

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, February 11, 1969

Senate called to order by the President.

Prayer by Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

**Papers From the House
Non-concurrent Matter**

Bill, "An Act Relating to Inspection of County Jails." (H. P. 414) (L. D. 525)

In House January 30, 1969, referred to the Committee on State Government.

In Senate February 5, 1969, referred to the Committee on Towns and Counties in non-concurrence.

Comes from the House, that body having insisted.

On motion by Mr. Mills of Franklin, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, recent events surrounding the proposed establishment of a nuclear reactor and aluminum plant at Trenton have raised questions whether the law and procedures of the Maine Industrial and Recreational Finance Approval Board are sufficient to provide a d e q u a t e information regarding the impact of a proposal upon the natural resources of an area, and whether the local consent now required is enough to assure protection of the public interest in preserving the natural environment of a region; now, therefore, be it

ORDERED, the Senate concurring, that the Committee on Natural Resources is directed to study the need for legislation authorizing release of information needed for evaluation of the impact of a project upon the natural environment of a region with regard to the several statutory plans for assisting with financing the location of industries, to study the need for broader inquiry by a n d recommendations from appropriate state and local natural resource and planning agencies, to study the need for approval of a broader segment of the area affected than merely the municipi-

pality in which the project would be located, and to report out such legislation as may be needed to carry out its findings a n d recommendations. (H. P. 536)

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, with the following exceptions:

Bill, "An Act to Remove the Prohibition Against Running Horse Racing During Certain Weeks in the Months of June and July" (H. P. 452) (L. D. 589).

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

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending Reference to Committee.

Bill, "An Act relating to Powers of Sale in Mortgages" (H. P. 453) (L. D. 590).

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

On motion by Mr. Katz of Kennebec, referred to the Committee on Judiciary and Ordered Printed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Compensation of Electricians Examining Board and Membership and Compensation of Oil Burner Men's Licensing Board" (H. P. 505) (L. D. 676).

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

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned pending Reference to Committee.

Bill, "An Act Providing for the Outlawing of Contests and Games by Establishments Selling Motor Vehicle Fuel." (H. P. 474) (L. D. 628).

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

On motion by Mr. Katz of Kennebec, referred to the Committee on

Business Legislation and Ordered
Printed in non - concurrence.
Sent down for concurrence.

Communications

State of Maine
Office of the Governor
Augusta, Maine

February 11, 1969

The Honorable Jerrold B. Speers
Secretary of the Senate
104th Legislature
Augusta, Maine
Dear Mr. Speers:

Today, in accordance with my
Constitutional duty, I am sub-
mitting a message on Education.
It contains proposals which
supplement those in my Budget
Message delivered to the 104th
Legislature on January 9, 1969.

Sincerely,
Kenneth M. Curtis
Governor

Which was Read and with
accompanying papers Ordered
Placed on File.

Senate Papers

**Appropriations and Financial
Affairs**

Mr. Anderson of Hancock presented
Bill, "An Act Appropriating
Funds for Union River Anadromous
Fish Restoration Program." (S. P. 234) (L. D. 708)

Which was referred to the Com-
mittee on Appropriations and
Financial Affairs and Ordered
Printed.

Sent down for concurrence.

Education

Mr. Kellam of Cumberland presented
Bill, "An Act Relating
to School Lunch Programs." (S. P. 236) (L. D. 709)

The same Senator presented Bill,
"An Act Relating to the Payment
of Subsidy for the New Programs
of Special Education for Handi-
capped Children." (S. P. 235) (L. D. 710)

The same Senator presented Bill,
"An Act to Amend the New Eng-
land Higher Education Compact." (S. P. 237) (L. D. 711)

Which were referred to the Com-
mittee on Education and Ordered
Printed.

Sent down for concurrence.

Legal Affairs

Mr. Martin of Piscataquis
presented Bill, "An Act Relating
to Municipal Civil Service Com-
missions." (S. P. 241) (L.D. 712)

Which was referred to the Com-
mittee on Legal Affairs and
Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. MacLeod of Penobscot pre-
sented Bill, "An Act to Create the
Orono - Veazie Water District." (S. P. 238) (L. D. 713)

Which was referred to the Com-
mittee on Public Utilities and
Ordered Printed.

Sent down for concurrence.

State Government

Mr. Gordon of Cumberland
presented Resolve, Proposing an
Amendment to the Constitution to
Provide for Direct Initiative to
Amend the Constitution. (S. P. 239)
(L. D. 714)

Which was referred to the Com-
mittee on State Government and
Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Bernard of Androscoggin
presented Bill, "An Act Exempting
Sales to Certain Institutions from
Sales Tax." (S. P. 240) (L.D. 715)

Which was referred to the Com-
mittee on Taxation and Ordered
Printed.

Sent down for concurrence.

Orders

On motion by Mr. Katz of
Kennebec:

ORDERED, the House con-
curring, that notwithstanding the
provision of Joint Rule 8, bills and
resolves now in the office of the
Director of Legislative Research
shall be introduced in complete
final form in the appropriate house
not later than 1 p.m. on Tuesday,
March 4, 1969. (S. P. 242)

Which was read and Passed and,
under suspension of the rules, sent
down forthwith for concurrence.

Committee Reports

House

Change of Reference

The committee on Highways on
Bill, "An Act Providing for

Maintenance of a Certain Road Leading to Baxter State Park." (H. P. 229) (L. D. 285)

Reported that the same be referred to the Committee on Appropriations and Financial Affairs.

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in concurrence.

Ought to Pass

The Committee on Liquor Control on Bill, "An Act Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors." (Emergency) (H. P. 290) (L. D. 366)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on Bill, "An Act Increasing Fees Under State Nursing Law." (H. P. 228) (L. D. 284)

Reported that the same Ought to Pass.

The same Committee on Bill, "An Act Increasing Compensation of Examiners of Podiatrists." (H. P. 225) (L. D. 275)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act Relating to Poll Taxes Paid to Caswell Plantation." (H. P. 199) (L. D. 246)

Reported that the same Ought to Pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Use of Artificial Lights for Lighting Game." (H. P. 92) (L. D. 101)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

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

Ought to Pass - As Amended

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Violating the Laws Dealing with Certain Birds." (H. P. 120) (L. D. 136)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (Filing H-12)

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

The Committee on Transportation on Bill, "An Act Relating to Surrender of Motor Vehicle Instruction Permits." (H. P. 129) (L. D. 145)

Reported that the Same Ought to Pass as Amended by Committee Amendment "A". (Filing H-13)

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

The Committee on Claims on Resolve, to Reimburse Bernard J. Kenney of Winthrop for Well Damage by Highway Maintenance. (H. P. 56) (L. D. 58)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (Filing H-11)

Comes from the House, the report Read and Accepted and the Resolve Passed to be Engrossed as amended by Committee Amendment "A".

Which reports were Read and Accepted in concurrence, and the Bills and Resolve Read Once. Committee Amendments "A" were Read and Adopted and the Bills and Resolve, as Amended, tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Increasing Compensation of Directors of the Maine Port Authority." (H. P. 8) (L. D. 8)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (Filing H-21)

(Signed)
Senators:

WYMAN of Washington
BELIVEAU of Oxford

Representatives:

D'ALFONSO of Portland
WATSON of Bath
MARSTALLER of Freeport
STARBIRD, JR.
of Kingman Township

The Minority of the same Committee on the same subject matter

reported that the same Ought Not to Pass.

(Signed)

Senators:

LETOURNEAU of York
Representatives:

DENNETT of Kittery
DONAGHY of Lubec
RIDEOUT, Jr.

of Manchester

Comes from the House, Minority Ought Not to Pass Report Read and Accepted.

Which reports were Read.

On motion by Mr. Letourneau of York, tabled and tomorrow assigned, pending Acceptance of either Report.

**Senate
Leave to Withdraw**

Mr. Letourneau for the Committee on State Government on Bill, "An Act Relating to Interest on Certain State Bond Issues," (Emergency) (S. P. 72) (L. D. 194)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Moneys for Salary and Wage Accruals for University of Maine Personnel." (S. P. 76) (L. D. 234)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Hoffes for the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season for the Trapping of Foxes." (S. P. 80) (L. D. 238)

Reported that the same Ought to Pass.

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

Mr. Cianchette for the Committee on Highways on Bill, "An Act Relating to Weight Tolerance on Building or Construction Materials," (S. P. 78) (L. D. 240)

Reported that the same Ought to Pass.

Which report was Read.

On motion by Mr. Cianchette of Somerset, the Bill and Report were recommended to the Committee on Highways and sent down for concurrence.

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 75) (L. D. 236)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Sewall for the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for an Additional District Court Judge at Large." (S. P. 64) (L. D. 186)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (Filing S-10)

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I have a little, minor curiosity about this measure. These judge bills usually go to the committee of which I am a member, so if I may be pardoned I will pause a little bit here to make an inquiry or two about it.

I think we have a precedent set here that may be of great interest to all of us in this session of the Legislature. This bill came into the Legislature as Legislative Document 186, and it carried with it Section 2, an appropriation that is appropriated from the General Fund, the sum of \$40,000, to the District Court to carry out the purposes of this Act. "The breakdown shall be as follows:" So, it appropriates \$40,000 to carry it out.

Then the committee has, in its wisdom, reported out this amendment which we are about to adopt, which provides that Section 2 be stricken. The bill itself, as you will notice, gives the Governor the appointment of an additional district judge at large. We have three now, and this allows for four, but the committee's amendment takes out the appropriation.

If the committee has got some way of financing these things, additional judges and additional personnel, without costs, I wish the committee would inform us how it is going to be done. I realize, of course, that there is some other avenue of appropriation, but I would like to be advised before we finally act on this.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

(Off Record Remarks)

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Creating County Commissioner Districts." (S. P. 60) (L. D. 168)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

MARTIN of Piscataquis
MILLS of Franklin

Representatives:

HAWKENS of Farmington
CROMMETT of Millinocket
LABERGE of Auburn
FORTIER of Waterville

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

(Signed)

Senator:

PEABODY of Aroostook

Representatives:

DYAR of Strong
HANSON of Vassalboro
WIGHT of Presque Isle

Which reports were Read.

On motion by Mr. Moore of Cumberland, tabled and tomorrow assigned, pending Acceptance of either Report.

Second Readers

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

House

Bill, "An Act Converting the Plantation of Grand Lake Stream into the Town of Grand Lake Stream." (Emergency) (H. P. 39) (L. D. 40)

Bill, "An Act Changing Name of Methodist Church to United Methodist Church." (H. P. 146) (L. D. 172)

Bill, "An Act to Clarify the Law for the Establishment of Veterans Memorial Cemetery." (H. P. 156) (L. D. 182)

Bill, "An Act Relating to Residency Requirements for Aid to Dependents of Veterans." (H. P. 157) (L. D. 183)

(On motion by Mr. Quinn of Penobscot, tabled and specially assigned for Thursday, February 13, 1969, pending Passage to be Engrossed.)

Bill, "An Act Relating to Powers of Park and Recreation Commission." (H. P. 195) (L. D. 242)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

House - As Amended

Bill, "An Act Relating to the Authority to Regulate Motor Vehicle Speeds." (H. P. 60) (L. D. 62)

Bill, "An Act Relating to Sales Tax on Sales of Boats to Non-residents." (H. P. 126) (L. D. 142)

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

Senate - As Amended

Bill, "An Act Increasing Entry Fee Under Small Claims Law." (S. P. 90) (L. D. 252)

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

Sent down for concurrence.

Enactors

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

Bill, An Act Changing Name of Western M Art Group to Western Maine Art Group. (H. P. 38) (L. D. 39)

Bill, An Act Relating to Southern M a i n e Comprehensive Health Association, Inc. (H. P. 40) (L. D. 41)

Which were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Orders of the Day

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

Bill, "An Act Relating to Notice Requirement Under Tenancy at Will by New Owner or Lessee." (H. D. 64) (L. D. 66)

Tabled — February 6, 1969 by Senator Hoffses of Knox.

Pending — Motion by Senator Quinn of Penobscot to Indefinitely Postpone the Bill.

On motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending the motion by Mr. Quinn of Penobscot to Indefinitely Postpone the Bill.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.