

# 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, April 4, 1969

Senate called to order by the President.

Prayer by Rev. David Holroyd of Gardiner.

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, April 8, at 10 o'clock in the morning. (S. P. 429)

Which was Read and Passed.

Sent down forthwith for concurrence.

**Papers From The House****Non-concurrent Matter**

Bill, "An Act to Correct Errors and Inconsistencies in the Maine Insurance Code." (H. P. 1071) (L. D. 1252)

In the Senate March 20, 1969, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-150) in non-concurrence.

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

**House Papers**

Bill, "An Act Increasing Compensation of Councillors of Town of Mechanic Falls." (H. P. 1105) (L. D. 1424)

Comes from the House referred to the Committee on Towns and Counties and Ordered Printed.

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

**Communications**

State of Maine

House of Representatives

Office of the Clerk

Augusta, Maine

April 3, 1969

Hon. Jerrold B. Speers  
Secretary of the Senate  
104th Legislature

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act Relating to Annual Review of All Applications for Liquor Licenses" (H. P. 827) (L. D. 1066)

Messrs. HUBER of Rockland  
DONAGHY of Lubec  
CAREY of Waterville

Respectfully,

Signed

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

**Senate Papers****Highways**

Mr. Reed of Sagadahoc presented Bill, "An Act Relating to Bids for Construction of State Highways." (S. P. 428)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed:

JERROLD B. SPEERS

Secretary of the Senate)

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

Sent down for concurrence.

**Legal Affairs**

Mr. Berry of Cumberland presented Bill, "An Act Relating to Maine Babe Ruth Baseball, Inc." (S. P. 426)

(Approved for appearance on the calendar pursuant to Joint Rule No. 10.

Signed:

JERROLD B. SPEERS

Secretary of the Senate)

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

Sent down for concurrence.

Mr. Mills of Franklin was granted unanimous consent to address the Senate.

Mr. MILLS: Mr. President, I was probably asleep at the time and failed to notice an order that was going through the House and the Senate which was called particularly to my attention yesterday afternoon, and I noticed the word-

ing of it. I was quite offended by it, and I think it was ill-advised and I think it is something on which the record should speak subsequently, even though it didn't at the time.

The time was, of course, April 1st, a time when it seems to me that such matters are more likely to be considered to be jokes, but this was no joke. It was this Joint Order, the Senate concurring that the Joint Standing Committee on Taxation be ordered, be ordered, to recommend a tax proposal which would provide approximately so many dollars, thirty-three million. Well, Mr. President, I don't know who concocted the idea of ordering a committee to recommend anything in this Legislature and, from my standpoint, I am criticizing it severely, personally, because this is no April-fool matter; this is infringing on the legislative parliamentary process.

We don't have an oligarchy here, we don't have a small group set up to order any committee to do anything, and it is farcical when you expect to have a public hearing, to go through the motions of a public hearing and invite the citizens of this State in, when you have already ordered them to recommend something. And we put our stamp of approval on it. I, for one, am withdrawing that approval - on the record, of course - it has no legal effect - but if I had been alert at the time I would have opposed this with every ounce of my strength, because this is the way dictatorships start.

I can't understand the arrogance of anyone to concoct an order like this, to order a committee to recommend something. Of course, when it is done it is done by the whole body, and I suppose we are guilty along with the author of the order. But right here and now I want to say that is the epitome of arrogance, and if anything else ever comes along like this I hope I am alert enough to speak against it before it goes through and has my tacit approval. I hope the committee handled the matter as it should have been handled.

My Wyman of Washington was granted unanimous consent to address the Senate.

Mr. WYMAN: Mr. President and Members of the Senate: I don't think the committee was disturbed by the order. It was a package, and maybe the order could have been worded a little bit more carefully, but the committee objected to these items, some of them that were in the package, and they felt that they could not pass out any of the package, any of the proposed package, or suggested alternatives.

While I appreciate what the good Senator from Franklin has stated, I am very sure that the committee did not take offense; they realized that the leadership intended to try to accomplish something. Even though the order might have been worded better, I am sure I, for one, and the rest of the committee, had no objection to it.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President and Members of the Senate: There is merit to the comments of the Senator from Franklin, Senator Mills. I think the most significant thing that he said was that if he were alert he would not have supported it. I think I can equally say that if some of the others were alert the language would have been different.

The Republican Senators had a caucus on this matter and I assume the Democratic Senators did too. This thing came out of the joint leadership of both parties, and if there was one thing in which we were all in complete agreement, Republicans and Democrats, House and Senate, it was that this was a proposal that was being put out by both parties, that it had the weight of a recommendation and nothing more, that it would be discussed within caucus as an alternative, and that the sovereign right of determination is and should properly be within the committee. But sometimes between having a meeting of the minds as to what we are going to do, and the procedure of how to do it, somebody goofs.

In this respect I have a feeling that, from my point of view, the membership of this body does deserve some kind of an apology for the unfortunate wording of the order, but I think the intent was pure, even if the implementation was faulty.

### Committee Reports House

#### Leave to Withdraw

The Committee on Health and Institutional Services on Bill, "An Act Relating to Use of Plastic Containers for Gasoline Fuel." (H. P. 812) (L. D. 1051)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### Ought Not to Pass

The Committee on Health and Institutional Services on Bill, "An Act Relating to Conjugal Visitations at State Penal Institutions." (H. P. 896) (L. D. 1157)

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 - As Amended

The Committee on Claims on Resolve, in Favor of Dan S. Webb of Wilton. (H. P. 57) (L. D. 59)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-132).

The Committee on Claims on Resolve, in Favor of Robert Huntington and Floyd Richardson of Turner for Damage by Bears. (H. P. 717) (L. D. 935)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-133).

The Committee on Taxation on Bill, "An Act Increasing Maine Forestry District Taxes." (Emergency) (H. P. 875) (L. D. 1118)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-145).

Come from the House, the reports Read and Accepted and the

Bill and Resolves Passed to be Engrossed as Amended by Committee Amendments "A".

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

The Committee on State Government on Bill, "An Act Relating to Biennial Elections of Penobscot Indians." (H. P. 415) (L. D. 526)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-128).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-147).

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

#### Ought to Pass in New Draft

The Committee on Natural Resources on Bill, "An Act Prohibiting the Sale or Use of DDT." (H. P. 147) (L. D. 173)

Reported that the same Ought to Pass in New Draft and Under New Title: An Act Revising the State Board of Pesticides Control Law." (H. P. 1097) (L. D. 1415)

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

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

#### Senate Ought to Pass

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Law Clerks for the Judiciary." (S. P. 63) (L. D. 184)

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. Letourneau for the Committee on State Government on Bill, "An Act Relating to Duties of the Employment Security Commission." (S. P. 229) (L. D. 669)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-65).

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

#### Ought to Pass in New Draft

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program." (S. P. 234) (L. D. 708)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 427) (L. D. 1425)

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

#### Second Readers

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

##### House

Bill, "An Act Relating to Secondary School Tuition." (H. P. 720) (L. D. 938)

Bill, "An Act to Provide Social Security Rights to Firemen." (H. P. 880) (L. D. 1123)

Bill, "An Act to Incorporate the Town of Bowdoin School District." (Emergency) (H. P. 888) (L. D. 1147)

Bill, "An Act Relating to Conferring Degrees by Eleemosynary, Inc." (Emergency) (H. P. 924) (L. D. 1185)

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

Bill, "An Act Repealing the Bounty on Bobcat." (H. P. 34) (L. D. 35)

Which was Read a Second Time and Passed to be Engrossed in non - concurrence.

Sent down for concurrence.

Bill, "An Act Reclassifying Waters of the St. John River Basin." (H. P. 1096) (L. D. 1414)

Which was Read a Second Time. On motion by Mr. Berry of Cumberland, tabled and specially assigned for Wednesday, April 9, 1969, pending Passage to be Engrossed.

#### House - As Amended

Bill, "An Act Relating to Secondary School Tuition." (H. P. 373) (L. D. 482)

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for Friday, April 11, 1969, pending Passage to be Engrossed.)

Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (H. P. 603) (L. D. 784)

Bill, "An Act Relating to Hunting Licenses." (H. P. 688) (L. D. 888)

Resolve, Relating to Fishing in Robbins Pond, Aroostook County. (H. P. 767) (L. D. 987)

Bill, "An Act Relating to Support of Children by Parent Who Does Not Have Custody." (H. P. 933) (L. D. 1194)

Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 12) (L. D. 12)

(On motion by Mr. Wyman of Washington, tabled and specially assigned for Friday, April 11, 1969, pending Passage to be Engrossed.)

Bill, "An Act Relating to Form and Arrangement of Ballots in General Elections." (H. P. 724) (L. D. 942)

(On motion by Mr. Beliveau of Oxford, temporarily set aside.)

Bill, "An Act Relating to Certain Disqualifications Under the Employment Security Law." (H. P. 565) (L. D. 746)

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

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU: Mr. President, on Bill, "An Act Relating to Form and Arrangement of Ballots in General Elections," I would like to request that some member of the Committee on Election Laws explain the purpose of this L.D. 942, please, how it would change our existing practice.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has addressed a question through the Chair to any member of the Committee on Election Laws, who may answer if they so desire.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President, those who favor this bill call it a "Ballot Reform." It is the office-type ballot in use in many states, which lists the candidates, instead of in columns of both parties, lists them in order of the offices the candidates are seeking, so that under Governor you would have both names, Republican and Democrat, in one column, and then go right down and have the candidates for each office listed consecutively, one underneath the other. I think it is a great bill.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Beliveau.

MR. BELIVEAU of Oxford: I think so much of this bill, Mr. President, that I am going to move it be indefinitely postponed, and request a roll call.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, moves that Item 7-13, Bill, "An Act Relating to Form and Arrangement of Ballots in General Elections," be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President, I request a division.

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

Mr. LETOURNEAU of York: Mr. President, I would request a roll call vote.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Oxford, Senator Beliveau.

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: Possibly a few words of explanation are in order here as to why I made this motion. This would change our system in practice and abolish the so-called straight ticket voting which has been in existence in this State for several years.

You will recall that some individuals believe that our present arrangement of names on the ballot is not a proper one, and that people should vote for each, for each individual candidate for each individual office. In my opinion, this would deprive many thousands of voters in this State, who know how they want to vote, it would prevent them from voting a straight ticket.

Now, I think this has been brought to our attention very forcefully in the past few months, as a reflection of the feeling of the citizens of this State, when the Republican Party circulated petitions around the State attempting to acquire 32,000 signatures on a petition which eventually would lead hopefully to the abolishment of the straight ticket. This was a very comprehensive, energetic and aggressive campaign by the other party, but they failed miserably to acquire, I believe, fifty per cent of the necessary signatures after a very concerted attempt. I believe this is probably the most recent example or indication by the voting public that they do not want to abolish straight ticket voting. It serves a very useful purpose.

In reviewing the bill itself and noting the sections of Section 702 that are repealed, in addition to abolishing straight ticket voting I notice that it also prevents the use of stickers in a general election, and there are certain other reforms here which I haven't had an opportunity to focus on, but this business, for instance, of preventing the use of stickers, I think, is improper. We have permitted it in certain elections in the past and I think we should continue to do so, but my primary objection is to the abolishment of straight ticket voting.

I see no public clamor to change this particular practice, and I be-

lieve it is in the converse, that the people would prefer to retain this type of voting. So I urge the members of the Senate to support my motion to indefinitely postpone this bill.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of ordering a roll call will please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered. The Chair will restate the question. The question is on the motion of the Senator from Oxford, Senator Beliveau, that Bill, "An Act Relating to Form and Arrangement of Ballots in General Elections," Legislative Document 942, be indefinitely postponed. Those in favor of the motion will vote "Yes"; those opposed, "No."

The Secretary will call the roll.

#### Roll Call

YEAS: Senators Beliveau, Bernard, Boisvert, Cianchette, Conley, Duquette, Gordon, Kellam, Letourneau, Levine, Martin, Minkowsky, Reed and Violette.

NAYS: Senators Anderson, Barnes, Berry, Dunn, Greeley, Hanson, Hoffses, Katz, Logan, Mills, Moore, Peabody, Quinn, Sewall, Stuart, Wyman and President MacLeod.

ABSENT: Senator Tanous.

A roll call was had. Fourteen Senators having voted in the affirmative, and seventeen Senators having voted in the negative, with one Senator absent, the motion to indefinitely postpone did not prevail.

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

#### Senate

Bill, "An Act Revising the Laws Relating to the Practice of Dentistry." (S. P. 264) (L. D. 868)

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

Sent down for concurrence.

Bill, "An Act Relating to Solicitation of Eye Services and Appliances." (S. P. 265) (L. D. 869)

Which was Read a Second Time.

(On motion by Mr. Reed of Sagadahoc, tabled and tomorrow assigned, pending Passage to be Engrossed.)

#### Enactors

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

An Act Amending the Application of the Occupational Safety Law and the Reporting Requirements. (H. P. 337) (L. D. 446)

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

#### Emergency

An Act Providing for Payment of the 1969 Education Subsidies to Municipalities. (S. P. 414) (L. D. 1379)

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

#### Emergency

An Act Extending Time for Relocating of Maine Central Railroad Tracks in Livermore Falls. (H. P. 668) (L. D. 855)

This being an emergency measure and having received the affirmative votes of 31 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 Repealing the Porter's Landing Water District. (H. P. 1091) (L. D. 1383)

This being an emergency measure and having received the affirmative votes of 31 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.

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

Mr. MILLS of Franklin: Mr. President, a parliamentary inquiry, or rather, I will make a motion, but there is some doubt as to the parliamentary standing of the motion. I would move, Mr. President — and the reason for my motion would be to open the matter up for some discussion because it is of great importance at this time — that is, I would move, Mr. Presi-



dent, to reconsider, and I would hope that a motion to reconsider is debatable so that the subject matter could be discussed, I would move, Mr. President, to reconsider our action of a few moments ago, under Item 8-2, whereby we moved to place on the Appropriations Table "An Act Providing for Payment of the 1969 Education Subsidies to Municipalities." And I would speak to my motion, if it is debatable.

The PRESIDENT: The Chair would rule that a motion to reconsider on a tabling motion is not in order.

**Orders of the Day**

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Relating to Reasonable Counsel Fees Under Uniform Act on Paternity" (H. P. 635) (L. D. 823), the President appointed the following Conferees on the part of the Senate:

Senators:

- LOGAN of York
- MILLS of Franklin
- STUART of Cumberland

On the disagreeing action of the two branches of the Legislature on Bill, "An Act to Designate an Official Rock and Mineral for the State of Maine" (S. P. 304) (L. D. 997), the President appointed the following Conferees on the part of the Senate:

Senators:

- MILLS of Franklin
- HANSON of Kennebec
- KATZ of Kennebec

On the disagreeing action of the two branches of the Legislature on Bill, "An Act Permitting Employment of State Prison and Reformatory Inmates on County and Municipal Public Works Projects" (H. P. 497) (L. D. 651), the President appointed the following Conferees on the part of the Senate:

Senators:

- PEABODY of Aroostook
- CONLEY of Cumberland
- MARTIN of Piscataquis

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

Bill, "An Act to Exempt Seamen from the Payment of Overtime Wages." (H. P. 693) (L. D. 893)

Tabled — March 28, 1969 by Senator Tanous of Penobscot.

Pending — Motion by Senator Berry of Cumberland to Indefinitely Postpone Bill.

On motion by Mr. Katz of Kennebec, retabled and tomorrow assigned, pending the motion by Senator Berry of Cumberland to Indefinitely Postpone the Bill.

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

Bill, "An Act Relating to Compensation of the Panel of Mediators." (H. P. 691) (L. D. 891)

Tabled — April 1, 1969 by Senator Quinn of Penobscot.

Pending — Enactment.

On motion by Mr. Quinn of Penobscot, retabled and specially assigned for Thursday, April 10, 1969, pending Enactment.

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

HOUSE REPORTS — from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Open Season on Partridge or Grouse and Pheasant." (H. P. 330) (L. D. 439) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — April 2, 1969 by Senator Barnes of Aroostook.

Pending — Motion by Senator Hoffes of Knox to Accept the Majority Ought to Pass Report.

Mr. Barnes of Aroostook moved the pending question.

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

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

Bill, "An Act Increasing Compensation of Members of Board of Hairdressers." (H. P. 227) (L. D. 283)

Tabled — April 2, 1969 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

On motion by Mr. Quinn of Penobscot retabled and specially assigned for Friday, April 11, 1969, pending Passage to be Engrossed.

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

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

Tabled — March 11, 1969 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

The same Senator moved the pending question.

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

Sent down for concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to take from the table the tenth tabled and unassigned matter:

HOUSE REPORT — from the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Hunting License for Certain Maine Residents in Armed Forces." (H. P. 384) (L. D. 494) Ought to Pass in New Draft under New Title, Bill, "An Act Relating to Hunting and Fishing Licenses for Certain Maine Residents in Armed Forces." (H. P. 947) (L. D. 1125)

Tabled — March 19, 1969 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

On further motion by the same Senator, the Ought to Pass in New Draft under New Title Report of the Committee was Accepted in non - concurrence, the Bill in New Draft under New Title Read Once and tomorrow assigned for Second Reading.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, April 8, 1969, at 10 o'clock in the morning.