

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, March 6, 1969

Senate called to order by the Secretary.

Prayer by Rev. Harold J. Rowley of Augusta.

Reading of the Journal of yesterday.

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

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

Order

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, March 11, at 10 o'clock in the morning. (S. P. 356)

Which was Read and Passed.

Sent down forthwith for concurrence.

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

Bill, "An Act Requiring Reconstructed Public Buildings Be Made Accessible to the Physically Handicapped." (S. P. 100) (L. D. 310)

In the Senate February 6, 1969, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-83) in non - concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

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)

In the Senate February 27, 1969, Passed to be Engrossed.

Comes from the House, Report "B", Ought Not to Pass, Accepted in non - concurrence.

(On motion by Mr. Katz of Kennebec, tabled until later in today's session.)

Bill, "An Act Relating to Winthrop to Augusta Interlock Trunk Sewer." (Emergency) (H. P. 391) (L. D. 501)

In the Senate March 4, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (H-56).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-56) and House Amendment "B" (H-84) in non - concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers**Appropriations and Financial Affairs**

Mr. Logan of York presented Bill "An Act Relating to State Appropriation for Local Law Enforcement." (S. P. 357) (L. D. 1221)

Mr. Tanous of Penobscot presented Bill, "An Act Providing for a Bond Issue in the Amount of Thirty Million Dollars to Reconstruct Route 6." (S. P. 358) (L. D. 1222)

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

Sent down for concurrence.

Election Laws

Mr. Letourneau of York presented Bill, "An Act Permitting Absentee Voting for Town of Sanford." (S. P. 359) (L. D. 1223)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Minkowsky of Androscoggin presented Bill, "An Act Relating to Barber Technicians." (S. P. 360) (L. D. 1224)

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

Sent down for concurrence.

Legal Affairs

Mr. Quinn of Penobscot presented Bill, "An Act to Change the Name of Eastern Maine General Hospital to Eastern Maine Medical Center." (S. P. 361) (L. D. 1225)

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

Sent down for concurrence.

State Government

Mr. Duquette of York presented Bill, "An Act Revising the Form of New Bonds and the Procedure for Cremation of Old Bonds." (S. P. 362) (L. D. 1226)

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

Sent down for concurrence.

Mr. Minkowsky of Androscoggin presented Bill, "An Act to Rename and Reorganize the Department of Economic Development." (S. P. 363) (L. D. 1245)

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

Committee Reports**House****Leave to Withdraw**

The Committee on Claims on Resolve, to Reimburse Arthur Holt of North New Portland for Loss of Sheep Killed by Dogs. (H. P. 265) (L. D. 341)

Reported that the same be granted Leave to Withdraw.

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

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Taxation on Bill, "An Act Relating to Age of Neat Cattle Taxes as Personal Property." (H. P. 489) (L. D. 643)

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.

Ought to Pass

The Committee on Towns and Counties on Bill, "An Act to Change the Name of Butler Island, Kennebec County, to Paradise Island." (H. P. 80) (L. D. 80)

Reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill, "An Act Relating to Time of Sessions of Board of County Commissioners of Washington County." (H. P. 361) (L. D. 469)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Providing that Revenues Received in Enforcement of Elevator law shall be Credited to the General Fund." (H. P. 388) (L. D. 498)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relative to Financial Statement Forms for Use in Determining Ability to Pay Support at State Institutions." (H. P. 389) (L. D. 499)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to Inspection of Motorcycles." (H. P. 419) (L. D. 530)

Reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill, "An Act Relating to the Maintenance of a Public Building in Rumford." (H. P. 450) (L. D. 573)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Election and Duties of Ministers in Protestant Episcopal Church in the Diocese of Maine." (H. P. 476) (L. D. 630)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Conveyance of Property to Bangor Recreation Center." (H. P. 477) (L. D. 631)

Reported that the same Ought to Pass.

The Committee on State Government on Bill, "An Act Relating to the Borrowing Power of Maine Maritime Academy." (Emergency) (H. P. 484) (L. D. 638)

Reported that the same Ought to Pass.

(On motion by Mr. Sewall of Penobscot, tabled and specially assigned for Thursday, March 13, 1969, pending Acceptance of the Committee Report.)

The Committee on Towns and Counties on Bill, "An Act Relating to Temporary Loans by Counties of Cumberland, Washington and Kennebec." (H. P. 492) (L. D. 646)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to School Construction Aid in School Administrative District No. 53." (Emergency) (H. P. 515) (L. D. 686)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to Action That Be Taken at School Administrative District Budget Meetings." (Emergency) (H. P. 547) (L. D. 726)

Reported that the same Ought to Pass.

The Committee on Inland Fisheries and Game on Bill, "An Act Repealing Big Squaw Mountain Game Preserve and Amending the Piscataquis and Somerset Game Preserve." (H. P. 553) (L. D. 734)

Reported that the same Ought to Pass.

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

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

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives. (H. P. 356) (L. D. 464)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Indefinitely Postponed.

Which report was read.

On motion by Mr. Wyman of Washington, the Ought to Pass Report of the Committee was accepted in concurrence, the Resolve Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Labor on Bill, "An Act Relating to the Chairman of the State Apprenticeship Council." (H. P. 352) (L. D. 460)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-78)

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 Inland Fisheries and Game on Resolve, Regulating Ice Fishing on Indian, Orange and Sunken Lakes in Washington County. (H. P. 410) (L. D. 521)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-77)

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

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

Divided Report

The Majority of the Committee on Labor on Bill, "An Act Relating to Definition of Employer Under Employment Security Law." (H. P. 4) (L. D. 4)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

TANOUS of Penobscot
PEABODY of Aroostook

Representatives:

GOOD of Westfield
HUBER of Rockland
DURGIN of Raymond
HASKELL of Houlton

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

(Signed)

Senator:

BELIVEAU of Oxford

Representatives:

BEDARD of Saco

CASEY of Baileyville

McTEAGUE of Brunswick

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

Which reports were Read.

On motion by Mr. Tanous of Penobscot, the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

Senate Ought Not to Pass

Mr. Gordon for the Committee on Transportation on Bill, "An Act Relating to Towing of Golf Carts on Public Highways." (S. P. 284) (L. D. 917)

Reported that the same Ought Not to Pass.

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: Sometimes we see very significant legislation come into this body and very quickly go to a committee and receive quiet treatment, and then it comes back to the body and it goes down the drain.

I am uninformed on this, but I know the good Senator from Kennebec, Senator Katz, would not introduce Legislation that was not the most significant, far-reaching, and of great importance, and I just can't wait to ask the good Senator to explain the significance and how disappointed he is at the committee action.

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

Mr. KATZ of Kennebec: Mr. President, I am appalled. This is a bill on which I have been working for the better part of two years, and I felt that the treatment given it by the committee was open, they listened attentively, and I suggested an amendment to this

committee that would result in the receipt by the State of substantial sums of money, and I am completely at a loss to understand how a committee staffed by such fine men could come out unanimously against the bill.

I would pose a question through the chair to the chairman of the committee if he could justify this intolerable position of his committee.

The PRESIDENT pro tem: The Senator from Kennebec, Senator Katz, poses a question through the Chair to the Senator from Aroostook, Senator Barnes, who may answer if he so chooses.

Mr. BARNES of Aroostook: Mr. President and Members of the Senate: In answer to the good Senator's question, we found after some research and study that there was only one or two golf carts in the whole State of Maine that would be affected by this bill. We thought it wasn't worthy of enough consideration to pass a law to control one or two golf carts in the State of Maine.

Also we found that golf carts generally are not constructed in such a way that they can be properly towed. We suggest to the proponent of this bill to use trailers to haul these golf carts.

Does that answer your question, sir?

The PRESIDENT pro tem: The question before the Senate is the acceptance of the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Paper From the House

Out of order and under suspension of the rules, the Senate voted to take up the following papers from the House:

Committee Report Ought to Pass

The Committee on Public Utilities on Bill, "An Act Changing the Time and Manner of Election of the Trustees of Orrington Water District." (H. P. 641) (L. D. 829)

Reports that the same Ought to Pass.

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

Which report was Read and Accepted in concurrence and the Bill Read Once.

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

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committee on Business Legislation report out a trailer bill to amend House Paper 201, An Act Providing the Maine Insurance Code. (H. P. 973)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Second Readers

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

House

Bill, "An Act Repealing Law Providing for Economic and Recreational Development in Oxford County." (H. P. 166) (L. D. 205)

Bill, "An Act Relating to Reports of the Managers of the Maine Industrial Building Authority and the Maine Recreation Authority." (H. P. 189) (L. D. 229)

Bill, "An Act Relating to Definition of Industrial Project Under Industrial Building Authority Act." (H. P. 327) (L. D. 414)

Bill, "An Act Reducing the Membership of the Board of Trustees of Richmond Utilities District." (Emergency) (H. P. 482) (L. D. 636)

Bill, "An Act to Permit Reapportionment of School Directors in a School Administrative District by Request." (H. P. 425) (L. D. 549)

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

Senate

Bill, "An Act Relating to Shooting Domestic Animals or Birds While Hunting." (S. P. 355) (L. D. 1127)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Wild Animals in Captivity." (S. P. 221) (L. D. 661)

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 to Grant a New Charter to the Town of Rumford. (H. P. 96) (L. D. 119)

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 pro tem laid before the Senate the first tabled and specially assigned matter:

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

Tabled — February 25, 1969 by Senator Berry of Cumberland.

Pending — Enactment.

Which 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 pro tem laid before the Senate the second tabled and specially assigned matter:

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

Tabled — March 5, 1969 by Senator Martin of Piscataquis.

Pending — Passage to be Engrossed.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, I arrested the swift flight of this bill to oblivion yesterday because I felt that this body should take a few brief hours to inquire on it. Having inquired, I now move that this bill be indefinitely postponed.

The PRESIDENT pro tem: The Senator from York, Senator Logan, moves that this bill and all its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed and the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

The President pro tem laid before the Senate the matter tabled earlier in today's session by Mr. Katz of Kennebec, 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)

Thereupon, on motion by Mr. Logan of York, the Senate voted to Recede and Concur.

On motion by Mr. Beliveau of Oxford, the Senate voted to take from the table the third tabled and unassigned matter:

Bill, "An Act Relating to Full-time State's Attorneys." (S. P. 243) (L. D. 1209)

Tabled — February 13, 1969 by Senator Beliveau of Oxford.

Pending — Motion by Senator Mills of Franklin to refer Bill to Judiciary.

The same Senator then moved the pending question.

The PRESIDENT pro tem: The pending question is the motion of the Senator from Franklin, Senator Mills, that this bill 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 and Members of the Senate: I have been waiting with baited breath since — it doesn't seem possible — February 12th for this bill to come off the table. I have observed the vacant chair of our good friend. I have tried to, of course, in anticipation of this critical moment build up damaging arguments. I think, however, I would like to rest on the merits.

This is a bill that I put in. It is not a legal bill. It is a bill dealing with the structural organization

of a state department, the Attorney General's Department. It should of course, get as all bills do a full, dispassionate hearing, and I am sure it would get this no matter where it went. I would hope that you would vote against the motion of my very good friend from Franklin, Senator Mills, and I would advise the Senate that the action of the Committee on Reference of Bills was that it be referred to State Government. Consequently, you would be upholding the leadership of both parties if you see fit to go along with my position.

I would ask for a division, Mr. President, when the vote is taken.

The PRESIDENT pro tem: The Senator has requested a division.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: First, I want to commend the good Senator from Cumberland County on his ability to observe my empty seat, and I want to thank him for his charitable comments.

Very briefly, the good Senator stated that he felt this was an administrative bill which was not directly related or does not affect the judiciary. As you all know, this bill would completely revise and change our present prosecution system to a full-time prosecution system from the county attorneys to the Attorney General's office. If there is anything that directly affects the judiciary any more than the prosecutor's office, I am not familiar with it.

As a former county attorney and former prosecutor, I am very familiar with this bill, with the mechanics of the office. I am also aware of the importance that this document receive a good hearing and be passed upon by individuals who possess an expertise in this area. As a member of the State Government Committee, I do not intend to malign that committee, but I don't believe that committee is the proper one to consider the bill. I concur and strongly support the pending motion that this bill be referred to the Judiciary Committee because I am certain that it will receive a very fair, objective

and impartial treatment, and that the final results will be in the best interests of us all.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Perhaps just a word on the function of the committee system might be in order.

When we have a bill that completely changes the structure of our organization on Fish and Game we do not send it to the Committee on Fish and Game. When we restructure the Education Department we do not send it to the Committee on Education. We have one committee, and only one committee, which is traditionally assigned with the responsibility where obvious restructuring of a government organization is concerned, and that is State Government.

This is not a casual recommendation of the Committee on Reference of Bills; it is a strong recommendation based upon equity and justice, and I urge you to vote against the motion of reference now pending.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I stand to support the motion of my good friend and associate, Senator Mills of Franklin County.

In the past I spent ten years as prosecuting officer in Penobscot County. I am a member of that Committee, Judiciary. There are other members of that committee who have also had experience in prosecuting crimes in their various counties.

At the present time we have other Attorney General's bills pending before that committee, and they are in one degree or another associated and they should be considered together. Therefore, I support the motion in order that these matters may all be treated together.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Franklin Senator Mills, that Bill, "An

Act Relating to Full - time State's Attorneys," be referred to the Committee on Judiciary. A division has been requested.

All those in favor of this bill being referred to the Committee on Judiciary will please rise and remain standing until counted. All those opposed will please rise and remain standing.

A division was had. Nineteen Senators having voted in the affirmative, and nine Senators having voted in the negative, the motion prevailed and the Bill was referred to the Committee on Judiciary.

Sent down for concurrence.

Out of order and under suspension of the rules, the Senate voted to take up the following paper from the House:

Joint Order

ORDERED, the Senate concurring, that Bill "An Act to Provide a Uniform Fiscal Year for Municipalities" (H. P. 98) (L. D. 106) be recalled from the Legislative Files to the House. (H. P. 975)

Comes from the House, Read and Passed.

Which was Read.

Thereupon, on motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the eighth tabled and unassigned matter:

HOUSE REPORT — OUGHT TO PASS from the Committee on Education on Bill "An Act Relating to the Borrowing Capacity of School Administrative District No. 70." (H. P. 322) (L. D. 409)

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

Pending — Acceptance of Report.

The same Senator then moved the pending question.

Thereupon the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

(Senate at Ease)

Called to order by the President pro tem.

Out of order and under suspension of the rules, the Senate voted to take up the following paper from the House:

Enactor

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

Emergency

An Act Changing the Time and Manner of Election of the Trustees of Orrington Water District. (H. P. 641) L. D. 829)

This being an emergency measure and having received the affirmative vote of 29 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

(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 11, at 10 o'clock in the morning.