

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

Friday, March 14, 1969

Senate called to order by the President.

Prayer by Rev. Fr. Derek L. Bugler of Hallowell.

Reading of the Journal of yesterday.

Joint 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 to Tuesday, March 18, at 10 o'clock in the morning. (S. P. 410)

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.

CommunicationsState of Maine
Judicial Council

March 7, 1969

To the Members of the 104th Legislature:

I have the honor to present herewith the Report of the Judicial Council of Maine on the District Courts Pursuant to Legislative Order of June 30, 1967.

Respectfully,

S BRUCE W. CHANDLER
Executive Secretary
JUDICIAL COUNCIL
OF MAINE

(S. P. 409)

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

Sent down for concurrence.

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

The Committee on Transportation on Bill, "An Act Regulating the Use of Winterized Tires on Motor Vehicles." (H. P. 790) (L. D. 1023)

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 Agriculture on Bill, "An Act Relating to Killing Rodents in Orchards." (H. P. 451) (L. D. 588)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Authorizing the Attorney General to Seek Dissolution of Certain Corporations." (H. P. 656) (L. D. 843)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Venue of Certain Corporate Court Actions." (H. P. 657) (L. D. 844)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Consolidation of Corporations with Foreign Corporations." (H. P. 658) (L. D. 845)

Reported that the same Ought to Pass.

The Committee on Election Laws on Bill, "An Act Relating to Political Committees and Political Advertising." (H. P. 684) (L. D. 883)

Reported that the same Ought to Pass.

(On motion by Mr. Bernard of Androscoggin, tabled and specially assigned for Thursday, March 20, 1969, pending Acceptance of the Committee Report.)

The Committee on Health and Institutional Services on Bill, "An Act Relating to Septic Tank and Cesspool Cleaners." (H. P. 685) (L. D. 884)

Reported that the same Ought to Pass.

(On motion by Mr. Bernard of Androscoggin, tabled and specially assigned for Thursday, March 20, 1969, pending Acceptance of the Committee Report.)

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

Which reports were Read and, except for the tabled matters,

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

Ought to Pass - As Amended

The Committee on Liquor Control on Bill, "An Act Relating to Liquors Manufactured or Bottled in Maine." (H. P. 524) (L. D. 695)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-91).

The Committee on Public Utilities on Bill, "An Act to Increase the Borrowing Capacity of Richmond Utilities District." (H. P. 642) (L. D. 830)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-92).

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 in concurrence, and the Bills, as Amended, tomorrow assigned for Second Reading.

Senate

Leave to Withdraw

Mr. Boisvert for the Committee on Liquor Control on Bill, "An Act Relating to Gratuities for Members and Employees of Liquor Commission." (S. P. 312) (L. D. 1028)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mr. Wyman for the Committee on State Government on Bill, "An Act to Revise the Architects' Registration Law." (S. P. 280) (L. D. 914)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Revising Criminal Failure to Support Minor Children." (S. P. 102) (L. D. 316)

Reported that the same Ought to Pass.

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

Ought to Pass - As Amended

Mr. Greeley 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 as Amended by Committee Amendment "A" (S-35).

Mr. Cianchette for the Committee on Highways on Bill, "An Act Relating to Distribution of Axle Loads on Commercial Vehicles." (S. P. 84) (L. D. 531)

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

Mr. Levine for the Committee on Agriculture on Bill, "An Act Relating to Transfer of Funds from Maine Sardine Council to Department of Agriculture for Sardine Inspection Activities." (S. P. 199) (L. D. 608)

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

Mr. Mills for the Committee on Judiciary on Bill, "An Act to Provide for the Expunging of Certain Records of Arrest." (S. P. 223) (L. D. 663)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-33).

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

Divided Report

The Majority of the Committee on Election Laws on Bill, "An Act Relating to Duties of Municipal Clerks." (S. P. 262) (L. D. 866)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-37).

(Signed)

Senators:

LETOURNEAU of York
KATZ of Kennebec

Representatives:

CARTER of Winslow
VINCENT of Portland
MacPHAIL of

Owl's Head

GIROUX of Waterville

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

(Signed)

Senator:

ANDERSON of Hancock

Representatives:

PORTER of Lincoln
HENLEY of Norway
BOUDREAU of Portland

Which Reports were Read.

Mr. Anderson of Hancock moved acceptance of the Minority Ought Not to Pass Report of the Committee.

Thereupon, Mr. Hoffses of Knox moved the matter be tabled and specially assigned for Wednesday, March 19, 1969, pending the Motion by Mr. Anderson of Hancock to Accept the Minority Ought Not to Pass Report of the Committee.

On further motion by Mr. Anderson of Hancock, a division was had. Twenty - four Senators having voted in the affirmative and two Senators in the negative, the motion prevailed and the Bill was tabled and specially assigned for Wednesday, March 19, 1969, pending the motion by Mr. Anderson of Hancock to Accept the Minority Ought Not to Pass Report of the Committee.

Second Readers

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

House

Resolve, in Favor of the City of Augusta. (H. P. 3) (L. D. 3)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for Wednesday, March 19, 1969, pending Passage to be Engrossed.)

Resolve, to Reimburse Kermit Sanborn of South Portland for Damage by Escapees from Boys Training Center. (H. P. 595) (L. D. 776)

Bill, "An Act Providing for Maintenance of a Certain Road Leading to Baxter State Park." (H. P. 229) (L. D. 285)

Bill, "An Act Relating to Tuberculosis Sanatoriums." (H. P. 686) (L. D. 885)

(On motion by Mr. Cianchette of Somerset, tabled and specially assigned for Friday, March 21, 1969, pending Passage to be Engrossed.)

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

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 Definition of Agricultural Societies to Qualify for Stipend." (H. P. 365) (L. D. 475)

Bill, "An Act Changing Name of State Soil and Water Conservation Committee." (H. P. 353) (L. D. 461)

Bill, "An Act to Clarify the Watercraft Registration and Safety Law." (H. P. 118) (L. D. 134)

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

Senate

Bill, "An Act to Appropriate Moneys for the Expenditure of State Government for the Fiscal Year Ending June 30, 1969." (Emergency) (S. P. 219) (L. D. 660)

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

Sent down for concurrence.

Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971." (Emergency) (S. P. 372) (L. D. 1232)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I think I would be extremely remiss if, as Chairman of the Appropriations Committee, I did not acknowledge the very gracious remarks of my good friend from Cumberland, Senator Berry, yesterday, and also single out two other good friends, Senator Duquette and Senator Dunn, who have worked diligently since January 2nd on this difficult budget document. Without their extremely competent guidance and counsel we never would have been able to arrive at the results which we did.

I thought it would be in order if I explained very briefly to the Senate possibly the procedures that were used in cutting the Part I Budget. There was no magic involved. We commenced the winter by visiting all twenty - six institutions here in the State of Maine, from South Windham to Fort Kent, in order to better acquaint us with the problems that we are facing at these establishments.

We also have been working on a five - day week. We have been coming in at noon on Mondays and leaving at noon on Fridays and, again, there is no magic involved here; it is a matter of doing the work and very carefully going over the items in the budget.

The four and a half million dollar recommended cut is based to a fairly large degree on a two and a half per cent cut in many of the "All other" requests. This was not done on an across - the - board basis. Each and every department was analyzed and those that we felt could operate with a modest cut were given the cut. On the other hand, some of the smaller ones and some of the ones we felt were extremely essential, we did leave their "All other" moneys intact.

We did eliminate many unfilled positions in Personnel Services. There were something on the order of thirty of these that were cut out of the budget. These, in other words, were positions that had been authorized over the previous years and for one rea-

son or another were not filled. We also eliminated approximately eight positions that are presently filled, but in programs that we felt were not worthy of continuing.

We have recommended the elimination of two institutions: one, the Bath Children's Home and, the other, the Sanatorium in Fairfield. These call for a phase - out. We are not going to turn people out in the cold on two weeks' notice. Both of these institutions we have recommended be shut in accordance with departmental recommendations.

I think this about covers the major points that we have recommended in the Part I Budget, and I hope that you will go along with our recommendations. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate the Item 7-10, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1970 and June 30, 1971", be passed to be engrossed and sent down for concurrence?

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating Driver's License Reexamination." (S. P. 232) (L. D. 672)

Bill, "An Act Relating to the Uniform Disposition of Unclaimed Property Act." (S. P. 267) (L. D. 905)

Which were 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 Regulating Atlantic Salmon Fishing in Maine Rivers. (S. P. 67) (L. D. 189)

An Act Relating to the Preparation of Voting Lists. (S. P. 205) (L. D. 614)

(On motion by Mr. Mills of Franklin, temporarily set aside.)

An Act Relating to Amount of Property Held by Coburn Classical Institute. (S. P. 244) (L. D. 753)

An Act to Change the Name of Butler Island, Kennebec County, to Paradise Island. (H. P. 80) (L. D. 80)

An Act Relating to the Chairman of the State Apprenticeship Council. (H. P. 352) (L. D. 460)

An Act Relating to Time of Sessions of Board of County Commissioners of Washington County. (H. P. 361) (L. D. 469)

An Act Providing that Revenues Received in Enforcement of Elevator Law shall be Credited to the General Fund. (H. P. 388) (L. D. 498)

An Act Relating to Financial Statement Forms for Use in Determining Ability to Pay Support at State Institutions. (H. P. 389) (L. D. 499)

An Act Relating to Inspection of Motorcycles. (H. P. 419) (L. D. 530)

An Act Relating to the Maintenance of a Public Building in Rumford. (H. P. 450) (L. D. 573)

An Act Relating to Election and Duties of Ministers in Protestant Episcopal Church in the Diocese of Maine. (H. P. 476) (L. D. 630)

An Act Relating to Conveyance of Property to Bangor Recreation Center. (H. P. 477) (L. D. 631)

An Act Relating to Temporary Loans by Counties of Cumberland, Washington and Kennebec. (H. P. 492) (L. D. 646)

An Act Repealing Big Squaw Mountain Game Preserve and Amending the Piscataquis and Somerset Game Preserve. (H. P. 553) (L. D. 734)

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

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

Mr. MILLS of Franklin: Mr. President, on Item 8-2, An Act Relating to the Preparation of Voting Lists, (S. P. 205) (L. D. 614), instead of just making a simple motion to table for the time-being, I would like to explain what is bothering me and then perhaps

it will be tabled until we can get it cleared up. I thought it might bother some other Senators too, and I would like to mention it.

This voting list business is a very definite concern to all of the municipalities today and also to the jury commissioners, who have to get these voting lists from all the towns and plantations throughout the State in order to make up their jury lists. There is quite a controversy going on between the jury commissioners and the municipalities. The jury commissioners feel that the entire voting lists should come up to them with full and complete addresses, and where they only need a few names from each one of these municipalities it would seem that they ought to be perhaps satisfied with the smaller number of addresses.

Now, this bill is going to be a considerable burden on municipalities. Probably in the cities where they have full-time registrars, and they are functioning all the time in this area, they can prepare these addresses quite easily. But our voting lists would be multiplied in length a great deal if after every name the full address appeared, and also it would be a great boon, of course, to people who like to use them for mailings lists, and perhaps a great advantage - perhaps it is something that ought to be done. But I think I would like to have a little more explanation before we finally pass this Act as to what its import is going to be and, of course, there may be some amendments that I am not aware of, so I would like to have it held up temporarily, if we could.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Thereupon, on motion by Mr. Anderson of Hancock, the Bill was tabled, pending Enactment.

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

Which was Finally Passed and, having been signed by the President, was by the Secretary

presented to the Governor for his approval.

Emergency

An Act Appropriating Moneys for Essential Needs at the University of Maine. (S. P. 77) (L. D. 235)

On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

Emergency

An Act to Increase the Retirement Pay of Certain Retired State Police Sergeants. (S. P. 214) (L. D. 623)

On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

Emergency

An Act Relating to the Borrowing Capacity of School Administrative District No. 70. (H. P. 322) (L. D. 409)

On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.

Emergency

An Act Relating to School Construction Aid in School Administrative District No. 53. (H. P. 515) (L. D. 686)

This being an emergency measure and having received the affirmative votes 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.

Emergency

An Act Relating to Action that May Be Taken at School Administrative District Budget Meetings. (H. P. 547) (L. D. 726)

This being an emergency measure and having received the affirmative votes 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.

Orders of the Day

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of March 13, 1969 whereby on Bill, "An Act

Amending the Application of the Occupational Safety Law and the Reporting Requirements" (H. P. 337) (L. D. 446) the Majority Ought Not to Pass Report of the Committee was Accepted in concurrence.

On further motion by the same Senator, the Bill was tabled pending Acceptance of Either Report.

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

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

Tabled — March 12, 1969 by Senator Hoffses of Knox.

Pending — Enactment.

On motion by Mr. Hoffses of Knox, retabled and specially assigned for Wednesday, March 19, 1969, pending Enactment.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fourteenth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on State Government on Bill, "An Act to Create a Crime Laboratory." (H. P. 485) (L. D. 639)

Tabled — March 12, 1969 by Senator Berry of Cumberland.

Pending — Acceptance of Report.

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

Mr. BERRY of Cumberland: Mr. President, this act provides for the establishment in the State Police Department of a laboratory to assist the State Police Department in the analysis of evidence required in the prosecution of cases. I discussed this matter with the Senator from Washington, Senator Wyman, and he advised me that the negative action of his committee was predicated on the lack of funds available for the bill, which is in the vicinity of \$40,000. He indicated to me, and I am sure he would correct me if I am wrong, that this was the objection and the only objection against the bill on the part of the committee.

I think the legislation is meritorious. This is really a tool which

the State Police should have. At the present time their laboratory work is done by the Department of Health and Welfare. There is increasing need, in today's administration of justice in the courts for prompt crime facilities, to have them available and to receive prompt action from them.

I think such a bill should be kept alive, and that if at the end of the session there is a smaller amount of money available for the purpose of the bill, then the decision should be made. Accordingly, Mr. President, I would move at this time that the bill be substituted for the report.

The PRESIDENT: The Senator from Cumberland, Senator Berry,

moves that the bill be substituted for the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Bill was substituted for the Report in non - concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

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