

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 20, 1969

Senate called to order by the President.

Prayer by Rev. Fr. John Feeny of Lewiston.

Reading of 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, February 25, at 10 o'clock in the morning. (S. P. 285)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From The House
Joint Order**

ORDERED, the Senate concurring, that the Secretary of State is authorized and directed upon application by any members of the 104th Legislature, pursuant to the Revised Statutes, Title 29, Section 193, to issue in a corporate or company 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. 714)

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

Mr. Bernard of Androscoggin County presented Joint Resolution:

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SIXTY - NINE JOINT RESOLUTION EXPRESSING SYMPATHY ON THE DEATH OF U.S. AQUANAUT BERRY L. CANNON.

WHEREAS, the Members of the One Hundred and Fourth Legislature have learned with sorrow of the sudden death of United States Aquanaut Berry L. Cannon, a member of the Sealab three diving team; and

WHEREAS, only men of unusual courage dare pass the fringes of warm sunlight into the lower blue-gray hues of depth to feel the numbing cold and pressures of the uninviting world of inner space; and

WHEREAS, his passing brings to an untimely end the courageous life of a patriotic American citizen who dedicated himself and his life to the service of our great Nation in a pioneering effort far beyond man's conception; and

WHEREAS, this Nation now pauses in its exploration of the last abundant frontier on earth, to mourn the loss of this valiant man; now, therefore, be it

RESOLVED: That the members of the Senate and House of Representatives of the One Hundred and Fourth Legislature of the State of Maine, now assembled, stand united in expressions of profound sorrow due to the loss of this brave young man and through the foregoing resolution voice the deep sense of loss so widespread over this State and the Nation and acknowledge the profound sympathy and condolences so genuinely expressed; and be it further

RESOLVED: That an engrossed copy of these resolutions be forwarded by the Secretary of State to the bereaved family of Aquanaut Berry L. Cannon. (S. P. 290)

Which was Read and Adopted.

Sent down for concurrence.

**Appropriations and Financial
Affairs**

Mr. Barnes of Aroostook presented Bill, "An Act Providing Funds for Construction of Garage and Storage Facility for Aroostook Association for Retarded Children." (S. P. 287) (L. D. 929)

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

Sent down for concurrence.

Education

Mr. Barnes of Aroostook presented Bill, "An Act to Clarify School Construction Aid for Certain Units." (Emergency) (S. P. 288) (L. D. 930)

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

Sent down for concurrence.

Liquor Control

Mr. Berry of Cumberland presented Bill, "An Act Relating to Peddling Under Liquor Laws." (S. P. 289) (L. D. 931)

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

Sent down for concurrence.

Towns and Counties

Mr. Moore of Cumberland presented Bill, "An Act Repealing Supreme Judicial Court Messenger in Cumberland County." (S. P. 286) (L. D. 932)

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

Sent down for concurrence.

Orders

On motion by Mr. Greeley of Knox,

ORDERED, that all Bills and Resolves carrying or requiring an appropriation of highway revenue or involving a loss of highway revenue that are in order to be passed, to be enacted, or finally passed, shall, at the request of a member of the Committee on Highways, be placed on a special calendar to be called up for consideration only by a member of that committee.

Which was Read and Passed.

**Committee Reports
House****Ought Not to Pass**

The Committee on Towns and Counties on Bill, "An Act Relating to Records of Federal or State Moneys Participated in by Political Divisions." (H. P. 79) (L. D. 79)

Reported that the same Ought Not to Pass.

Comes from the House the report Read and Accepted.

The Committee on Education

Kennedy College to Award Degrees." (H. P. 114) (L. D. 130)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on Bill, "An Act Revising the Uniform Reciprocal Enforcement of Support Act." (H. P. 236) (L. D. 306)

Reported that the Same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

The Committee on Judiciary on Bill, "An Act Relating to Petition for Subpoena to Clerk of Courts." (H. P. 332) (L. D. 441)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

The Committee on Transportation on Bill, "An Act Permitting Use of Blue Lights on Motor Vehicles Operated by Constables." (H. P. 399) (L. D. 509)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committees on State Government on Resolve, Authorizing Flowage Rights to Arthur C. Shute and Emma L. Shute of Sebago on State Highway No. 126 in East Sebago. (H. P. 198) (L. D. 245)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Resolve Passed to be Engrossed.

The Committee on Education on Bill, "An Act Relating to Conferring Degrees by Unity College." (H. P. 214) (L. D. 264)

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 Permitting Partial Payments at Times Other Than August and December for Operation of Regional Vocational Technical Centers." (H. P. 216) (L. D. 266)

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 Legal Affairs on Bill, "An Act Relating to Expiration and Renewals of Certificates of Registration for Land Surveyors." (H. P. 237) (L. D. 292)

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 Relating to Closed Time on Gray Squirrels." (H. P. 282) (L. D. 358)

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 Relating to Operating Watercraft so as to Molest Wildlife." (H. P. 283) (L. D. 359)

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 Legal Affairs on Bill, "An Act Relating to Holding Property by Cumberland Farmers' Club." (H. P. 286) (L. D. 362)

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 Maintenance of Paupers by Certain Plantations." (H. P. 297) (L. D. 373)

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 Eliminating Boards of Visitors for State Institutions and Creating Committee on Corrections." (H. P. 303) (L. D. 379)

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 and Resolve Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Transportation on Bill, "An Act Relating to Trailers Being Securely Fastened." (H. P. 51) (L. D. 52)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-35).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-35).

Which Report was Read.

(On motion by Mr. Barnes of Aroostook, tabled pending Acceptance of the Committee Report.)

The Committee on Transportation on Bill, "An Act Relating to Operation of Motorcycles While Learning to Drive." (H. P. 128) (L. D. 144)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-34).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-34).

The Committee on Transportation on Bill, "An Act Relating to Headlights and Mirrors on Motorcycles and Motor Driven Cycles." (H. P. 155) (L. D. 181)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-36).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-36).

Which reports were Read and, except for the tabled matter, 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.

Divided Report

The Majority of the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season for Fishing in Brooks and Streams." (H. P. 142) (L. D. 164)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HOFFSES of Knox
ANDERSON of Hancock

Representatives:

LEWIN of Augusta
THOMPSON of Belfast
PORTER of Lincoln
KELLEY of Southport

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-47).

Signed:

Senators:

MARTIN of Piscataquis

Representatives:

ROCHELEAU of Auburn
GAUDREAU of Lewiston
BOURGOIN of Fort Kent

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

Which Reports were Read.

On motion by Mr. Hoffses of Knox, the Majority Ought Not to Pass Report was Accepted in concurrence.

Senate

Ought Not to Pass

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act to Provide for a Statistician in the Department of Agriculture." (S. P. 37) (L. D. 120)

Reported that the same Ought Not to Pass.

Mr. Letourneau for the Committee on State Government on Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (S. P. 113) (L. D. 323)

Reported that the same Ought Not to Pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Martin for the Committee on Taxation on Bill, "An Act Eliminating Dedicated Funds from

Stuffed Toy Law." (S. P. 144) (L. D. 435)

Reported that the same Ought to Pass.

Mr. Letourneau for the Committee on State Government on Bill, "An Act Relating to the Advisory Board of Review of Operators' License Control Procedures." (S. P. 114) (L. D. 325)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Conley for the Committee on Liquor Control on Bill, "An Act Relating to Entrances from Liquor Licensed Premises." (S. P. 212) (L. D. 622)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-13.)

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" (S-13), was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Divided Report

Five members of the Committee on State Government on 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)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senators:

BELIVEAU of Oxford
LETOURNEAU of York

Representatives:

STARBIRD of Kingman
D'ALFONSO of Portland
WATSON of Bath

Five members of the Committee on State Government on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington

Representatives:

MARSTALLER of Freeport
RIDEOUT of Manchester

DONAGHY of Lubec
DENNETT of Kittery

Which reports were Read.

On motion by Mr. Hoffses of Knox, tabled and specially assigned for Wednesday, February 26, 1969, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act to Exempt Television Sets and Musical Instruments from Property Taxation." (S. P. 45) (L. D. 148).

Reported that the same Ought to Pass.

Senators:

MARTIN of Piscataquis
HANSON of Kennebec

Representatives:

SUSI of Pittsfield
ROSS of Bath
WHITE of Guilford
HARRIMAN of Hollis
FORTIER of Rumford

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

Signed:

Senators:

WYMAN of Washington

Representatives:

DRIGOTAS of Auburn
COTTRELL of Portland

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I move to accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that the Senate now accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I feel obliged to oppose that motion. Your Committee on State Government heard this bill. There were proponents of the bill who say that such a tax is a nuisance tax and it does not bring in enough revenue to pay for the trouble it takes to collect it.

On the other hand, the opponents to it claim that it is, perhaps not a major source, but a valuable

minor source of income. The City of Augusta, if I remember correctly, said they take in \$19,000 from this tax.

The proponents of the bill say it is just too much of a nuisance to collect it. But the tax collector in Augusta said that when they go around to view the homes to find out such information as they need to have to value the homes, and to find out if they have dogs for a dog tax, and to find out about a poll tax, that they do this all at the same time and, without any appreciable additional expense, they pick up this some \$19,000.

In the small towns that are struggling hard for tax moneys, particularly in view of the school situation, I know they pick up some additional money. So, for that reason, I oppose this motion of the good Senator from Piscataquis, Senator Martin.

The PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: There are many towns at present who are currently not placing an assessment on television sets and musical instruments. It is a very unfair item to assess. It is difficult to assess a TV according to its fair value.

I believe that the good Senator from Washington, Senator Wyman, will agree with me that our constitution tells us that all property within a town shall be assessed in proportion to its fair value. It is impossible to place an assessment on a TV that is fair. It gives a very small return to the towns and it is very difficult to collect in some cases.

The PRESIDENT: Is the Senate ready for the question? The question before the Senate is the motion of the Senator from Piscataquis, Senator Martin, that the Senate accept the Majority Ought to Pass Report of the Committee. As many as are in favor of accepting the Ought to Pass Report of the Committee will say "Yes"; those opposed, "No".

A viva voce vote was taken and the Chair being in doubt ordered a division.

A division was had. 19 Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed.

Thereupon, the Bill was 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 Relating to Cooperative Agreements by the Public Utilities Commission." (H. P. 175) (L. D. 214)

Bill, "An Act Relating to the Registration of Interstate Motor Carriers." (H. P. 184) (L. D. 223)

Bill, "An Act Relating to Jurisdiction of Juvenile Courts Over Offenses in Operating Boats." (H. P. 193) (L. D. 233)

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

House — As Amended

Bill, "An Act Relating to Appointment and Duties of Deputy Attorneys General and Assistant Attorneys General." (H. P. 180) (L. D. 219)

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

Senate

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

Bill, "An Act Ratifying Easement Conveyed by the State of Maine to the Bangor Water District." (S. P. 146) (L. D. 427)

Resolve, Authorizing Conveyance of State Land to the City of Bangor. (S. P. 147) (L. D. 428)

Bill, "An Act Relating to Application for New Motor Vehicle Registration Plates and Issuance of Temporary Facsimile Plates." (S. P. 154) (L. D. 437)

Bill, "An Act Relating to Jurisdiction of Administrative Hearing Commissioner of Violations of Liquor Laws." (S. P. 213) (L. D. 621)

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.

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

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

Orders of the Day

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

HOUSE REPORTS — from the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine." (H. P. 83) (L. D. 83) Majority Report, Ought to Pass in New Draft under same title (H. P. 590) (L. D. 732) Minority Report, Ought to Pass.

Tabled—February 18, 1969 by Senator Katz of Kennebec.

Pending—Acceptance of Either Report.

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

Mr. KATZ of Kennebec: Mr. President, may I ask that the Secretary be instructed to read the signatures on the reports?

The PRESIDENT: The Secretary will give the status of the Bill and reports.

The SECRETARY: This bill comes from the House, the Majority Ought to Pass in New Draft Report accepted and the Bill in New Draft passed to be engrossed as amended by House Amendment "A".

the Majority Ought to Pass in New Draft Report was signed by Senators: Dunn of Oxford, Sewall of Penobscot, Duquette of York, and Representatives: Benson of Southwest Harbor, Bragdon of Perham, Lund of Augusta, Sahagian of Belgrade, and Jalbert of Lewiston.

The Minority Ought to Pass Report was signed by Representatives: Birt of East Millinocket and Martin of Eagle Lake.

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

Mr. KATZ of Kennebec: Mr. President, I move acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves acceptance of the Majority Ought to Pass in New Draft Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Majority Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "A", Filing H-33, was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

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

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

Tabled—February 18, 1969 by Senator Wyman of Washington.

Pending—Enactment.

Mr. Wyman of Washington moved the pending question.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by

the Secretary presented to the Governor for his approval.

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

Bill, "An Act Establishing a Study Committee on Water Resources." (S. P. 281) (L. D. 928)

Tabled—February 19, 1969 by Senator Wyman of Washington.

Pending—Reference.

On motion by Mr. Wyman of Washington, referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

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

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

Tabled—February 19, 1969 by Senator Beliveau of Oxford.

Pending — Passage to be Engrossed.

On motion by Mr. Sewall of Penobscot, retabled and specially assigned for Thursday, February 27, 1969, pending Passage to be Engrossed.

(Off Record Remarks)

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 25, at 10 o'clock in the morning.