

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

Tuesday, March 18, 1969

Senate called to order by the President.

Prayer by Rev. George E. Whittier of Hallowell.

Reading of the Journal of yesterday.

**Papers From the House
Joint Order**

WHEREAS, ice hockey has been played in Waterville for years; and WHEREAS, the City of Waterville has become the outstanding hockey center in Maine during 1969; and

WHEREAS, the Waterville Bantams defeated Lewiston for the State Championship; and

WHEREAS, the Waterville Pee Wees also defeated Lewiston for the State title; and

WHEREAS, the Waterville Squirts are champions by virtue of no challengers; and

WHEREAS, Waterville High defeated St. Dom's of Lewiston for the State title; and

WHEREAS, Waterville High is the defending New England Champion; and

WHEREAS, all Waterville teams will enter New England tournament play this month; now, therefore, be it

ORDERED, the Senate concurring, that Waterville is proclaimed as the Hockey Capital of Maine for 1969 and the best wishes of the 104th Legislature are offered to the champions; and be it further

ORDERED, that duly attested copies of this Joint Order be transmitted to Mr. Stanford Trask, principal of Waterville High School, Mr. Spat Roy, coach, and Mr. Raymond Lemieux, head of youth hockey programs in Waterville. (H. P. 1073)

Comes from the House, Read and Passed.

Which was Read

The PRESIDENT: Is it the pleasure of the Senate that this Order receive passage in concurrence?

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Sen-

ate: I am very happy about the team in Waterville, but what I want to emphasize is that money doesn't always bring out good teams.

As you all know, in Waterville we don't have a full-time hockey coach. I forget what this gentleman is getting now, our coach, but I think he is only getting six or seven hundred dollars a year, so this proves that big money doesn't accomplish great things. If you get the right man for the job, a dedicated man, a lot of times he will do more than spending a lot of money.

I wish the Legislature would bear in mind that spending a lot of money doesn't always do good things, and setting up new programs doesn't always do good things. If you have got a new program that is worth-while and can accomplish a lot, we should try it. If you have got some programs that don't do us any good and that are wasteful, we shouldn't go along with them.

We should all bear in mind the spirit of the City of Waterville that money doesn't accomplish everything. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that this Order receive passage in concurrence?

Thereupon, the Order received Passage in concurrence.

Joint Order

ORDERED, the Senate concurring, that the Joint Standing Committees on Appropriations and Financial Affairs and Industrial and Recreational Development report out a bill redefining the duties and responsibilities of the Department of Economic Development. (H. P. 1074)

Comes from the House Read and Passed.

Which was Read.

On motion by Mr. Moore of Cumberland, tabled and tomorrow assigned, pending Passage.

Joint Order

ORDERED, the Senate concurring, that Legislative Document 229, Bill, "An Act Relating to Reports of the Managers of the

Maine Industrial Building Authority and the Maine Recreation Authority," H. P. 189, be recalled from the Governor to the House. (H. P. 1075)

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.

COMMUNICATIONS

State of Maine
Office of the Governor
Augusta, Maine

March 18, 1969

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

Dear Mr. Speers:

I am pleased to transmit to the members of the Senate of the 104th Legislature the finished report of the State Credit Research Committee (Governor's Seed Committee), which was formed to carry out a recommendation of a conference on State credit held on November 26, 1968.

I would like to thank the distinguished Chairman of the Committee, Curtis Hutchins, Chairman of the Dead River Company, for his efforts and I would like also to thank the distinguished members of the Committee. They are: Kenneth Baird, Esq., Jensen and Baird, Portland; H. King Cummings, President, Guilford Industries, Inc., Guilford; John P. Dunfey, President, Sheraton Motor Inn, Hampton, New Hampshire; John F. Grant, President, The Merrill Trust Company, Bangor; Wallace M. Haselton, Chairman of the Board, Depositors Trust Company, Augusta; James K. Keefe, Commissioner, Department of Economic Development, Augusta; Carleton G. Lane, President, Union Mutual Life Insurance Company, Portland; James B. Longley, C. L. U., Longley Associates, Lewiston; John J. Flaherty, Esq., Berman, Berman, Wernick & Flaherty,

Portland; George S. Payson, H. M. Payson & Company, Portland; Wendell L. Phillips, President, Northern National Bank, Presque Isle; Halsey Smith, President, Casco Bank and Trust Company, Portland; Dr. Robert E. L. Strider, President, Colby College, Waterville; and H. Alan Timm, President, First National Granite Bank, Augusta.

Assisting the Committee were: Dr. David H. Clark, Associate Professor, University of Maine, Orono; William S. Cohen, Esq., Paine, Cohen & Lynch, Bangor; Dr. John D. Coupe, Professor, University of Maine, Orono; and Dr. Albert Mavrinnac, Executive Department, State House, Augusta.

I believe that the State has seldom been privileged to have the services of men so well qualified to deal with questions of the State's credit.

I asked the Committee to consider ways to raise more "seed money" for Maine's economic development. More specifically, I asked them to review existing uses of State credit, the possible extension of these uses, the question of maximum limits of State credit guarantees and State bonding capacity, the possible use of State credit guarantees for construction of higher education and hospital facilities and how State credit can be used to increase housing activity in the State.

I would like to comment on several of the conclusions drawn by the Committee that I feel are of far-reaching significance.

On page 6, the Committee states that "insofar as general obligations of the State are concerned, the ability of the State to market additional debt, or incremental increases in the cost of that debt do not appear to be of overriding significance at this time. The question is whether the public is willing and able to service the debt by raising the necessary funds through legislative or other action."

This means that our credit can be prudently expanded in its use as a valuable source of seed money to stimulate our State's economy.

The Committee indicates that a state's credit rating is based on a variety of factors, only one of which is the total amount of debt. Even if Maine should lose its Triple A rating, the Committee continues, "the impact of its interest cost could well be a minor factor . . ." The Committee also states that "with respect to the State's ability to market a high volume of additional debt, it is unlikely this would be a problem by virtue of the relative size of the State of Maine in comparison with other States."

The ratio of total debt in Maine compared to personal income is approximately 9.8 percent. The national average is almost twice as much at 18.2 percent. It is clear that Maine can do a great deal more borrowing than it has in the past and that the use of our borrowing can be a valuable tool for stimulating the economy of the State.

On page 7, the Committee addresses itself to the question of the expansion of the State's contingent liabilities, i.e., the pledging of the State's credit. Again, the Committee feels that increases are possible.

Further, the Committee recommends that the area of responsibility of the Maine Industrial Building Authority, one of the State's principal agencies for pledging credit, be broadened to include service industries and the preservation of existing industries.

Other recommendations of the Committee are for the use of State bond issues to prefund the Federal share of water pollution abatement projects, the creation of an "ad hoc" committee for further investigation of using State credit to build higher education facilities and hospitals.

The Committee supports the creation of a State Housing Authority, with the power to issue revenue bonds and use the proceeds to purchase mortgages, changing of the foreclosure laws, giving the State Housing Authority the power to guarantee loans to construction firms and the creation of a Housing Approval Board.

In the area of present agencies which guarantee State credit, the Committee recommends the consolidation of the clerical help, and office space of MIBA, MRA and MIRFAB, and a broadening of the enabling act of MIRFAB. Legislation to accomplish these objectives has been submitted to the 104th Legislature for consideration during this session.

Respectfully,
s KENNETH M. CURTIS
Governor

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

(Off Record Remarks)

Orders

On motion by Mr. Berry of
Cumberland,

ORDERED, the House con-
curring, that the Attorney General
is directed to investigate the
reported over - commitment of
appropriated funds in the Depart-
ment of Indian Affairs and take
such further action as may be pro-
vided by law. (S. P. 411)

Which was Read.

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

Mr. BERRY of Cumberland: Mr.
President and Members of the Sen-
ate: The situation, if it can be
called that, in the Indian Affairs
Department has progressed far
beyond the point that it can be
tolerated by the Legislature to con-
tinue in its present method.

The financial problems first
came to light in January of 1968,
at which time a reported deficit
of \$18,000 in the commitment of
the Indian Affairs Department was
reported. In my capacity then, as
Chairman of the Appropriations
Committee, I felt it incumbent
upon me to take cognizance of the
fact, to call a meeting of interested
people, and to see that such action
might be taken as would prevent
a repetition of it. Such a meeting
was held on February 2, 1968. In
attendance at the meeting was a
representative of the Governor, a
representative of the Executive
Council who was responsible for
Indian Affairs, the Commissioner
of Finance and Administration, the

Indian Commissioner, the Legislative Finance Officer, the State Controller, the State Auditor, the State Budget Officer, and the State Attorney General. It was determined at this meeting that such an overdraft did exist. Promises were made, and soon forgotten.

It had been my impression, as a result of that meeting, that the Executive Department would from then on be in full charge of the situation and that such a development would not recur.

This January this Legislature was presented with a \$50,000 overdraft, an over-commitment of funds appropriated by the 103rd Legislature for the operation of the Indian Affairs Department. Last week we were told that the \$50,000 has been increased to \$90,000. Today we have every reason to believe we are going over \$100,000.

Certainly, as elected representatives of the people, and as successors to the 103rd Legislature which appropriated money for this Department, we cannot be blind to what is going on, and I am sure we shall not be.

What an example, what a pattern, what a route to follow for other department heads: If you think your cause is just, spend all the money you wish. Well, I don't think this is what the law says. I have written to the Attorney General, and I would like to read his letter.

"You have asked if there is a violation of law when a department head incurs financial obligations against the State in excess of his departmental appropriation, and you have further asked what procedure should be followed if it is decided that a violation exists. The operative section of the law is found in Title 5 of the Maine Revised Statutes, Annotated, Section 1583, which I quote you in full as follows:

"Titled 'Exceeding Appropriations Prohibited. No agent or officer of the State or any department or agency thereof, whose duty it is to expend money under an appropriation by the Legislature, shall contract any obligation on behalf of the State in excess of the appropriation. Whoever exceeds in his expenditure said

appropriation shall not have any claim for reimbursement.'" And the Section continues, "Any such agent or officer who shall violate this section shall be guilty of a misdemeanor and, upon conviction, be fined a sum equal to such excess of appropriation by him expended and imprisoned for no longer than eleven months in the discretion of the court. All prosecutions under this section shall be by indictment and the fines inure to the State."

The Attorney General's letter continues: "Persons who deal with a department head who overspends an appropriation deal at their own peril and would have no claim in law against the State. If the department head in question is in violation of Section 1583 he will be fined and imprisoned according to its terms.

"As to procedure, if a complaint were made to this department of such a violation, I would have no alternative but to prosecute under the law."

I was somewhat dismayed to read in the press this morning that the Governor says he is convinced there is no wrongdoing. I think there is serious question that there is wrongdoing. I could use stronger language. I also understand that the Governor is in possession of the resignation of the head of the Department of Indian Affairs.

The situation is serious, Mr. President and Members of the Senate. I would suggest to the Governor that he accept this resignation, and there the matter may lay if that is what is desired. In this spirit I would invite any debate as is indicated, and would suggest that this matter be tabled for two weeks pending action on the part of the Governor.

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

Mr. KATZ of Kennebec: Mr. President, I move this order be placed on the table.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves this order be placed on the table. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I request a point of order: The question is out of debate at this point, is it not? No question about this order can be discussed further at this time?

The PRESIDENT: The Senator is correct.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, perhaps I hesitated not long enough, but if there is further debate may I ask permission to withdraw my tabling motion.

The PRESIDENT: The Senator from Kennebec, Senator Katz, asks that his motion to table be withdrawn. Is this the pleasure of the Senate? It is a vote.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I was rather distressed by what has perhaps taken place in the last few minutes. It seems that somebody has been indicted and practically tried and found guilty in the words of one of our distinguished colleagues. I think it is a practice that shouldn't be encouraged.

I rather question the device of this order. It now appears that it is to be used as a club of some sort to bring about something in the Executive Branch which the Executive Branch is perfectly competent to go ahead with. Now, you don't have to pass an order to tell an attorney general to do his duty. If the Attorney General has got information about the violation of laws of this State, he doesn't have to have a complaint filed by this body in the form of an order. I say to the Attorney General here in this record that if he has got evidence in front of him of a violation of law he doesn't have to wait for a complaint. No prosecutor has to wait for a complaint; it is his sworn duty to go ahead. And I don't think these legislative halls should be used for what appears to be some political motivation here. I don't think that any prosecutive branch of this State Government needs a complaint to be filed on the part of this body. If we find a legislative investigation is necessary, that is another thing.

I think if we are going to go at department heads for overstepping their bounds in the way of appropriations that that is a commendable thing to do, but I kind of shudder at starting with the Indians. I mean, we have got a pretty poor image in regard to our treatment of the Indians over the years, and if we have got to pick a department head and if we have got to pick an area of State Government where there is abuse of the moneys that we appropriate, gee, let's look somewhere besides at the indians if it is possible to do so, because our handling of the Indian question over the centuries has not been good, and let's not set ourselves up as people who are ready to clamp down on them again. At least, that may not be the case, but that is the picture we have got, with the nation at large, as picking on a very, very small minority tucked down in the corner of the State.

Let's go into caucus on this in the Republican Party, and in the Democratic Party too, and see if we can't come up with something reasonable, and let's not get ourselves into a political hassle with Republicans against Democrats over a fight over the Indians. Let's try to be rational about it. And I say to the Attorney General that for the next two weeks he hasn't got to wait for this order; if he has got some violation of law facing him, he can go ahead. He doesn't have to wait for this legislative branch to tell him that we want a criminal investigation or we are going to file one.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I don't like to debate my order, but I cannot allow the comments of the good Senator from Franklin, Senator Mills, relative to the procedure of the Attorney General to go unanswered. If anybody complains to the Attorney General, he will follow up. No one has complained to him, and such facts have not been brought officially to his attention. I am sure

the Attorney General will do his duty if, as and when it is indicated.

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

Mr. KATZ of Kennebec: Mr. President, I move this order be placed on the table.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that this order be placed on the table. Is this the pleasure of the Senate?

For what purpose does the Senator rise?

Mr. REED of Sagadahoc: To request a division.

The PRESIDENT: All those in favor of the motion of the Senator from Kennebec, Senator Katz, that this order be placed on the table will rise and remain standing until counted. All those opposed will rise and remain standing until counted.

A division was had. Seventeen Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion prevailed and the Order was tabled, pending Passage.

Committee Reports House

Change of Reference

The Committee on Business Legislation on Bill, "An Act Relating to Realty Subdivisions." (H. P. 680) (L. D. 879)

Reported that the same be referred to the Committee on Natural Resources.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

(Off Record Remarks)

Mr. Logan of York was granted unanimous consent to address the Senate.

Mr. LOGAN: Mr. President and Members of the Senate: In recognition of South Berwick Day at the Legislature, for the record and for the general edification of my colleagues in the Legislature, I would like to briefly give you a little history of the lovely town of South Berwick.

South Berwick, Maine, a thriving community on the New Hampshire

border in the extreme Southern portion of the state was first settled in 1623 by one Ambrose Gibbons, Thomas Blake, Thomas Crockett, Steven Kidder, and Charles Knill. These men built a saw mill on a portion of the Ash-beneddec River. This first mill in America was an up and down rig and, by the way, is still partially standing at the town now known as Great Works. The Simpson house built that same year is still standing. This was the only settlement for miles around.

Part of the Parish of Unity was made up of the present towns of Lebanon, the Berwicks, Eliot and Kittery. South Berwick was named after a town on the borders of England and Scotland. I might add that I went out of my way to visit the original town of South Berwick in England last summer.

Many homes built in the 17th century are still standing and occupied. Among them is the Hill Garrison House built in 1690. Colonel Jonathan Hamilton, a West India trader, built his home on the shores of the Salmon Falls River so that his ships could dock on his own property. This beautiful mansion was the scene of many gala colonial affairs. John Paul Jones spent the night in this house prior to sailing on the Ranger. The Chadbourne home, a classic example of Victorian architecture, was built in 1670. General Ichabod Goodwin, Revolutionary War Hero, lived in South Berwick, and his home is still occupied. South Berwick claims the distinction of sending more men to the Revolutionary War than any other community. The present Reed home in the Old-field's section was once a relay station for the Boston - Portland stage.

Snuggled on the western side of Mount Agamenticus, South Berwick lays claim to the site of the first Baptist Church built in the State of Maine, and is also the home of Berwick Academy built in 1791. Educated at Berwick Academy were Sarah Orne Jewett, author of "Tory Lover" and many other Revolutionary War novels, and Gladys Hasty Carroll, one of the nation's best - loved modern writers, who still lives in the old

Hasty home in the Emery's Bridge section of that town.

The Vaughn Wood's State Park is visited by tourists and residents as a nature trail and picnic area throughout the summer months. I might add that a lot of the work done on the Vaughn Wood's Park was done by the young people in that area.

Spring Hill, located on the bank of Knight's Pond, is the original location of the Waban Camp for retarded children.

When you visit South Berwick you can all expect a warm welcome and a very friendly smile. Mr. President and Members of the Senate, thank - you.

Leave to Withdraw

The Committee on Business Legislation on Bill, "An Act to Permit Nonstock Corporations to Engage in Budget Planning." (H. P. 135) (L. D. 157)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Establishing an Advisory Committee on the Governor Baxter State School for the Deaf." (H. P. 380) (L. D. 489)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Relating to Tuition Charges for Pupils Attending the Governor Baxter State School for the Deaf." (H. P. 381) (L. D. 490)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on Bill, "An Act Granting Authority to North Atlantic College, Great Diamond Island, Portland to Grant Academic Degrees in Oceanography, Marine Science and Engineering." (H. P. 662) (L. D. 849)

Reported that the same be granted Leave to Withdraw.

The Committee on Health and Institutional Services on Bill, "An Act Relating to Penalty for Failure to Undergo Tuberculosis X-Ray Tests." (H. P. 517) (L. D. 688)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on Bill, "An Act Relating to Notice to Liquor Licensees When License

to be Delayed for Cause." (H. P. 777) (L. D. 1010)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on Bill, "An Act to Amend the Charter of the Auburn Sewerage District." (H. P. 831) (L. D. 1069)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on Resolve, Proposing an Amendment to the Constitution Extending to Persons Eighteen Years Old all Adult Rights. (H. P. 13) (L. D. 13)

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 Legal Affairs on Bill, "An Act Relating to Licensing of Premises for Dancing Purposes." (H. P. 571) (L. D. 752)

Reported that the same Ought Not to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Construction of Municipal Powers." (H. P. 669) (L. D. 856)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Funds and Personal Property of Deceased Patients and Inmates of State Institutions." (H. P. 385) (L. D. 495)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Minor Children Committed to Private Custody." (H. P. 433) (L. D. 557)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Maine State Prison Minimum Security Unit." (H. P. 435) (L. D. 559)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Tolling Running of Probation Period Pending Determination of Violation." (H. P. 470) (L. D. 607)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Disclosure of Information Concerning Patients at State Hospitals and the Pineland Hospital and Training Center." (H. P. 666) (L. D. 853)

Reported that the same Ought to Pass.

Come from the House, the reports 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.

The Committee on Education on Bill, "An Act to Create a School Administrative District in the Town of Jay." (H. P. 428) (L. D. 552)

Reported that the same Ought to Pass.

Comes from the House, Recommended to the Committee on Education.

Which Report was Read.

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

Mr. KATZ of Kennebec: Mr. President, to clear up any confusion about this, this was a unanimous Ought Not to Pass Report by the Committee, but somehow it had the wrong jacket put on it, and it happens perhaps once a session. I therefore move that the bill be recommitted to the Committee on Education in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that Item 6-17, Legislative Document 552, be recommitted to the Committee on Education in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Ought to Pass - As Amended

The Committee on Judiciary on Bill, "An Act Amending Laws Per-

taining to the Maine State Prison." (H. P. 667) (L. D. 854)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-95).

The Committee on Appropriations and Financial Affairs on Resolve, Providing for Purchase of Copies of History of Sanford. (H. P. 677) (L. D. 876)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-98).

The Committee on Judiciary on Bill, "An Act Relating to Violations of Law Authorizing Work - Release from County Jails." (H. P. 689) (L. D. 889)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-96).

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

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

The Committee on Education on Bill, "An Act Increasing Compensation of School Directors of School Administrative Districts." (H. P. 318) (L. D. 405)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-76).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-76) as Amended by House Amendment "A" (H-85) thereto.

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

The Committee on Appropriations and Financial Affairs on Resolve, Providing for Purchase of Two Hundred Copies of History of Parkman. (H. P. 540) (L. D. 719)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-97).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-97) and House Amendment "A" (H-100).

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

Senate

Ought Not to Pass

Mr. Hoffses for the Committee on Inland Fisheries and Game on Resolve to open Millinocket Lake, Piscataquis County, to Ice Fishing. (S. P. 101) (L. D. 311)

Reported that the same Ought Not to Pass.

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I think perhaps this L.D. deserves a word of explanation. In the 100th or the 101st Legislature they passed a bill authorizing the Fish and Game Department to hold public hearings and to make rulings in regard to many of the regulations involving fishing in lakes and ponds of the State. Since that time there has been innumerable bills which have been introduced along this same category as this bill which we are now considering.

Many of these matters have not been considered by the Department. The interested parties have gone to their legislator and have asked to have a bill introduced relative to some particular lake or pond.

Now, these bills constantly appear before our Committee. They have in the past and they are now before the Committee this

time, and they seem to continue to appear. I believe that we should have some faith in the ability of the Department to handle these matters.

I will grant you that the bill that was passed was permissive legislation, permitting the Legislature to act upon these matters. If the people concerned were not satisfied with the decision of the Fish and Game Department, that they could introduce them and that the Legislature would be permitted to act upon them. They seem to be taking advantage of this permissive legislation and, as I said before, they are introducing these bills, many, many of them which should be handled by the Department itself.

I would urge the members of this Legislature, and those Senators who will be elected in the 105th Legislature, to consider these matters very carefully to determine if they have been presented by those interested parties to the Department for their consideration before they introduce them into the Legislature.

With those few words, I would say that many more bills of this same nature will undoubtedly receive from the Joint Standing Committee the same recommendation that this bill is receiving. I would, therefore, move that we accept the Committee's Ought Not to Pass Report on this bill.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate accept 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.

Second Readers

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

House

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

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

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

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

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

Which was Read a Second Time.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: Considering the unanimously favorable action of the Committee on Agriculture, and considering the favorable action of the other branch, it is not my intention to oppose this matter, but I would like the record to show that I am opposed to L.D. 588.

Thereupon, the Bill was Passed to be Engrossed in concurrence.

Bill, "An Act to Create a Crime Laboratory." (H. P. 485) (L. D. 639)

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage to be Engrossed.

House - As Amended

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

Which was Read a Second Time.

On motion by Mr. Katz of Kennebec, tabled and tomorrow assigned, pending Passage to be Engrossed.

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

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

Senate

Bill, "An Act Revising Criminal Failure to Support Minor Children." (S. P. 102) (L. D. 316)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to Weight Tolerance on Building or Construction Materials." (S. P. 78) (L. D. 240)

Bill, "An Act Relating to Distribution of Axle Loads on Commercial Vehicles." (S. P. 84) (L. D. 531)

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)

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

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

Which were Read a Second Time and, except for the tabled matter, 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 Wild Animals in Captivity. (S. P. 221) (L. D. 661)

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

An Act Relating to Property Tax Exemption of Veterans. (H. P. 108) (L. D. 116)

An Act Regarding Unsealed Instruments. (H. P. 569) (L. D. 750)

An Act to Amend the Real Estate Transfer Tax. (H. P. 580) (L. D. 765)

An Act Relating to Time of Filing Political Nominations for Town Office. (H. P. 846) (L. D. 989)

An Act Relating to Closed Season on Wild Hares in the Counties of Hancock, Knox, Sagadahoc and Waldo. (H. P. 948) (L. D. 1126)

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

Orders of the Day

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

HOUSE REPORT — Ought Not to Pass from the Committee on Judiciary on Bill, "An Act Relating to Mental Illness as a Ground for Divorce." (H. P. 471) (L. D. 625)

Tabled — March 13, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

Mr. Barnes of Aroostook moved that the Bill be substituted for the Report.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: I rise to oppose the motion, and in doing so I would say to the Senate that this bill was before the Judiciary Committee and came out with a unanimous, ten to nothing, Ought Not to Pass Report. There was little or no support for this bill before the Committee. The only one who spoke in favor of the bill was the sponsor.

Now, at the present time, and until this matter was presented, the only grounds for divorce in the State of Maine were grounds based on misconduct of one of the participants in the marriage vow. Now the marriage vow is very sacred, and in most cases it is being observed, but the trend today is to loosen things up. We are getting away from the morals that we in the State of Maine stood by over the years and which was always pointed to as a moral state, a non-corrupt state. Bills of this sort have a tendency of detracting from that moral standard of our state.

I was born in the State of Maine and have lived my life in the State of Maine. I like to have the State of Maine considered on a high level of morality. A State can have morality just like an individual. An individual has morality according to the way he acts. And it is we of the Legislature that determine the level upon which the State of Maine's morality is to be based. I love my state and I don't want to be a part of doing anything to detract from its high level of morality.

The grounds of divorce that we have now, and we have too many divorces, are causes of adultery, impotence, extreme cruelty, utter desertion continued for three consecutive years next prior to filing of the complaint, gross and confirmed habits of intoxication from the use of intoxicating liquors, opium or other drugs, cruel and abusive treatment, and on complaint of the wife, where the husband being of sufficient ability of being able to labor and provide for her, grossly, or wantonly, or cruelly refuses or neglects to provide suitable maintenance for her, provided the parties were married in this State or cohabitated here after marriage. Now, those are all substantial grounds for a separation, and they are based on the misconduct of one of the parties.

They would have you amend these laws by adding to it mental illness requiring confinement in a mental institution for at least seven consecutive years next prior to the initiation of the divorce complaint. That is not a misconduct; that is an unfortunate situation, and should not be made a basis of an action of divorce.

Now, one of the best therapies for anyone so unfortunate as to be in this situation is to have a home to come back to for therapy; the therapy of coming back to a husband or a wife and the children. Are we going to destroy that possibility by making it a grounds of divorce and breaking up the home? That is what this bill would have you do, I don't think you want to do that.

Now, it has "seven years" in here as if that is a magic number, but with the new drugs, new medicines, new procedures, people are recovering from their mental state, and there are many cases that were considered incurable that are no longer in that status. It happened that Dr. Schumacher was in our committee room at the time of this hearing, and he didn't take part in the hearing — he neither was in favor or opposed to this bill — but he did enlighten our committee by an example that he had in Connecticut. Some time past he was supervisor of of one of the

hospitals there, and he knew of a case that was given up down there, where a woman had been in the hospital for twenty years and was tabled as being incurable. But with the new drugs and the new medicines that woman began to change, and she left the hospital and led a very happy life thereafter.

Now, I say to you that there are several things involved here. When an individual is in a hospital for mental illness, say it is a wife, or a husband, the other party who is home and in good health, if he has the financial ability he has the responsibility of support in that institution for that person receiving treatment. In the Augusta State Hospital, I am told, it's a matter of twelve dollars a day for people under security, and five dollars a day for others. In the Bangor State Hospital it is nine dollars a day for the first ninety days, but thereafter six dollars a day. So this becomes more or less a financial burden on the spouse who has to do that supporting. If you had this as grounds of divorce, would this be a method by which he could get out of this obligation? Further than that, when the divorce is decreed the party who succeeds in the decree gets one - third of the property of the other party as if that party had died. So there are these things to be considered.

We find no need for any such grounds for divorce, but we find many dangers if it becomes a ground for divorce and, therefore, I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Quinn,

moves that House Paper 471, Legislative Document 625, be indefinitely postponed.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President, I move this bill be tabled until the next Legislative Day.

The PRESIDENT: The Senator from Piscataquis, Senator Martin, moves that this bill lay on the table until the next Legislative Day. Is this the pleasure of the Senate?

The motion prevailed and the Bill was tabled and tomorrow assigned, pending the motion by Mr. Quinn of Penobscot that the Bill be Indefinitely Postponed.

(Off Record Remarks)

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

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

Tabled — March 14, 1969 by Senator Anderson of Hancock.

Pending — Enactment.

The same Senator then 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.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.