now before the House is shall the main question be put now. The question is debatable for no more than five minutes by any member. All those in favor of the main question being put now will say yes, those opposed, no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The main question is the motion of the gentleman from Livermore Falls, Mr. Darey, that the House reject the Conference Committee Report. The Chair will order a vote. All those in favor of rejecting the Conference Committee Report will vote yes, those opposed will vote no and the Chair opens the vote.

A vote of the House was taken.

23 having voted in the affirmative and 85 having voted in the negative, the motion did not prevail.

The Report was accepted in concurrence.

Thereupon, the House voted to recede and concur with the Senate in acceptance of the Minority Report and the Bill read twice.

Under suspension of the rules the Bill was given its third read-

ing, and passed to be engrossed in concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act to Preserve and Enhance Scenic Values in the State of Maine" (S. P. 500) (L. D. 1215) reporting that they are unable to agree.

(Signed) BERRY of Cumberland
HILDRETH

of Cumberland
BECKETT of Washington
—Committee on part of Senate.

DRUMMOND of Sidney
BRAGDON of Perham
RICHARDSON

of Cumberland
—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill "An Act Creating a District Court Division of Northern Androscoggin and Franklin" (S. P. 544) (L. D. 1392) reporting that they are unable to agree.

(Signed) HILDRETH

of Cumberland
SNOW of Cumberland
LUND of Kennebec
—Committee on part of Senate.

QUINN of Bangor
SHUTE of Farmington
BELIVEAU of Rumford

—Committee on part of House.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

An Act to Establish and Appropriate Funds for a Youth Community Activities Section in the Department of Mental Health and Corrections (S. P. 221) (L. D. 484) which was passed to be enacted in the House on April 7 and passed to be

engrossed as amended by Senate Amendment "A" on April 5.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" and "B" in non-concurrence.

In the House, The House voted to recede and concur with the Senate.

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs, acting pursuant to Joint Order (S. P. 713) reporting a Bill (S. P. 714) (L. D. 1744) under title of "An Act to Appropriate Additional Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968 and June 30, 1969" and that it "Ought to pass"

Report was signed by the following members:

Messrs. BERRY of Cumberland
ALBAIR of Aroostook
—of the Senate.

Messrs. BRAGDON of Perham
BIRT of East Millinocket
DUNN of Denmark
HINDS of South Portland
JALBERT of Lewiston
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. DUQUETTE of York
—of the Senate.

Mr. SCRIBNER of Portland
—of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker, I move the acceptance of the Majority Report.

The SPEAKER: The gentleman from Perham, Mr. Bragdon, moves the acceptance of the Majority Report. Is this the pleasure of the House?