

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume II

May 10 to June 15, 1967

**KENNEBEC JOURNAL
AUGUSTA, MAINE**

2nd paragraph of section 1204 of Title 14 of the Revised Statutes, as amended by section 13 of chapter 356 of the public laws of 1965, is further amended to read as follows:

Whenever by reason of the prospective length of a civil trial or other civil cause the court in its discretion shall deem it advisable, it may direct that jurors in addition to the regular panel be called and impaneled to sit as alternate jurors.

Sec. 4. R. S., T. 14, §1204, amended. The last sentence of section 1204 of Title 14 of the Revised Statutes, as amended by section 13 of chapter 356 of the public laws of 1965, is repealed and the following sentence enacted in place thereof:

The Supreme Judicial Court shall by rule provide the number of alternate jurors.

Sec. 5. R. S., T. 14, §1302, repealed and replaced. Section 1302 of Title 14 of the Revised Statutes, as amended by section 14 of chapter 356 of the public laws of 1965, is repealed and the following enacted in place thereof:

§1302. Peremptory

In addition to challenges otherwise provided, any party to a civil action may peremptorily challenge such number of jurors and alternate jurors in such manner and order as the Supreme Judicial Court shall by rule provide.'

Further amend said Bill by renumbering sections 2 and 3 to be sections 6 and 7.

Committee Amendment "A" was Adopted, and the Bill, As Amended, tomorrow assigned for Second Reading.

Mr. Lund for the Committee on State Government on Resolve, Proposing a Constitutional Amendment Repealing the Offices of Judges and Registers of Probate as Constitutional Officers. (S. P. 238) (L. D. 563) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-264)

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

Mr. LUND of Kennebec: Mr. President and Members of the

Senate: I think this is also a very important piece of legislation, and I think the Senate is entitled to a brief explanation as to what this concerns. Both the Republican and Democratic Platforms last year contained provisions of one sort or another relative to Probate Court reform, and earlier this session we authorized a study to be conducted during the session to see if it will be possible to establish a system of full-time judges and to lay the groundwork this session. Due to limitations of time, as you may have noticed if you have had the opportunity to examine the report that was on your desk yesterday, the Committee, although they studied the problem, was not able to come up with a concrete recommendation as to which of several alternatives might be followed in improving our Probate Courts.

However, one thing is clear and that is we cannot by statute change our Probate Courts until such time as the Constitutional provisions regarding the Probate Courts are changed. Therefore, the State Government Committee has taken a bill submitted by Senator Harding, and have added to this bill provisions for the elimination of the Constitutional provisions regarding the Probate Courts. This passage of this measure would repeal the provision from the Constitution, and Committee Amendment "A" would delay the expected date of that repeal until such time as the Legislature determines and provides for an alternate solution to the problem. In other words, this will have the effect of repealing the Constitutional provision as to Probate Courts, but leaving them in effect until such times as the Legislature takes further action. This would appear to be a logical first step toward Probate Court reform at this time.

Thereupon, the Senate voted to accept the Ought to Pass, As Amended, Report of the Committee and the Resolve was given its First Reading. Committee Amendment "A", Filing S-264, was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 238, L. D. 563,

Resolve, Proposing a Constitutional Amendment Repealing the Offices of Judges and Registers of Probate as Constitutional Offices.

Amend said Resolve in next to the last paragraph by striking out in the last line (same in L. D. 563) the words and figures "February 1, 1969" and inserting in place thereof the words 'at such time as the Legislature by proper enactment shall establish a different Probate Court system with full-time judges'

Committee Amendment "A" was Adopted, and the Resolve, As Amended, tomorrow assigned for Second Reading.

Final Reports

The following committees submitted their Final Reports:

The Committee on Industrial and Recreational Development.

The Committee on Senatorial Reapportionment.

The Committee on Taxation.

Which reports were Read and Accepted.

Sent down for concurrence.

Second Reader

The Committee on Bills in the Second Reading reported the following:

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

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following:

An Act to Authorize General Fund Bond Issue in Amount of Two Million Eight Hundred and Thirty-Seven Thousand Five Hundred Dollars and to Appropriate Moneys for Construction, Extension and Improvement for Airports. (H. P. 1166) (L. D. 1667)

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

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

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

An Act Providing Vocational Education Loan Funds. (H. P. 882) (L. D. 1294)

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

An Act Relating to Salary and Expenses of Third Member of Atlantic Sea Run Salmon Commission. (H. P. 1195) (L. D. 1698)

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

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 173) (L. D. 365)

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

Orders of the Day

The President laid before the Senate the first 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 13, 1967 by Senator Johnson of Somerset.

Pending—Enactment.

On motion by Mr. Johnson of Somerset, retabled and specially assigned for Monday, June 19, pending Enactment.

The President laid before the Senate the second tabled and today assigned matter, (S. P. 460) (L. D. 1136) Senate Reports—from the Committee on Towns and Counties on Bill "An Act Relating to County Audits and County Capital Reserve Accounts." (Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.)

Tabled—June 13, 1967 by Senator Couturier of Androscoggin.

Pending—Acceptance of either Report.

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

Mr. COUTURIER of Androscoggin: Mr. President, I yield to the Senator from Oxford County, Senator Ferguson.

Thereupon, on motion by Mr. Ferguson of Oxford, the Senate