

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, February 13, 1969

Senate called to order by the President.

Prayer by Rev. Arthur G. Christopher 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 to Tuesday, February 18, at 10 o'clock in the morning. (S. P. 249)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Bill, "An Act Relating to Workmen's Compensation Third-Party Actions." (S. P. 42) (L. D. 125)

In Senate, January 29, 1969, Passed To Be Engrossed, as Amended by Committee Amendment "A". (S-3)

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-16), in non-concurrence.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending consideration.

Joint Order

ORDERED, the Senate concurring, that the Secretary of State is authorized and directed upon application by any member of the 104th Legislature, pursuant to the Revised Statutes, Title 29, Section 193, to issue in a corporate name specially designed number plates and certificate of registration for one designated motor vehicle upon satisfactory proof that said vehicle is assigned to and personally under the control of such member. (H. P. 618)

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 Refer-

ence to Committees were acted upon in concurrence, with the following exception:

Bill, "An Act Relating to Credit Card Crimes" (H. P. 563) (L. D. 744).

Comes from the House Referred to the Committee on Judiciary and Ordered Printed.

On motion by Mr. Kellam of Cumberland, tabled and tomorrow assigned, pending Reference to Committee.

**Communications
STATE OF MAINE
Department of Audit
Augusta, Maine**

December 16, 1968

To Governor Kenneth M. Curtis and Members of the One Hundred and Fourth Legislature

In compliance with statutory requirement, I submit herewith the annual report of the State Auditor for the fiscal year ended June 30, 1968. The financial data presented herewith are based upon the accounting records maintained in the Bureau of Accounts and Control.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances reported and controlled locally by State agencies and not reflected herein, the accompanying financial statements present fairly the financial position of the operating funds of the State of Maine at June 30, 1968, and the results of their operations for the fiscal year then ended, in conformity with generally accepted governmental accounting principles applied on a consistent basis.

Respectfully submitted,
(Signed)

ARMAND G. SANSOUCY
State Auditor

(S. P. 250)

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

Sent down for concurrence.

**Senate Papers
Judiciary**

Mr. Wyman of Washington presented (By request) Bill, "An Act Relating to Election of Clerks of

the Judicial Courts". (S. P. 254) (L. D. 791)

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

Sent down for concurrence.

Retirements and Pensions

Mr. Boisvert of Androscoggin presented Bill, "An Act Including Teacher Assistants and Aides Under State Retirement System." (S. P. 252) (L. D. 792)

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

Sent down for concurrence.

State Government

Mr. Greeley of Waldo presented Bill, "An Act Revising the State Purchasing Law." (S. P. 253) (L. D. 793)

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

Sent down for concurrence.

Towns and Counties

Mr. Wyman of Washington presented Bill, "An Act Increasing Salary of Judge of Probate of Washington County." (S. P. 251) (L. D. 795)

Mr. Moore of Cumberland presented Bill, "An Act Increasing Salary of Messenger of Cumberland County Superior Court." (S. P. 255) (L. D. 794)

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

Sent down for concurrence.

Committee Reports

House

Change of Reference

The Committee on Appropriations and Financial Affairs on Bill, "An Act Increasing Payments to Hancock County Law Library." (H. P. 259) (L. D. 335)

Reported that the same be Referred to the Committee on Towns and Counties.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Deer in the Town of Southport to Conform with Lincoln County." (H. P. 121) (L. D. 137)

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 Towns and Counties on Bill, "An Act Increasing Compensation of City of Bath Councilors and School Board Members." (H. P. 152) (L. D. 178)

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 Towns and Counties on Bill, "An Act Relating to Sale of Laws to Municipalities." (H. P. 154) (L. D. 180)

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 Education on Bill, "An Act Providing Preservice and In-Service Educational Activities for Teachers of General Adult Education." (H. P. 223) (L. D. 273)

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 Inland Fisheries and Game on Bill, "An Act to Repeal Certain Bag Limits on White Perch." (H. P. 233) (L. D. 289)

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 Sea and Shore Fisheries on Bill, "An Act Relating to Taking of Alewives in Damariscotta River." (Emergency) (H. P. 295) (L. D. 371)

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 in New Draft

The Committee on Public Utilities on Bill, "An Act Relating to a Civil Penalty for Gas Companies or Natural Gas Pipeline Companies." (H. P. 293) (L. D. 369)

Reported that the same Ought to Pass in New Draft Under New Title of "An Act Relating to Remedies Against Gas Companies and Natural Gas Pipeline Companies for Violations of the Public Utilities Law." (H. P. 587) (L. D. 707)

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, the Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

Ought to Pass—As Amended

The Committee on Agriculture on Bill, "An Act Clarifying Certain Milk and Milk Products Laws." (H. P. 52) (L. D. 54)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-23).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-23).

The Committee on Agriculture on Bill, "An Act Relating to Tree and Shrub Seeds Under the Maine Seed Law." (H. P. 53) (L. D. 55)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-24).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-24).

The Committee on Public Utilities on Bill, "An Act to Remove Debt Limit of Jay Village Water District." (H. P. 69) (L. D. 69)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-26).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as

Amended by Committee Amendment "A" (H-26).

The Committee on Business Legislation on Bill, "An Act to Clarify Certain Banking Laws." (H. P. 159) (L. D. 198)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-25).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-25).

The Committee on Public Utilities on Bill, "An Act Extending the Territory of Brunswick Sewer District." (Emergency) (H. P. 176) (L. D. 215)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-27).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-27).

The Committee on Agriculture on Bill, "An Act Relating to Method of Sale of Commodities and Liquefied Petroleum Products." (H. P. 207) (L. D. 257)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-22).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-22).

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

The Committee on Public Utilities on Bill, "An Act Increasing Borrowing Capacity of Mars Hill Utility District." (H. P. 241) (L. D. 296)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-28).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-28).

Which report was Read.

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

The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I just received word from the officials of the Town of Mars Hill that they are having a meeting on this Monday, February 24th. With your permission, I would like to table this until Tuesday, February 25th.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and specially assigned for Tuesday, February 25, 1969, pending Acceptance of the Ought to Pass as Amended Report of the Committee.

**Senate
Ought to Pass**

Mr. Cianchette for the Committee on Highways on Bill, "An Act Relating to Definition of Valuation in Reimbursement to Towns for Snow Removal." (S. P. 126) (L. D. 388)

Reported that the Same Ought to Pass.

Mr. Quinn for the Committee on Judiciary on Bill, "An Act to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles." (Emergency) (S. P. 130) (L. D. 392)

Reported that the same Ought to Pass.

The same Senator for the Committee on Judiciary on Bill, "An Act Relating to Appointment of Clerk Pro Tempore of the Judicial Court." (S. P. 139) (L. D. 421)

Reported that the same Ought to Pass.

Mr. Violette for the Committee on Judiciary on Bill, "An Act Relating to Trial Terms of the Superior Court." (S. P. 143) (L. D. 425)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills 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 To Allocate Money from the General Highway Fund for State Aid Construction." (Emergency) (H. P. 232) (L. D. 288)

Bill, "An Act Repealing Law Relating to Prohibiting Transportation of Certain Poultry." (H. P. 254) (L. D. 330)

Bill, "An Act Relating to Election of Members of Board of Trustees of Ashland Water and Sewer District." (Emergency) (H. P. 294) (L. D. 370)

Bill, "An Act Relating to the Transportation of Refuse." (H. P. 248) (L. D. 303)

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

House — As Amended

Bill, "An Act Relating to Voting Residence of Wife of Member of Armed Forces." (H. P. 279) (L. D. 355)

Which was Read a Second Time.

(On motion by Mr. Wyman of Washington, tabled pending Passage to be Engrossed.)

Bill, "An Act Relating to Purchase of Parcels of Land by Forest Commissioner." (H. P. 45) (L. D. 46)

Which was Read a Second Time.

(On motion by Mr. Sewall of Penobscot, tabled and tomorrow assigned, pending Passage to be Engrossed).

Bill, "An Act Amending the Election Laws." (H. P. 29) (L. D. 30)

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

Senate

Resolve, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (S. P. 29) (L. D. 87)

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 were 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:

Bill, "An Act Relating to Settlement with Joint Tortfeasors." (S. P. 41) (L. D. 124)

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Enactment.

Orders of the Day

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

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

Tabled—February 11, 1969 by Senator Quinn of Penobscot.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, I wish to submit Senate Amendment "A" to this L. D. The purpose of it is to clarify the words "disabled veterans." It will read "Veteran who, if living, is disabled and a resident of the State of Maine."

I move the adoption of Senate Amendment "A".

The PRESIDENT: The Senator from Penobscot, Senator Quinn, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Thereupon, Senate Amendment "A", Filing No. S-11, 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 second tabled and specially assigned matter:

Bill, "An Act to Clarify the General Law Relating to Formation of Corporations." (H. P. 541) (L. D. 720)

Tabled—February 12, 1969 by Senator Katz of Kennebec.

Pending—Reference.

On motion by Mr. Katz of Kennebec, referred to the Committee on Business Legislation and Ordered Printed in concurrence.

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

Bill, "An Act Relating to Requirements for Recording Deeds and Other Instruments." (H. P. 532) (L. D. 703)

Tabled—February 12, 1969 by Senator Mills of Franklin.

Pending—Reference.

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

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

Bill, "An Act Relating to Full-time State's Attorneys." (S. P. 243)

Tabled—February 12, 1969 by Senator Mills of Franklin.

Pending—Reference.

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

Mr. MILLS of Franklin: Mr. President, I move reference to the Committee on Judiciary.

The PRESIDENT: The Senator from Franklin, Senator Mills, moves that Senate Paper 243, Bill, "An Act Relating to Full-time State's Attorneys," be referred to the Committee on Judiciary. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, I wonder if the Secretary of the Senate would please read the recommended action of the Reference Committee?

The SECRETARY: This Bill was introduced on February 12, 1969, and the Committee on Reference of Bills suggested that the Bill be referred to the Committee on State Government. Tabled on February 12, pending Reference.

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

Mr. BERRY of Cumberland: Mr. President, I don't discuss this matter with any thought at all that any one committee would give my bill any preferential treatment. I do feel that we should not deviate from the recommendation of the

Reference Committee unless there are some obvious inequities here.

This Bill does not really bring up what I think, as a layman, I would call judicial matters. It is a procedural change in the organization of a department of State Government. It seems to me that the Committee on Reference of Bills had pretty good justification for sending this to the Committee on State Government, and I would hope you would vote against the motion of the Senator from Franklin, Senator Mills, and then we would concur.

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

Mr. KATZ of Kennebec: Mr. President, I must concur in the remarks of Senator Berry. It is my thinking that this should go to the Committee on State Government.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: It would appear to me quite obvious that this is a Judiciary matter, and I would recommend that we follow up the suggestion of the Senator from Franklin, Senator Mills.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President, I move that this item lay on the table unassigned.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Senate Paper 243, Bill, "An Act Relating to Full-time State's Attorneys," be placed on the table unassigned.

The Chair would inform the Senator from Cumberland, Senator Berry, that a tabling motion is not debatable.

For what purpose does the Senator rise?

Mr. BERRY of Cumberland: I wish to make a motion, Mr. President.

The PRESIDENT: The Chair would inform the Senator that a motion to place a matter on the table unassigned takes precedence over any other tabling motion un-

til it is disposed of, at which time another motion may be made.

Mr. BERRY: A parliamentary inquiry: Would not a motion to table until the next legislative day have preference?

The PRESIDENT: The Chair would rule in answer to the Senator's parliamentary inquiry that a motion to table with no date set has precedence over a motion to table to a date certain.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, I ask for a division.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has asked for a division.

The question before the Senate is on the motion of the Senator from Oxford, Senator Beliveau, that Bill, "An Act Relating to Full-time State's Attorney," be placed on the table.

As many as are in favor of the motion will rise and remain standing until counted. Those opposed will rise and remain standing until counted.

A division was had. Sixteen Senators having voted in the affirmative and fourteen Senators having voted in the negative, the motion prevailed and the Bill was tabled pending the Motion of Senator Mills of Franklin that the Bill be referred to the Committee on Judiciary.

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

Resolve, Authorizing Attorney General to Convey Interest of the State in Certain Lands in Cumberland County. (S. P. 25) (L. D. 53)

Tabled—February 12, 1969 by Senator Katz of Kennebec.

Pending—Final Passage.

On motion by Mr. Katz of Kennebec, retabled pending Final Passage.

On motion by Mr. Wyman of Washington, the Senate voted to take from the table the second tabled and unassigned matter:

Bill, "An Act to Clarify the Right to Know Law." (S. P. 215)

Tabled—February 5, 1969 by Senator Wyman of Washington.

Pending—Reference.

On further motion by the same Senator, referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act to Place Full-time Deputy Sheriffs Under the Personnel Law" (H. P. 530) (L. D. 701) was referred to the Committee on State Government in concurrence.

On further motion by the same Senator, referred to the Committee on Towns and Counties and Ordered Printed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

Mr. Reed of Sagadahoc was granted unanimous consent to briefly address the Senate.

Mr. REED: Mr. President and Members of the Senate: Yesterday I listened with considerable interest on Lincoln's Birthday to the remarks of the Senator from Hancock, Senator Anderson, and I must admit that I certainly concur with them. I also am an admirer of Lincoln and I feel that probably he was the greatest President this country really ever produced. But I didn't stand here this afternoon to talk about someone in the past, but I wish to say a few words about someone who is very much alive. He is very much among us and, in fact, I might say he is very much in command of us at this time. If you don't believe it, just step out of line.

I would also mention, as I sit here thinking about this man, the first time I ever met him. I don't know whether he remembers this but it was back, I believe, in 1961 or '62, and it was a pre-legislative conference. At that time they were held in Orono, and that particular evening the banquet was held at the Bangor House in Bangor. I walked through and they had these round tables that seated some dozen or fifteen or sixteen people, and I saw this empty seat. There was a group of young legislators there who seemed to be

having a good time so I went over and sat down. We introduced ourselves and had a great time and had a lot of laughs. I think we ridiculed just about everyone and everything we could think of. After it was over, the fellow sitting next to me, whom I had just met, became serious for a moment and he started to look all over the diningroom as if he was trying to find someone. Finally he looked at me and he said "Gee, I have heard a lot about Democratic legislators, but I haven't met one or I haven't ever seen one. Have you?" When I informed him that I was one he just threw up his hands and said "Oh my God, no."

Well, a lot of water has gone over the dam since then and I have seen this man win, I have seen him lose, and I have seen him come back. It is always a pleasure to see someone like this involved in State Government and, I understand, tomorrow is his birthday. It is also, of course, Valentine's Day. And I think maybe there is a little irony in the fact that while at the other end of the corridor they are debating about a birthday that this Senate in a very peaceful manner can be unanimous in its thought and wishes in wishing to our Senate President a very happy birthday. Maybe he will remember it as his centennial birthday — this I don't know. But it does give me a great deal of pleasure on behalf of the Senate to present to him this small token of our appreciation for all that he has done for us in the past and I might add, hopefully, that he may do for us in the future.

So, if the Sergeant-at-arms would please come forward I will give him this gift.

Thereupon, the Sergeant-at-arms approached the rostrum and presented the birthday gift to the President of the Senate, amid the applause of the Senators.

The PRESIDENT: The Chair is extremely happy that there was no objection to the request for unanimous consent by the Senator from Sagadahoc, Senator Reed. Thank you very much, Bud, for those kind remarks, and thank you all for the gift.

Mr. Violette of Aroostook was granted unanimous consent to address the Senate.

Mr. VIOLETTE: Mr. President and Members of the Senate: While we are on the subject of birthdays, it has also been called to my attention that one of the members of our own body is today celebrating a milestone birthday in his life, so I thought it would be fitting if one of us did bring this to the attention of the Senate.

Senator Letourneau, the dignified and debonair Senator from York County is today celebrating his sixty-fifth birthday. I am sure he probably does not appreciate the fact that I advise the Senate of his age because he does look considerably younger.

I first knew Senator Letourneau when I became a member of the House in 1947, and I would say that

since that time he has rendered dignified and very good service as a legislator to the State of Maine.

I hope that you, Mr. President, would extend for the Members of the Senate the greetings and best wishes of the Senate to Senator Letourneau on this day.

The PRESIDENT: The Chair is very pleased to extend to Senator Letourneau the best wishes of the Senate, and it is still very difficult to believe it is his sixty-fifth birthday.

(Applause - members rising.)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, February 18, at 10 o'clock in the morning.