

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 27, 1969

Senate called to order by the President.

Prayer by Rev. Fred H. More 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, March 4, at 10 o'clock in the morning.

(S. P. 321)

Which was Read and Passed.

Sent down forthwith for concurrence.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, with the following exception:

Bill, "An Act Concerning the Adoption of State Wards" (Emergency) (H. P. 760) (L. D. 980).

Comes from the House referred to the Committee on Health and Institutional Services and Ordered Printed.

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

Communications

State of Maine
Office of the Governor
Augusta, Maine

February 27, 1969

To the Honorable Members of the Senate of the 104th Legislature

In accordance with Title 3, Section 276 of the Maine Revised Statutes I am transmitting reports by the Maine Intergovernmental Relations Commission on "The Limitation on Municipal Indebtedness" and "Home Rule".

These two reports concern subjects of great concern to our municipalities. Legislative proposals relating to these topics will be submitted for the consideration of your Honorable Body.

Respectfully,
KENNETH M. CURTIS
Governor

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

State of Maine
Office of the Governor
Augusta, Maine

February 27, 1969

The Honorable Jerrold B. Speers
Secretary of the Senate
104th Legislature
Augusta, Maine 04330

Dear Mr. Speers:

Today, in accordance with my Constitutional duty, I am submitting a message on Governmental Reform.

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
Agriculture

Mr. Cianchette of Somerset presented Bill, "An Act to Create a State-wide Milk Marketing and Producer Pool." (S. P. 323) (L. D. 1085)

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

Sent down for concurrence.

Natural Resources

Mr. Reed of Sagadahoc presented Bill, "An Act Relating to the Water and Air Environmental Improvement Commission." (S. P. 322) (L. D. 1084)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Conley of Cumberland presented Bill, "An Act to Authorize the Portland Water District to Engage in Sewer Collection and Treatment to Protect the Purity

of Sebago Lake.” (S. P. 324) (L. D. 1086)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Beliveau of Oxford presented Resolve, Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for His Duties, and for Vacancies in the Office of Governor. (S. P. 325) (L. D. 1087)

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

Sent down for concurrence.

Transportation

Mr. Barnes of Aroostook presented Bill, “An Act to Encourage and Assist the Expansion of Scheduled ‘Third-Level’ Air Carrier Operations Serving the State of Maine.” (S. P. 326) (L. D. 1088)

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

Sent down for concurrence.

Order

On motion by Mr. Katz of Kennebec,

Ordered, WHEREAS, at a time of rapidly soaring local costs for education many communities of this State are going to receive a reduced amount of state aid from the general purpose subsidy during the first year of the coming biennium; and

WHEREAS, a situation exists that promises great hardship to many communities faced by the necessity either to cut back on the quality and scope of local educational efforts or to put an untenable burden on local taxpayers; and

WHEREAS, the Legislature has a responsibility to move and move quickly to afford tax relief to the communities of the State; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committees on Appropriations and Financial Affairs and Education meet in joint session with the leadership of both parties and report out a bill to make an increased distribution of school sub-

sidies effective the first year of the coming biennium. (S. P. 327)

Which was Read and Passed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

**Committee Reports
House**

Ought Not to Pass

The Committee on Health and Institutional Services on Bill, “An Act Relating to Discharge of Patients at Pineland Hospital and Training Center.” (H. P. 430) (L. D. 554)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Committee on Health and Institutional Services on Bill, “An Act Relating to Funeral Expenses of Recipients of Public Assistance.” (H. P. 463) (L. D. 600)

Reported that the same Ought Not to Pass.

Comes from the House, the report Read and Accepted.

Which report was Read.

On motion by Mr. Stuart of Cumberland, tabled pending Acceptance of Committee Report.

Ought to Pass

The Committee on Education on Bill, “An Act to Incorporate the Town of Dresden School District.” (Emergency) (H. P. 220) (L. D. 270)

Reported that the same Ought to Pass.

The Committee on Sea and Shore Fisheries on Bill, “An Act Relating to Taking of Alewives in Dyer River, Town of Jefferson, Lincoln County. (H. P. 243) (L. D. 298)

Reported that the same Ought to Pass.

The Committee on Education on Bill, “An Act Relating to Membership of Joint School Committee When Administrative Units Have No Approved Secondary School.” (H. P. 266) (L. D. 342)

Reported that the same Ought to Pass.

The Committee on Education on Bill, “An Act Creating the Town

of Franklin School District." (Emergency) (HP 271) (LD 347)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Creating the Town of Sullivan School District." (Emergency) (HP 272) (LD 348)

Reported that the same Ought to Pass.

The Committee on Natural Resources on Bill, "An Act Reclassifying Taylor Brook in Auburn." (HP 281) (LD 357)

Reported that the same Ought to Pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Repealing Ganneston Park Game Preserve." (HP 329) (LD 438)

Reported that the same Ought to Pass.

The Committee on Labor on Bill, "An Act Relating to the Second Injury Fund." (HP 333) (LD 442)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Issuance of Temporary Notes by Hospital Administrative District No. 1 in Penobscot County." (Emergency) (HP 342) (LD 450)

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 Second Reading.

Ought to Pass - As Amended

The Committee on Education on Bill, "An Act Relating to Amortization Requirements of Bond Issue for Women's Dormitory at Farmington State College of the University of Maine." (HP 115) (LD 131)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-54).

The Committee on Agriculture on Bill, "An Act Relating to Duties of Sheriffs in Enforcement of Dog Laws." (HP 204) (LD 254)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-52).

The Committee on Education on Bill, "An Act to Incorporate the Town of Palermo School District." (HP 218) (LD 268)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-55).

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

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

The Committee on Public Utilities on Bill, "An Act Relating to Winthrop to Augusta Interlocal Trunk Sewer." (Emergency) (HP 391) (LD 501)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-56).

Come from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-56) and House Amendment "A" (H-67).

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

Senate

Ought Not to Pass

Mr. Violette for the Committee on Public Utilities on Bill, "An Act Relating to Enclosing Storage Tanks and Reservoirs for Water Treated for Domestic Use." (SP 70) (LD 192)

Reported that the same Ought Not to Pass.

Mr. Dunn for the Committee on Appropriations and Financial Affairs on

Resolve Appropriating Money for Search of Lost Persons in the Woodland of the State. (SP 160) (LD 534)

Reported that the same Ought Not to Pass.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Moore for the Committee on Public Utilities on Bill, "An Act to Create the Orono-Veazie Water District." (S. P. 238) (L. D. 713)

Reported that the same Ought to Pass.

Which report was Read and Accepted, 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 Providing for Annual Revision of State Valuation." (H. P. 100) (L. D. 108) (On motion by Mr. Katz of Kennebec, tabled pending Passage to be Engrossed.)

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (HP 113) (LD 129)

Bill, "An Act Relating to Payment to Commissioner of Agriculture of Dog License Fees." (HP 253) (LD 329)

Bill, "An Act Relating to the Capital Stock of Oakland Water Company." (HP 346) (LD 453)

Bill, "An Act To Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22." (Emergency) (HP 375) (LD 484)

Bill, "An Act Enlarging the Territorial Limits of Hampden Water District and Changing the Time of the Election of the Trustees of the Hampden Water District." (HP 390) (LD 500)

Bill, "An Act Extending Water Service of Kennebunk, Kennebunkport and Wells Water District to Town of Arundel." (HP 392) (LD 502)

Bill, "An Act Relating to Safety Devices for Railroad Utilities." (H. P. 440) (L. D. 564) (On motion by Mr. Bernard of Andros-coggin, tabled pending Passage to be Engrossed.)

Bill, "An Act to Encourage the Use of Electronic Voting Systems

by Municipalities." (HP 382) (LD 491)

Bill "An Act to Provide that Motor Vehicle Operators' Licenses be Issued on a Staggered Basis of Odd and Even Birth Years." (HP 754) (LD 886)

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

House - As Amended

Bill, "An Act Relating to Privileges and Appurtenances in Short Form Deeds." (HP 37) (LD 38)

Bill, "An Act Relating to Date of Town Meeting of Town of Fort Fairfield." (HP 140) (LD 162)

Bill, "An Act to Clarify Certain Motor Vehicle Laws." (HP 246) (LD 301)

Bill, "An Act Relating to Filing Campaign Reports." (HP 323) (LD 410)

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

Senate

Bill, "An Act Relating to Membership of Board of Trustees for Accident and Health Insurance Program for State Employees." (SP 115) (LD 324)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Appropriating Moneys for Essential Needs at the University of Maine." (Emergency) (HP 77) (LD 235)

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:

An Act Relating to Appointment and Duties of Deputy Attorneys General and Assistant Attorneys General. (HP 180) (LD 219)

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:

Bill, "An Act Relating to Purchase of Parcels of Land by Forest Commissioner." (HP 45) (LD 46)

Tabled — February 20, 1969 by Senator Sewall of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Wayman of Washington, retabled pending Passage to be Engrossed.

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

Bill, "An Act Providing for an Additional District Court Judge at Large." (SP 64) (LD 186)

Tabled — February 25, 1969 by Senator Beliveau of Oxford.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President, since Senator Beliveau is out of State today, I would appreciate retabling L.D. 186 until Wednesday, March 5.

Thereupon, the Bill was retabled and specially assigned for Wednesday, March 5, 1969, pending Enactment.

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

Bill, "An Act Relating to Taking Smelts for Bait Purposes." (H. P. 235) (L. D. 291)

Tabled — February 26, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for Wednesday, March 5, 1969, pending Passage to be Engrossed.

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

Bill, "An Act Reestablishing the Town Line Between the Town of Jay, Franklin County, and the Town of Canton, Oxford County." (H. P. 238) (L. D. 293)

Tabled — February 26, 1969 by Senator Tanous of Penobscot.

Pending — Passage to be Engrossed.

Mr. Tanous of Penobscot presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-20, 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 fifth tabled and specially assigned matter:

JOINT ORDER — Relative to Study of State owned land in Capital City Area. (H. P. 792)

Tabled — February 26, 1969 by Senator Katz of Kennebec.

Pending — Passage.

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

Mr. BERRY of Cumberland: Mr. President, pursuant to my statements yesterday that I was very much in favor of the order but felt the date was restrictive, I have cleared this with Representative Lund and he is in agreement that this would be a desirable procedure. Accordingly, I present Senate Amendment "A" under Filing No. S-22 and move its adoption.

Senate Amendment "A", Filing No. S-22 was Read.

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

Mr. KATZ of Kennebec: Mr. President, I don't have the joint order in front of me. I wonder if the Senator from Cumberland, Senator Berry, might explain the impact of this?

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

Mr. BERRY of Cumberland: Mr. President, the order provides that B.P.I. will make a study covering all aspects of the suggested or possible disposition of some 400 acres of land across the river located in the City of Augusta and now owned by the State of Maine, which is possibly not going to be used in the future the way it is now, which primarily is as a State farm.

The order provides that B.P.I. should make this study, and must return its recommended report by May 1st. As I stated yesterday, I am in full sympathy and commend the study itself, but I would not want the study to be open to the criticism that it was hurried and had not been allowed enough time. If B.P.I. can complete the study within a month, fine, if within two months, fine, whatever time they feel they need, they should have.

As I mentioned, Representative Lund is in concurrence with this and, therefore, I have introduced this amendment which would make this change.

Thereupon, Senate Amendment "A" was adopted and the Joint Order, as Amended, received Passage in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

Senate at Ease.

Called to order by the President.
House Paper

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

The Committee on State Government on,

Bill, "An Act Relating to Deposit of State Funds." (HP 643) (LD 831)

Reports that the same Ought to Pass as Amended by Committee Amendment "A" (H-74).

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, under suspension of the rules, given its Second Reading and Passed to be Engrossed in concurrence.

On motion by Mr. Anderson of Hancock, the Senate voted to take from the table the sixth tabled and unassigned matter:

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

Tabled — February 19, 1969 by Senator Anderson of Hancock.

Pending — Enactment.

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

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I am going to ask, before I conclude my remarks, that the motion I am going to make be acted upon at a later time perhaps, something like next Wednesday, because this position I am taking, as Senator Berry said the other day, is 180 degrees different from another position that has been taken and, lest I get to inconsistent, I would like to quote Ralph Waldo Emerson, who said "Consistency is the Hobgoblin of little minds." And I will think up a few more to take care of some later inconsistencies perhaps, but this is inconsistent, this action I am going to take, by reason of the motion I am going to make, in that this was a unanimous Ought to Pass Report of the Committee.

I happen to be Chairman of the committee that heard the bill. As I explained the other day just before the good Senator, Senator Anderson, put it on the table, it increased the fee from three dollars to five dollars for the entry of small claims in the district courts. The Committee came back with a report that it be four dollars. We understood that the increased costs made it necessary.

We didn't hear from the Merchants' Association, and I know that this bill is a measure that is of great concern to them and it is used a great deal by them, by the merchants of the State. Since then I have heard from them, from the Secretary of their Association, and he tells me that he studied the expenses and the costs of the operation of these things and has found that there has been a surplus in the funds available for the operation of the district court in this area and, for that reason, they feel that the fee should be kept at three dollars.

Now, I am going to move, Mr. President - and because it is incon-

sistent with previous action, and because one Senator of the committee isn't here, I am going to hope that some Senator nearby may put it on the table until something like next Wednesday - and I would move in the interim that the bill and all its accompanying papers be indefinitely postponed.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, re-tabled and specially assigned for Wednesday, March 5, 1969, pending

the motion by Senator Mills of Franklin that the Bill and its accompanying papers be indefinitely Postponed.

(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, March 4, at 10 o'clock in the morning.