

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

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think it is unconscionable that here we have a vehicle to prevent anybody, whether they are over-zealous law enforcement people, the next door neighbor, or somebody who wants to tune in on your wife's boyfriend and snoops on the telephone. It is that simple. It gives proper protection to the telephone companies, and I think I had an understanding with Senator Beliveau that if he could develop an amendment that would at least give the public some protection, in the failure of the law enforcement bill to pass, let's direct our attention to the protection of the rights of privacy of the public. If it is a fact that presently police in this State are snooping without any court order, without any legal justifications, I don't want them to snoop any more. I urge you to support Senator Beliveau's amendment if and when it ever gets presented.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Senator Katz is absolutely right. I withdraw my motion.

The PRESIDENT: The Senator withdraws his motion to indefinitely postpone the bill.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU: Mr. President, I offer Senate Amendment "B", and in doing so I would recall we should have House Amendment "B" and "C" before us which will have to be removed in order to clean up the document. I don't know whether to just offer the amendment or move for reconsideration first.

The PRESIDENT: The Chair would inform the Senator that if he is offering an amendment in conflict with the amendments that have already been adopted within this body, the proper procedure would be reconsideration of the adoption of those amendments.

Mr. BELIVEAU: Mr. President, I so move that we reconsider our action whereby we adopted House Amendment "B".

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that under suspension of the

rules the Senate reconsider its action whereby it adopted House Amendment "B". Is this the pleasure of the Senate?

The motion prevailed and, on subsequent motion by the same Senator, House Amendment "B" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, the Senate voted to reconsider their action whereby House Amendment "C" was Adopted and, on subsequent motion by the same Senator, House Amendment "C" was Indefinitely Postponed in non-concurrence.

The same Senator then presented Senate Amendment "B" and moved it Adoption.

Senate Amendment "B", Filing No. S-311, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the fifth tabled and specially assigned matter:

RESOLVE, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary. (H. P. 21) (L. D. 24)

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

Pending — Adoption of Senate Amendment "A" — Filing S-299.

Thereupon, Senate Amendment "A" was Adopted.

On motion by Mr. Berry of Cumberland, the Senate voted to reconsider its action whereby Senate Amendment "A" was Adopted.

The same Senator then moved that Senate Amendment "A" be Indefinitely Postponed.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senator has very clearly said that in its present form this proposed constitutional amendment is not acceptable, and I would ask the Senator from Cumberland his motivation in attempting to strike down Senate Amendment "A".

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think my position on this bill applies very well to the amendment. I find the whole proposal extremely incompatible with my views of the separation of the executive and legislative branches.

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

Mr. KATZ of Kennebec: Mr. President, I would oppose the motion and request a division.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: Yesterday, I spoke and requested this bill to be tabled. I guess yesterday wasn't the longest day of the year, I guess it is tomorrow, but it seems like it anyway, and I didn't have a chance to really bring this up, as I said, with the Minority Party or with the Chief Executive, although I did give him this amendment. If this amendment goes on I am not sure my position will be voting for enactment.

In reading this, all members of the legislature having been polled—on this particular phase of it, it seems to me if they are going to be polled it possibly should be done by the Secretary of State or the Senate and Speaker, and it should be somehow public knowledge. Maybe this is all included in the indications here.

In one sense, I may be not in the majority, but I certainly sympathize with the basic objective and I feel that there is a problem here, even though it has never occurred. This isn't to say that it might not happen when something along these lines should not be in the statutes and in our constitution. If I recall, I think the Senator from Cumberland, Senator Berry, presented an order today, and I personally would like to favor that particular approach. Not that it hasn't already been studied, because I was on the study committee that studied it, but we didn't

study it so much from the standpoint of succession as we did from the legislature itself convening itself to take care of other matters really, other than succession of the Chief Executive in case of incapacity or inability to serve. I guess I am just biding my time here, but I probably would vote for this amendment at this time, but I don't know whether I am completely satisfied with it, and I may vote against it on enactment.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: May I then suggest that we keep this alive by adopting this amendment. It is going to require a two-thirds vote later on anyway, and I am sure the opponents will have full control over it at that time.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that Senate Amendment "A" be indefinitely postponed. A division has been requested. As many Senators as are in favor of the indefinite postponement of Senate Amendment "A" will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Two Senators having voted in the affirmative and twenty-seven Senators having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "A" was Adopted, and the Resolve, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the first matter tabled earlier in today's session, by Mr. Wyman of Washington:

Bill, "An Act Revising the Salary Plan for Certain Unclassified State Officials." (H. P. 97) (L. D. 105) reports that the same Ought to Pass in New Draft under New Title: "An Act Creating the Unclassified State Employees Salary Board and Revising the Salary Plan for Certain Unclassified