

# 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**

Tuesday, January 28, 1969  
Senate called to order by the Secretary.

Prayer by the Rev. Kenneth Brookes of Augusta.

Reading of the Journal of yesterday.

On motion by Mr. Hoffses of Knox, the Senate voted that Mr. Katz of Kennebec serve as President pro tem for the remainder of today's session.

Thereupon, the Sergeant-at-Arms escorted Mr. Katz to the rostrum where he assumed the duties of President pro tem.

**House Papers**

Bills and Resolves today received from the House requiring reference to committees were acted upon in concurrence, with the following exceptions:

Bill, "An Act Increasing the Salaries of the Boxing Commission" (H. P. 257) (L. D. 333).

Bill, "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (H. P. 258) (L. D. 334).

Come from the House referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

On motion by Mr. Wyman of Washington, these two Bills were tabled pending Reference to Committee.

(See action later in today's session)

Bill, "An Act Appropriating Funds for a Two-Classroom Building at Somerville Plantation" (H. P. 267) (L. D. 343).

Comes from the House referred to the Committee on Education and Ordered Printed.

On motion by Mr. Dunn of Oxford, tabled and tomorrow assigned, pending Reference to Committee.

Bill, "An Act Increasing Fee for Motor Vehicle Duplicate Licenses" (H. P. 304) (L. D. 380).

Comes from the House referred to the Committee on Highways and Ordered Printed.

On motion by Mr. Barnes of Aroostook, tabled pending Reference to Committee.

Bill, "An Act Relating to Liability of Landowners to Operators of Snow Traveling Vehicles" (H. P. 285) (L. D. 361).

Comes from the House referred to the Committee on Legal Affairs and Ordered Printed.

On motion by Mr. Mills of Franklin, referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

Later in the day, on motion by Mr. Logan of York, the Senate voted to reconsider its previous action whereby Bill, "An Act Relating to Holding Property by Cumberland Farmers' Club" (H. P. 286) (L. D. 362), was referred to the Committee on Legal Affairs in concurrence.

On further motion by the same Senator, tabled and tomorrow assigned, pending Reference to Committee.

Bill, "An Act Relating to Approval of Appointment of Assistant County Attorney for Washington County." (Emergency) (H. P. 299) (L. D. 375)

Bill, "An Act Increasing the Salary of the County Attorney for Washington County." (Emergency) (H. P. 300) (L. D. 376)

Bill, "An Act Creating a Second Assistant County Attorney for the County of York." (Emergency) (H. P. 302) (L. D. 378)

Come from the House referred to the Committee on State Government and Ordered Printed.

On motion by Mr. Wyman of Washington, these three Bills were tabled and tomorrow assigned, pending Reference to Committee.

**Senate Papers**

**Appropriations and Financial Affairs**

Mr. Duquette of York presented Bill, "An Act Increasing the State Contingent Account." (S. P. 119) (L. D. 381)

Mr. Boisvert of Androscoggin presented Bill, "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years

Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 120) (L. D. 382)

Which were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

#### Education

Mr. Stuart of Cumberland presented Bill, "An Act Appropriating Funds for Health Education." (S. P. 121) (L. D. 383)

The same Senator presented Bill, "An Act Relating to Sharing Costs in a School Administrative District." (S. P. 122) (L. D. 384)

The same Senator presented Bill "An Act Removing Public Law 874 Receipts from the Educational Computation Foundation Program." (S. P. 123) (L. D. 385)

Mr. Dunn of Oxford presented Bill, "An Act Relating to School Construction Aid." (S. P. 124) (L. D. 386)

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

Sent down for concurrence.

#### Health and Institutional Services

Mr. Greeley of Waldo presented Bill, "An Act Relating to Delegation of Authority to Director of Bureau of Corrections Under New England Interstate Corrections Compact." (S. P. 125) (L. D. 387)

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

Sent down for concurrence.

#### Highways

Mr. Greeley of Waldo presented Bill, "An Act Relating to Definition of Valuation in Reimbursement to Towns for Snow Removal." (S. P. 126) (L. D. 388)

Mr. Cianchette of Somerset presented Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Thirty-one Million Seven Hundred Forty Thousand Dollars on Behalf of the State of Maine to Build State Highways." (S. P. 127) (L. D. 389)

Mr. Greeley of Waldo presented Bill, "An Act Relating to Town's Matching Funds for Reconstructing

State Aid Highways." (S. P. 128) (L. D. 390)

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

Sent down for concurrence.

#### Inland and Fisheries and Game

Mr. Quinn of Penobscot presented Resolve, Relating to Fishing in Green Lake, Hancock County. (S. P. 129) (L. D. 391)

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 to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles." (Emergency) (S. P. 130) (L. D. 392)

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

Sent down for concurrence.

#### State Government

Mr. Beliveau of Oxford presented Resolve, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money. (S. P. 131) (L. D. 393)

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

Sent down for concurrence.

#### Committee Reports House

##### Ought to Pass

The Committee on State Government on Bill, "An Act Relating to Membership and Expenses of Maine Recreation Authority." (H. P. 70) (L. D. 70)

Reported that the same Ought to Pass.

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

The Committee on State Government on Bill, "An Act Relating to United States Property and Fiscal Officer Under Military Law." (H. P. 71) (L. D. 71)

Reported that the same Ought to Pass.

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

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass-As Amended**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys to Carry Out Duties of the Attorney General." (Emergency) (H. P. 111) (L. D. 127)

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 and the Bill, as Amended, tomorrow assigned for Second Reading.

**Ought to Pass In New Draft**

The Committee on Sea and Shore Fisheries on Bill, "An Act Prohibiting the Taking of Striped or Sea Bass in Tidal Waters Except by Hand Line or Rod and Reel." (Emergency) (H. P. 7) (L. D. 7)

Reported that the same Ought to Pass in New Draft under the same title. (H. P. 251) (L. D. 241)

Comes from the House, the Report Read and Accepted and the Bill, in New Draft, Passed To Be Engrossed.

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

**Senate**

**Ought To Pass-As Amended**

Mr. Mills of Franklin for the Committee on Judiciary on Bill, "An Act Relating to Settlement with Joint Tortfeasors." (S. P. 41) (L. D. 124)

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

Mr. Violette of Aroostook for the Committee on Judiciary on Bill, "An Act Relating to Workmen's

Compensation Third-Party Actions." (S. P. 42) (L. D. 125)

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

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A", Filing Nos. S-3 and S-4, were Read and Adopted, and the Bills, as Amended, Tomorrow Assigned for Second Reading.

**Second Readers**

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

**House**

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

Which was Read a Second Time and Passed To Be Engrossed in concurrence.

**House - As Amended**

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

Which was Read a Second Time.

On motion by Mr. Peabody of Aroostook, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

**Senate**

Bill, "An Act Authorizing Application of 1966 Assessed Valuation for Reimbursement to Towns for Snow Removal in Winter Season of 1968-1969." (Emergency) (S. P. 30) (L. D. 88)

Which was Read a Second Time and Passed To Be Engrossed.

Sent down for concurrence.

**Orders of the Day**

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

House Reports — from 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) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled—January 23, 1969 by Senator Berry of Cumberland.

Pending—Motion by Senator Wyman of Washington to accept the Majority Ought to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bill before us, L. D. 24, provides a rather sharp break with tradition and existing constitutional law and, accordingly, would seem to merit a close perusal. When we are faced with a proposal to make a change of this significance the first question might be "What is the change?" and, second, "Is it necessary?"

The proposal here would permit the President of the Senate and the Speaker of the House, acting together, to call the legislature into session. Of course, such a procedure now is impossible. I assume, from reading the news that the main purpose behind this bill is an attempt to bring the legislature into session more frequently than it is now brought by law and by our established constitutional procedure. Now this, in my opinion, is in itself newsworthy and meritorious because this indicates an increasing awareness on the part of people that it is necessary for the legislature to devote more time to the conduct of the State business than at present it does. Accordingly, my questioning would not be with the purpose of the bill, but rather with the manner in which this is attempted to be accomplished.

It has been said that this was the thinking man's answer to annual sessions, and I think this underscores what I just said, that we are realizing more and more that increasing attention has got to be given to more legislative supervision. As you probably gather, this opens up a whole complex problem, far more than just the simple wording "Shall the legislature come in session on the call of the President and Speaker?" Because we are face to face by the very nature of this bill and the causes which brought it before us to consider the whole

question, the whole spectrum, of what needs to be done to provide adequate and proper legislative action and supervision of our State's affairs, it is because of this that I attribute a great deal of importance to this bill.

Now, from a technical standpoint — and this is my question with it, of course — from a technical standpoint I do see problems in the ability of two members of the legislature to call in session whenever they wish, without any screening process or any restraining influence at all, the Maine State Legislature. Certainly the calling of the legislature is a significant and serious act. When we have been called in session there have been cogent reasons for doing this. The last one was the proposal to increase the borrowing capacity of the Maine Industrial Building Authority for the Bath Iron Works. To my knowledge, there has never been a reluctance on the part of any governor to call a special session of the legislature. This removes one of the reasons for the bill because, by law and by constitution, the governor is the party empowered to do this, and he should be. Now, if anything happens to the Governor we have a very clear line of succession, so the legislature of the State of Maine may be called in session promptly in the event of any need.

I see a possible chaotic situation developing. I see a divergence of thinking, say, between the executive branch and the legislative leadership. I see a situation which might develop where a strong personality, outside the elected membership of the legislature, might convince the President of the Senate and the Speaker of the House that there would be a need for a particular reason to call the legislature into session. I maintain, Mr. President and Members of the Senate, that this is not the prerogative of elected legislative leadership to call the legislature into session. The call should come from the governor and, as it does now, it should state the specific needs, the specific aims and objectives of such a special session.

Now, a continuation of what we have seen of calling special sessions of the legislature is merely a continuation of the problems and the difficulties that you and I as legislators face up here doing our job. Certainly the time has come for us to take a bold, forward, decisive step, and not merely try to maintain the status quo of calling us into session on a specific basis to handle the problems. The needs of state government are more and more complex, more and more costly, and, I would be the first to admit, far beyond the comprehension of most of us legislators to comprehend. So, I would hope that you would give this matter the very serious consideration it merits.

I agree with the objectives. I find the mechanical means of doing this wrong. The problem must be solved, as I said, by bold, decisive measures, and these, I am sure will be before us for future consideration. I hope you will vote against the prevailing question, which is the acceptance of the ought to pass report.

The PRESIDENT pro tem: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I move that this item lay upon the table until Thursday, January 30th.

The PRESIDENT pro tem: The Senator from Knox, Senator Hoffses, moves that this item be tabled until Thursday of this week. Is this the pleasure of the Senate?

The motion prevailed and the Resolve was tabled, specially assigned for January 30, pending the motion by Senator Wyman of Washington to accept the Majority Ought to Pass Report of the Committee.

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(Senate at Ease)

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Called to order by the President pro tem.

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

**Committee Reports  
House**

The Committee on Legal Affairs on Bill, "An Act Providing for a Council-Manager Form of Government for the Town of Millinocket". (H. P. 65) (L. D. 84)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-7)

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

Which Report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was read and adopted.

Thereupon, under suspension of the rules, the Bill, was given its Second Reading and As Amended was Passed to be Engrossed in concurrence.

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On motion by Mr. Wyman of Washington, the Senate voted to take from the table Bill, "An Act Increasing the Salaries of the Boxing Commission" (H. P. 257) (L. D. 333). Tabled earlier in today's session by that Senator, pending Reference to Committee.

On further motion by the same Senator, Referred to the Committee on State Government and Ordered Printed in non-concurrence.

Sent down for concurrence.

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On motion by Mr. Wyman of Washington, the Senate voted to take from the table Bill, "An Act increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (H. P. 258) (L. D. 34).

Tabled earlier in today's session by that Senator, pending Reference to Committee.

On further motion by the same Senator, Referred to the Committee on State Government and Ordered Printed in non-concurrence.

Sent down for concurrence.

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(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.