

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 Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

40,000 licenses issued. So, this will take some time but this is to try to set this up on a staggered basis so that it will even up the workload in the Department of Motor Vehicles.

Mr. President, I move the pending question.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, the Bill was Passed to be Enacted and signed by the President.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table, An Act Establishing A Scenic Highway Board (H. P. 837) (L. D. 1075).

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: This evidently is something new on the program, and there is \$1500 set up each year for the biennium.

The PRESIDENT: Is the Senate ready for the question?

Thereupon, this Bill was Passed to be Enacted and signed by the President.

On motion by Mr. Greeley of Waldo, the Senate voted to take from the Special Highway Appropriation Table, An Act Providing for a Feasibility Study of Alternative Methods for Crossing Fore River (S. P. 472) (L. D. 1544).

Thereupon, on motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Enactment.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the eleventh tabled and unassigned matter:

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 366) (L. D. 1248).

The same Senator then presented Senate Amendment "G" and moved its Adoption.

Senate Amendment "G", Filing No. S-338, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. KATZ of Kennebec: Mr. President, may I explain to the

Senate just what this does? It does two things pertaining to L. D. 1608. In the first place, it clarifies that portion of 1608 which ties it with the United States Internal Revenue Code of 1954 and makes it clear that it shall refer to the code as it exists today and not to subsequent changes in the code. The emergency preamble is self-explanatory.

On Page 2, Section 48 (a), when the bill was originally introduced the wording of L. D. 1608 was intended to clarify the law relating to railroads, the railroad excise tax, and to make it conform to the income tax law. We are now advised that rather than do this it might accomplish something exactly the opposite, and it is obscure. This language in the bill is unnecessary because railroads are included by the definition of corporations as set forth in the income tax law, and we think this correction is necessary.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "G"?

The motion prevailed.

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

Mr. KATZ of Kennebec: Mr. President, before passing this for engrossment and sending it forthwith, if there are any other amendments on this bill I wish they would be presented now.

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

Mr. MILLS of Franklin: Mr. President, I do understand that this isn't the last, but I have one here, Filing No. 335, Senate Amendment "E", which I offer and move its adoption. I have been informed that there is at least one other; I just got a message from topline about it.

Senate Amendment "E", Filing No. S-335, was Read.

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

Mr. BERRY of Cumberland: Mr. President, would the Senator please explain the amendment?

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: This is an amendment in regard to one of the appropriation measures which is more than what can be absorbed in the money available, as I understand it. I have been advised from leadership that it is essential to have this amendment, and it is being prepared in my name, but I haven't seen it yet. There is still another one, the good Senator from Cape Elizabeth, Senator Berry, that I still want to bring around here, and I trust you will still be in your seat, and we will talk about it when it comes along.

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

Mr. BERRY of Cumberland: Mr. President, either the explanation is too deep or too shallow for me. I will read the amendment. It says: "The examination may be conducted at the Augusta State Hospital, the Bangor State Hospital, Pineland Hospital and Training Center or at a mental health clinic of or recommended by the Department of Mental Health and Corrections, and when conducted at any such facility shall be the responsibility of a psychiatrist or of a licensed psychologist who may join with him in such an examination." Now, just what is this?

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

Mr. MILLS of Franklin: Mr. President, it is rather plain, I believe, that in about the fifth line from the bottom there is the addition of the words "or of a licensed psychologist." Presently it says "the responsibility of a psychiatrist," and it adds the words "or of a licensed psychologist," which is additive to the substantive measure. I am not enough of a psychiatrist or psychologist to know, but I am enough of a lawyer to know that a licensed psychologist has a great deal of responsibility and a great deal of training and a great deal of ability in this area to determine whether or not a person is subject for commitment. That is in addition to the psychiatrist area.

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

Mr. BERRY of Cumberland: Mr. President, I would like to ask Senator Mills point-blank what kind of an examination are we talking about?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed a question through the Chair, which the Senator from Franklin may answer if he desires.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, it is a warm afternoon and I am tempted to take the Fifth Amendment and not answer because he probably isn't going to know any more about it when I get through than he knows now, and which is next to nothing, I suggest. This psychological examination is the usual, what you might say the "headshrinker's test," in which they show them the round balls to see if they will fit into the square holes and the pegs, and they draw some ink spots and ask what they suggest to them. They have had a lot of training in this area. I am sure the good Senator knows this, but a psychologist is not an M.D. He hasn't had the medical training that the psychiatrist has. The psychiatrist is an M.D., but the psychologist is more on the educational line. He has got to be pretty competent, however, in testing these people that don't quite measure up. I think that will do for this afternoon.

The PRESIDENT: The Senator from Cumberland requests permission to speak a fourth time. Is there objection? The Chair hears none. The Senator may proceed.

Mr. BERRY of Cumberland: May I ask Senator Mills if this has the recommendation of Dr. Schumacher for its passage?

The PRESIDENT: The Senator from Cumberland, Senator Berry, has posed another question through the Chair, which the Senator from Franklin may answer if he desires.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I will spare the Senate further colloquy in this area.

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

Mr. BERRY of Cumberland: Mr. President, I move Senate Amendment "E" be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, now moves that Senate Amendment "E" be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Not having read Title 15, Section 101, I assume that this amendment would expand the examination of a person who is committed to the State Hospital or Pineland for criminal activities. It is my understanding that presently he can only be examined by a psychiatrist, and this would extend it to a licensed psychologist. I think that is what we are concerned with. Not having read Title 15, but the other language suggests that we are talking about the examination of a person committed pursuant to a court order. So, this would permit a licensed psychologist, in addition to a psychiatrist, to perform the examination.

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

Mr. STUART of Cumberland: Mr. President, I move this amendment be tabled until later in today's session.

The PRESIDENT: The Senator from Cumberland, Senator Stuart, moves that Legislative Document 1248 be tabled until later in today's session.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, through the Chair I

ask that the Senator withdraw his motion for a moment.

Thereupon, Mr. Stuart of Cumberland was granted leave to withdraw his tabling motion.

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

Mr. KATZ of Kennebec: Mr. President, I want to call attention to the Senate that this is the one bill that can delay adjournment by one more day. This is the lengthy errors and inconsistencies bill which hasn't even been engrossed and has to be printed. I suggest to you that this is not a bill to get hung up on, and, so far as I know, this amendment is in good faith, it has been presented in good faith, Senator Mills is almost an innocent bystander in having presented it, and I would encourage the Senate to vote on this, and let's get this bill, which is the prime reason for our moving right now down to the other end of the corridor.

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

Mr. STUART of Cumberland: Mr. President, I would like to address a question through the Chair to the good Senator from Kennebec, Senator Katz. Does he understand that this amendment has been approved by Dr. Schumacher?

The PRESIDENT: The Senator from Cumberland, Senator Stuart, has posed a question through the Chair to the Senator from Kennebec, Senator Katz, which he may answer if he so desires.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I don't know that this has been approved by Dr. Schumacher, but as a tactical procedure might I suggest the cooperation of the Senator in permitting this to go, and then contact the Department and, if there is any question, let's take care of it down at the other end. But time is short and I think that if you will let this go, and take care of it down at the other end, that justice and expedition will be served.

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

Thereupon, Mr. Berry of Cumberland was granted leave to withdraw his motion to Indefinitely Postpone Senate Amendment "E", and Senate Amendment "E" was subsequently Adopted.

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

Mr. KATZ of Kennebec: Mr. President. I heard some conversation a moment ago about an additional amendment. I know of no additional amendment and, if there is one, I would hope that it would be taken care of elsewhere so the bill can be passed to be engrossed now.

Thereupon, the Bill, as Amended, was Passed to be Engrossed.

Under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the first tabled and unassigned matter:

HOUSE REPORT — Ought to Pass as Amended by Committee Amendment "A", Filing H-466 from the Committee on State Government on Bill, "An Act Relating to Expenses of the Clerk of the House of Representatives" (H. P. 44) (L. D. 45).

Tabled — June 9, 1969 by Senator Katz of Kennebec.

Pending — Acceptance of Report.

Thereupon the Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

Committee Amendment "A", Filing No. H-466, was Read and, on motion by Mr. Katz of Kennebec, Indefinitely Postponed in non-concurrence.

Thereupon, under suspension of the rules, the Bill was given its Second Reading.

Mr. Katz of Kennebec then presented Senate Amendment "B", Filing No. S-337, was Read and Adopted and the Bill, as Amended Passed to be Engrossed in non-concurrence.

On further motion by the same Senator, and under suspension of the rules, sent down forthwith for concurrence.

On motion by Mr. Katz of Kennebec, the Senator voted to take from the table the eighth tabled and unassigned matter.

Bill, An Act to Amend the Charter of the City of Portland, (S. P. 379) (L. D. 1289).

Tabled — June 19, 1969 by Senator Katz of Kennebec.

Pending — Enactment.

Thereupon, on further motion by the same Senator, the Bill was nebec, the Senate voted to take Passed to be Enacted and signed by the President.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the ninth tabled and unassigned matter: JOINT ORDER — Relative to Maine Education Council study desirability of establishing a Student Advisory Board, (H. P. 1279).

Tabled — June 23, 1969 by Senator Katz of Kennebec.

Pending — Passage.

Thereupon, on further motion by the same Senator, the Joint Order received Passage in concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the third tabled and unassigned matter: HOUSE REPORTS — from the Committee on Taxation on Bill, "An Act Increasing Certain Motor Vehicle Registration Fees". (H. P. 326) (L. D. 413) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — June 12, 1969 by Senator Wyman of Washington.

Pending — Motion by Senator Greeley of Waldo to Reconsider Acceptance of the Minority Ought Not to Pass Report.

Mr. Greeley of Waldo was then granted Leave to Withdraw his motion to Reconsider Acceptance of the Minority Ought Not to Pass Report.

On motion by Mr. Katz of Kennebec, the Senate voted to take