

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

be three nights per month.

There would be a price tag of about \$17,000. The judges are not paid anymore, but the personnel system in the courts, there would be some overtime involved and there would be some shifting of security personnel. When you hold court it is not just the judge and perhaps one clerk, because the holding of court frequently involves the handling of money, and this requires some security measures. In a court such as Portland, where you have a large building with many corridors you cannot get by always, with just one guard on duty.

It is a more complicated prospect than meets the eye on the original Bill. I think that the intention is a good one but in practice the people that utilize evening hours, are likely to be, not the poor laborer who has a hard time to get away from his job in the day time, but the merchant who has a professional collector working for him, who really knows how to set things up. So that the objective is, in my judgement, not likely to be accomplished any better than it is under the present system. I have no quarrel with the general intent, theory and purpose, but I do not feel that this Bill is necessary to carry out that general idea.

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

Senator DEVOE: Thank you, Mr. President. I would like to supplement the comments made by the good Senator from Knox, Senator Collins.

It was revealed during the hearing on this Bill, that the District Court through the office of the Court Administrator, and through the office of the Chief Judge of the District Court is already studying this problem, with a view to seeing whether or not the District Court sometime later on this year, we think, can recommend a policy or adopt a policy that the District Court Judges will be able to follow, to permit some night time activity, depending on the need for it in the particular district or division involved.

Most of us I think on the Committee felt, for our committee based on the rather limited testimony that we had, and not having a great deal of first hand experience, for us to try to substitute our judgement on the committee, for a longer and more careful view, by the people themselves who are involved, that is court personnel and district court judges, would be perhaps premature so for that reason that is why I signed the Ought Not to Pass Report. I too share the view that people perhaps are going to have to come to the time when they will be permitted on a limited basis to go into the District Courts Small Claims Section in the evening, and transact some of their business, because of their inability to do it during the day.

But for us on the basis of a half hour or 45 minutes or an hour hearing before the Committee, to try to substitute our judgement for a longer more careful view by the District Court Judges and the Court Administrative staff would not be prudent, for that reason I ask you to approve the Ought Not to Pass Report on this Bill. Thank you.

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

Senator CONLEY: Mr. President and Members of the Senate: I was delighted to hear the good words by the Senator from Knox, Senator Collins that he would not be particularly upset if something like this was established.

This Bill has been before the Legislature, in the last session that I recall and I am sure even prior to that. So when the good Senator from Penobscot, Senator Devoe makes the statement that it is under study by the courts, it seems to me that when Legislation such as this is introduced to give the working class, of this State the opportunity of attending evening courts rather than to have to take a day off and lose money, it seems to me that that is what government is all about that it should be as accessible and easy for one to be able to get to

government.

When the good Senator mentions the fact about court in Portland, I can tell you that that building is so well secured at night that even the janitor has trouble getting out in the morning. The district court is located in one end of the building that could be very easily secured with respect to having any type of a small claims hearing. It seems to me that what this bill primarily is is to make government a little bit more accessible, for the people of this state.

With respect to the pay increase both the good Senator from Knox, Senator Collins and I are trying to do something about that. We have introduced Legislation to bring their pay scale up and I think that it is well deserved but this is not the time for me to go on a tour of trying to publicize or promote a pay increase for the court.

I do not think that the judges would be upset if they had to spend 1 hour per month to listen to some small claims hearing, so it would be my hope that the Senate would vote to Accept Report "C".

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Senator PIERCE: Mr. President and Members of the Senate.

Senator PIERCE: I would like to at least just briefly concur with the good Senator from Cumberland, Senator Conley. It seems to me that the intent of this Bill, everyone applauds and the amended version as it comes from the other body is not something that is unreasonable. If we could at least get some experience and if in fact this one night a month does not work. The court feel that they can not handle it and it is more expensive than the Appropriation that we have put on it, then perhaps we could readdress that question as we seem to be doing every year anyway. So I would hope that the Senate would Adopt Report "C" today.

The PRESIDENT: The pending Motion before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that the Senate Accept Report "C" Ought to Pass as amended by Committee Amendment "B".

The Chair will order a Division.

Will all those Senators in favor of the Motion to Accept Report "C", please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

11 Senators having voted in the affirmative and 18 Senators in the negative, the Motion to Accept Report "C" does not prevail.

Report "A" Ought Not to Pass, Accepted, in non-concurrence.

Sent down for concurrence.

Senate Ought to Pass

Sensor Usher for the Committee on Transportation on, Bill, An Act to Establish a Sign on the Maine Turnpike for Lost Valley. (S. P. 202) (L. D. 534)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once, and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Sensor Collins for the Committee on Judiciary on, Bill, "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine." (Emergency) (S. P. 7) (L. D. 14)

Reported that the same Ought to Pass in New Draft under same title. (S. P. 401) (L. D. 1161)

Which Report was Read.

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

Sensor COLLINS: Mr. President. This is the Errors and Inconsistencies Bill Number 1 for this Session. In recent years we have been presenting two bills each session, one near the beginning of the session, and one at the very end

of the session.

I am expecting that someone will table this for a couple of days after my remarks, because it has been our practice to call this to your attention each time and ask you to take a look at it, to be sure that it carries out its purpose of correcting all the errors and inconsistencies and not making changes in the policy of our laws.

I remind you that the organization of this Bill is such that if you are interested in a particular area, you can look at the items that amend that area by picking up the title number.

If you are on the education committee for example, you may want to look at those sections that are in education.

The committee followed the policy this year of notifying every committee that had subject matter in the Bill, calling their attention to those sections of the Bill and inviting comment. Most of the Committees did respond and were very helpful, in every case where a committee had any objection to provisions of the Bill, in their area we eliminate those items from the Bill.

In some cases the Committee decided that there were items that were worthy of consideration, by both bodies, but since they had a small policy aspect to them we decided that if they were presented they should be presented from the floor. I believe that there is only one amendment, that I know of, that will come from the floor in the Senate. If anyone has items that they think should be in this Bill, the Judiciary Committee Senators would very much welcome your advice about this, and will be glad to be helpful if they feel that it is a legitimate item for this Bill. Thank you, Mr. President.

On Motion by Senator Pierce of Kennebec, Tabled, pending Acceptance of the Committee Report.

Orders of the Day

The President laid before the Senate the First Tabled, and specially assigned matter:

Bill, "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages." (S. P. 82) (L. D. 155)

Tabled—March 14, 1979 by Senator Katz of Kennebec

Pending—Enactment

On Motion by Senator Pierce of Kennebec, Retabled for 1 Legislative Day.

The President laid before the Senate the Second Tabled, and specially assigned matter:

Bill, "An Act to Permit Performing Arts Centers to Serve Alcoholic Beverages." (H. P. 252) (L. D. 297)

Tabled—March 14, 1979 by Senator Pierce of Kennebec

Pending—Passage to be Engrossed

On Motion by Senator Pierce of Kennebec, Retabled.

The President laid before the Senate the Third Tabled and specially assigned matter:

Bill, "An Act to Increase Salaries of County Officers." (H. P. 201) (L. D. 227)

Tabled—March 15, 1979 by Senator Conley of Cumberland

Pending—Motion of Senator Cote of Androscoggin that the Senat Recede and Concur

The PRESIDENT: The Senator from Androscoggin, Senator Cote, now requests Leave of the Senate to Withdraw his Motion to Recede and Concur.

Is it the pleasure of the Senate to Grant this Leave?

It is a vote.

The Senator from Penobscot, Senator Devoe moves that the Senate Adhere.

Is this the pleasure of the Senate?

The Motion prevailed.

The President laid before the Senate the Fourth Tabled, and specially assigned matter: