

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**SENATE**

Thursday, January 23, 1969  
Senate called to order by the President.

Prayer by Rev. Elmer N. Bentley of Augusta.

Reading of the journal of yesterday.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, January 28, at 10 o'clock in the morning. (S. P. 96)

Which was Read and Passed.

Sent down forth with for concurrence.

**Papers From The House  
Joint Order**

WHEREAS, the State of Maine, through the State Pomological Society, annually selects a Queen to represent its apple industry and has done so since 1936; and

WHEREAS, Her Highness, Sarah Walker, daughter of Dr. and Mrs. Arnold C. Walker of Union, has achieved that time-honored distinction and title of Maine Apple Queen for 1969; and

WHEREAS, Queen Walker now reigns over a regal domain valued in excess of five million dollars, her accomplishment becomes not only a personal victory but one shared by all Maine citizens; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the 104th Maine Legislature, extend to her gracious majesty, Sarah Walker, our high personal regards for her outstanding achievement along with our firm allegiance to a successful reign; and be it further

ORDERED, that a duly authenticated copy of this Joint Order be immediately transmitted to Madam Queen and her parents in token of our esteem. (H. P. 252)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

**House Papers**

Bills and Resolves today received from the House requiring reference to committees were acted upon in concurrence.

**Senate Papers  
Education**

Mr. Katz of Kennebec presented Resolve, Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority. (S. P. 97) (L. D. 307)

The same Senator presented Bill, "An Act Relating to Fulfillment of Contracts by Teachers About to Retire." (S. P. 98) (L. D. 308)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

**Election Laws**

Mr. Katz of Kennebec presented Bill, "An Act Relating to Ballots Cast by Presidential Electors." (S. P. 99) (L. D. 309)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

**Health and Institutional Services**

Mr. Stuart of Cumberland presented Bill, "An Act Requiring Reconstructed Public Buildings Be Made Accessible to the Physically Handicapped." (S. P. 100) (L. D. 310)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

**Inland Fisheries and Game**

Mr. Barnes of Aroostook presented Resolve, to Open Millinocket Lake, Piscataquis County, to Ice Fishing. (S. P. 101) (L. D. 311)

Which was referred to the Committee on Inland Fisheries and Game and Ordered Printed.

Sent down for concurrence.

**Judiciary**

Mr. Mills of Franklin presented Bill, "An Act Revising Criminal Failure to Support Minor Children." (S. P. 102) (L. D. 316)

The same Senator presented Bill, "An Act Relating to Expert Witness Fees as Court Costs." (S. P. 103) (L. D. 312)

The same Senator presented Bill, "An Act Concerning Admissibility of Hospital Records and Copies of Records as Evidence." (S. P. 104) (L. D. 317)

The same Senator presented Bill, "An Act Relating to Settlement or Release of Claims in Personal Injury and Property Damage Action." (S. P. 105) (L. D. 318)

The same Senator presented Bill, "An Act Relating to Trial Costs." (S. P. 106) (L. D. 313)

The same Senator presented Bill, "An Act Relating to Interest on Judgments." (S. P. 107) (L. D. 314)

Mr. Violette of Aroostook presented Resolve, Authorizing Germaine P. Guerette and Edmund Guerette to Bring Action Against the State of Maine. (S. P. 108) (L. D. 319)

Mr. Mills of Franklin presented Bill, "An Act Relating to the Guardianship of Mentally Retarded Persons." (S. P. 109) (L. D. 315)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

#### Liquor Control

Mr. Mills of Franklin presented Bill, "An Act Relating to Powers and Duties of Liquor Inspectors." (S. P. 110) (L. D. 320)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

#### Retirements and Pensions

Mr. Hanson of Kennebec presented Bill, "An Act Relating to the Average Highest Compensation Under State Retirement System." (S. P. 111) (L. D. 322)

The same Senator presented Bill, "An Act Relating to Amount of Group Life Insurance for Retired Persons Under Maine State Retirement System." (S. P. 112) (L. D. 321)

Which were referred to the Committee on Retirements and Pensions and Ordered Printed.

Sent down for concurrence.

#### State Government

Mr. Mills of Franklin presented Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (S. P. 113) (L. D. 323)

Mr. Wyman of Washington presented Bill, "An Act Relating to the Advisory Board of Review of Operators' License Control Procedures." (S. P. 114) (L. D. 325)

Mr. Hanson of Kennebec presented Bill, "An Act Relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees." (S. P. 115) (L. D. 324)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

#### Taxation

Mr. Peabody of Aroostook presented Bill, "An Act Relating to Exemption of Certain Meat Cattle from Personal Property Taxation." (S. P. 116) (L. D. 327)

Mr. Wyman of Washington presented Bill, "An Act Exempting Water and Air Pollution Control Facilities from Sales and Use Taxes." (S. P. 117) (L. D. 326)

Which were referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

#### Towns and Counties

Mr. Wyman of Washington presented Bill, "An Act Relating to County Advisory Organizations." (S. P. 118) (L. D. 328)

Which was referred to the Committee on Towns and Counties and Ordered Printed.

Sent down for concurrence.

#### Joint Order

On motion by Mr. Katz of Kennebec,

WHEREAS, the Department of Indian Affairs established by the 102nd Legislature was assigned "the duties and powers heretofore given the Commissioner of Health and Welfare relating to Indians, except their education" and was "created to exercise general supervision over the Indian Tribes;" and

WHEREAS, the department is experiencing increasing difficulty in performing said duties and exercising said supervision, largely involving health and welfare services, as a small department with a single appropriation and limited staff; now, therefore, be it

ORDERED, the House concurring, that a Committee of Inquiry be appointed to study the administration of Indian affairs as presently carried out, through consultation with appropriate state agencies and the tribal officials, and to report to the 104th Legislature its recommendations relating to the above-mentioned difficulty; and be it further

ORDERED, that said Committee shall consist of 2 members of the Senate appointed by the President of the Senate and 3 members of the House appointed by the Speaker of the House of Representatives and of the two Tribal Representatives at the Legislature; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$200 to carry out the purposes of this order.

(S. P. 95)

Which was Read and Passed.  
Sent down for concurrence.

**Committee Reports**  
**House**  
**Ought to Pass**

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Closed Season on Wild Hares in Lincoln County." (H. P. 17) (L. D. 20)

Reported that the same Ought To Pass.

Comes from the House, the report Read and Accepted and the Bill Passed To Be Engrossed.

Which report was Read and Accepted in concurrence and the Bill Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass — As Amended**

The Committee on Judiciary on Bill, "An Act Relating to Settlement Status of Persons Residing in Rest Homes and Nursing Homes." (H. P. 36) (L. D. 37)

Reported that the same Ought To Pass As Amended by Committee Amendment "A".

Comes from the House, the report Read and Accepted and the Bill Passed To Be Engrossed As Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, As Amended, tomorrow assigned for Second Reading.

**Divided Report**

The Majority of the Committee on State Government on 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)

Reported that the same Ought to Pass.

Signed:  
Senators

WYMAN of Washington

Representatives:

DENNETT of Kittery  
STARBIRD, JR.

of Kingman  
MARSTALLER of Freeport  
RIDEOUT, JR.

of Manchester  
DONAGHY of Lubec

The Minority of the same Committee on the same subject matter, reported that the same Ought Not to Pass.

Signed:  
Senators:

LETOURNEAU of York  
BELIVEAU of Oxford

Representatives:

WATSON of Bath  
D'ALFONSO of Portland

Comes from the House, the Majority Ought To Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A".

Which reports were Read.

Mr. Wyman of Washington then moved acceptance of the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending the motion by Mr. Wyman of Washington to accept the Majority

Ought to Pass Report of the Committee.

**Divided Report**

Five Members of the Committee on Judiciary on Bill, "An Act Relating to Notice Requirement Under Tenancy at Will by New Owner or Lessee." (H. P. 64) (L. D. 66)

Reported in Report "A" that the same Ought Not To Pass.

Signed:

Senators:

QUINN of Penobscot

Representatives:

DANTON

of Old Orchard Beach

HEWES of Cape Elizabeth

MORESHEAD of Augusta

FOSTER of Mechanic Falls

Four Members of the same Committee on the same subject matter reported in Report "B" that the same Ought To Pass.

Signed:

Senators:

MILLS of Franklin

VIOLETTE of Aroostook

Representatives:

HESELTON of Gardiner

BRENNAN of Portland

One Member of the same Committee on the same subject matter reported in Report "C" that the same Ought To Pass as Amended by Committee Amendment "A".

Signed:

Representative:

BERMAN of Houlton

Comes from the House, Report "A", Ought Not To Pass, Read and Accepted.

Which reports were Read.

Mr. Mills of Franklin then moved acceptance of the Ought to Pass Report "B" of the Committee in non-concurrence.

Thereupon, on motion by Mr. Violette of Aroostook, tabled pending the motion by Mr. Mills of Franklin to accept the Ought to Pass Report "B" of the Committee.

**Senate  
Ought To Pass**

Mr. Cianchette for the Committee on Highways on Bill, "An Act Authorizing Application of 1966 Assessed Valuation for Reimburse-

ment to Towns for Snow Removal in Winter Season of 1968-69." (Emergency) (S. P. 30) (L. D. 88) reported that the same Ought To Pass.

Which report was Read and Accepted and the Bill Read Once and tomorrow assigned for Second Reading.

**Second Readers**

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

**House**

Bill, "An Act Increasing Indebtedness of Baileyville School District." (Emergency) (H. P. 27) (L. D. 28)

Bill, "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 47." (Emergency) (H. P. 28) (L. D. 29)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

**Orders of the Day**

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

Bill, "An Act Relating to Tenure of Office of Assistant Director of Legislative Research." (H. P. 42) (L. D. 43)

Tabled—January 22, 1969 by Senator Berry of Cumberland.

Pending—Passage to be Engrossed.

Mr. Berry of Cumberland then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-2, was read by the Secretary.

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

Sent down for concurrence.

On motion by Mr. Logan of York, the Senate voted to take from the table the first tabled and unassigned matter,

Bill, "An Act Relating to Possession of Firearms in the Southern Hunting Zone." (H. P. 190) (L. D. 230)

Tabled—January 22, 1969 by Senator Logan of York.

Pending—Reference.

Thereupon, the Bill was referred to the Committee on Inland Fisheries and Game in concurrence.

—————  
(Senate at Ease)

Called to order by the President.

Out of order and under suspension of the rules, the President laid before the Senate the following paper from the House:

**Order**

WHEREAS, under the provisions of Joint Rule 8, all bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the fourth Friday following the convening of the Session and such measures, in complete final form, shall be introduced in the appropriate house not later than 1 p.m. of the third Tuesday following;

BE IT ORDERED, the Senate concurring, that all bills and resolves which have been filed with the Director of Legislative Research within the time limit established by the joint rules shall be considered as received, provided such bills and resolves shall be properly titled and accompanied by sufficient information and data required for their preparation. The Director of Legislative Research shall communicate to the Senate

and House, respectively, not later than 1 p.m. Tuesday, January 28, 1969, a list of all bills and resolves in the process of preparation in his office, and shall report to the Secretary of the Senate and Clerk of the House, respectively not later than 1 p.m. on the first legislative day of each week beginning February 4th a list of bills and resolves remaining in process of completion in his office, together with a second communication which shall show a list of completed bills ready to be taken by their respective legislative sponsors, and it is further

ORDERED, that this Order shall not apply to bills reported by any joint standing or joint select committee in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the One Hundred and Fourth Legislature.

(H. P. 305)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

—————  
The Adjournment Order having been returned from the House, received and passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, January 28, at 10 o'clock in the morning.