

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 17, 1969 to July 2, 1969

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, January 9, 1970

Senate called to order by the President.

Prayer by the Rev. Fr. Henry B. Dallaire 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 Monday, January 12, at 4 o'clock in the afternoon. (S. P. 617)

Which was Read and Passed.

Sent down forthwith for concurrence.

**SENATE PAPERS
State Government**

Mr. Reed of Sagadahoc presented Bill, "An Act to promote Governmental Reorganization and Efficiency." (S. P. 615) (L. D. 1792)

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

Under suspension of the rules, sent down forthwith for concurrence.

**Committee Reports
House****Leave to Withdraw - Covered by Other Legislation**

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Eastern Maine Vocational-Technical Institute." (H. P. 1312) (L. D. 1641)

Reported that the same be granted Leave to Withdraw. Covered by Other Legislation.

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought Not to Pass

The Committee on Highways on Bill, "An Act Relating to Use of Town Highway Employees and Equipment on Certain Highways." (H. P. 1330) (L. D. 1659)

Reported that the same Ought Not to Pass.

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

The Committee on Towns and Counties on Bill, "An Act Relating to County Purchases." (H. P. 1377) (L. D. 1726)

Reported that the same Ought Not to Pass.

Comes from the House the report Read and Accepted.

Which report was Read.

Mr. Bernard of Androscoggin moved that the Bill be substituted for the Report. A viva voce vote being taken, the motion did not prevail.

Thereupon the Ought Not to Pass Report of the Committee was Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Code of Military Justice for the State Military Forces." (H. P. 1338) (L. D. 1667)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Disqualification of the Administrative Hearing Commissioner." (H. P. 1367) (L. D. 1716)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act to Create the Bangor Parking Authority." (Emergency) (H. P. 1346) (L. D. 1675)

Reported that the same Ought to Pass

The Committee on Legal Affairs on Bill, "An Act to Amend the Charter of Great Northern Paper Company." (H. P. 1368) (L. D. 1717)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act to Validate Certain Proceedings in Formulating Voting Districts in the Town of Brunswick." (Emergency) (H. P. 1343) (L. D. 1672)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Appointment of Single Town Assessor for Town of Brunswick." (Emergency) (H. P. 1344) (L. D. 1673)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Extending Eagle Lake Water and Sewer District to Plantation of Winterville." (H. P. 1349) (L. D. 1678)

Reported that the same Ought to Pass.

The Committee on Towns and Counties on Bill, "An Act Authorizing Androscoggin County to Borrow Money for an Addition to the County Jail." (Emergency) (H. P. 1362) (L. D. 1691)

Reported that the same Ought to Pass.

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

Which reports were Read and Accepted, the Bills Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Business Legislation on Bill, "An Act Relating to Fees of Certain Corporations Payable to Secretary of State." (H. P. 1320) (L. D. 1649)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-621.)

The Committee on Business Legislation on Bill, "An Act to Amend the Charter of the Community Life Insurance Company." (H. P. 1321) (L. D. 1650)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-622)

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

Ought Not to Pass - Covered by Other Legislation

Mr. Katz for the Committee on Education on Bill, "An Act Relating to Difference of Student Tuition Between University of Maine and the State Colleges." (S. P. 596) (L. D. 1767)

Reported that the same Ought Not to Pass - Covered by Other Legislation.

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President, there are two bills before us this session covering the question of tuition at the University. The Committee dealt with both of them. Only one of them got on the calendar this morning. The other one needed an amendment and will be out on Monday. The one that will be out on Monday will also contain the material that is in this bill exactly, so at that time we will have a chance to debate both points of view.

Thereupon, the Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Tanous for the Committee on Legal Affairs on Bill, "An Act Relating to Dumping Offal and Feathers on Highway." (S. P. 589) (L. D. 1744)

Reported that the same Ought to Pass.

Mr. Katz for the Committee on Education on Bill, "An Act relating to Conferring Associate Degrees by Husson College." (S. P. 600) (L. D. 1771)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program." (S. P. 580) (L. D. 1707)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-358).

Which was Read.

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

Mr. LEVINE of Kennebec: Mr. President, I move that this item be indefinitely postponed, and I would like to speak on it.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that Item 6-17, Bill, "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program," be indefinitely postponed.

The Senator may proceed.

Mr. LEVINE: Mr. President and Members of the Senate: I don't know if my memory is right or not, but I think we had the same legislation in the regular session. It wasn't passed. Everybody is worrying now because we have too much money in the kitty, I guess, and they want to clean it out, and then they should be able to tax the people more next time, and I feel strongly against it. I feel we ought to try to save all we can, and not to come back and tax the people three or four times as much on their income tax the next session. If we keep on passing all these money bills that is what we will have to do. I would like to have a roll call vote on it.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: For the benefit of Senator Levine, the localities surrounding the river are pledged to come up with \$18,500 on this bill, and the State and Federal will furnish the rest of it. Now, this money is held in escrow until we raise the \$18,500. Believe me, this will be a big thing not only for Hancock County but the State as well. The Chief Biologist of Atlantic Salmon figures that it will pay the State and the locality around \$40,000 a year. I don't see how we can possibly pass this up.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: It reminds me of the story of a woman who went shopping once with her husband's paycheck. She had some other bills to pay, and when she came home she didn't have anything left. She told her husband about all the bargains she got, but the result wasn't too good because there wasn't any money for groceries left over.

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

Mr. BERNARD of Androscoggin: Mr. President and Members of the Senate: I arise in support of the remarks of our good Senator Anderson, who is quite knowledgeable on Sea and Shore Fishery matters, and I would go along with his thinking. I know that the facts concerning this bill are accurate. I would hope that this bill would be approved.

The PRESIDENT: The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Bill, "An Act Appropriating Funds for Union River Anadromous Fish Restoration Program," S. P. 580, L. D. 1707, be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. All those Senators 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 state the question once more. The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Item 6-17, S. P. 580, L. D. 1707, be indefinitely postponed. A "Yes" vote will be in favor of indefinite postponement; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senator Levine.

NAYS: Senators Anderson, Barnes, Beliveau, Bernard, Berry, Boisvert, Cianchette, Conley, Dunn, Duquette, Gordon, Greeley,

Hoffses, Holman, Katz, Kellam, Letourneau, Logan, Minkowsky, Moore, Peabody, Quinn, Reed, Sewall, Stuart, Tanous, Violette, Wyman, and President MacLeod.

ASENT: Senators Hanson and Martin.

A roll call was had. One Senator having voted in the affirmative, and twenty-nine Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

Thereupon, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once.

Committee Amendment "A", Filing No. S-358, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Mr. Duquette for the Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department." (Emergency) (S. P. 581) (L. D. 1708).

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-357).

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought to Pass Report of the Committee?

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President, I move that this item be indefinitely postponed, and I would like to make a few remarks.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that Item 6-18, Legislative Document 1708, be indefinitely postponed.

The Senator may proceed.

Mr. LEVINE: Mr. President and Members of the Senate: I am not going to try to repeat myself. The only thing I want to mention is that this Legislature didn't see fit in the last session to appropriate \$50,000 for low income families to get a chance to obtain a higher education. We see coming in here now, spending money left and right, the same people that voted against it because they claimed the State couldn't afford to do it. Now we are going to spend a hundred

thousand dollars on this bill here to create another agency. The first thing you know, it might run into three, four or five million dollars a year. I would like to have a roll call vote again, please.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: While I do concur with some of Senator Levine's remarks in regards to money, it was the opinion of many of us on the shade tree situation in the State of Maine that one of our most valuable, aesthetic assets has been ravaged very severely by the Dutch Elm Disease and that this relatively small amount of money, which would be supervised by the Forestry Division, to encourage the various municipalities throughout the State to replace this very valuable asset is a worthy project. I hope that you would support the committee.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Kennebec, Senator Levine, that Bill, "An Act Appropriating Funds for Providing Shade Trees Through the Forestry Department," be indefinitely postponed. A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted?

Obviously less than one-fifth having arisen, a roll call is not ordered.

A viva voce vote then being taken, the motion to indefinitely postpone did not prevail.

Thereupon, the Ought to Pass as Amended Report of the Committee was accepted and the Bill Read Once. Committee Amendment "A", Filing No. S-357, was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

Mr. Berry for the Committee on Liquor Control on Bill, "An Act

Relating to Hours of Sale in Retail Stores Under Liquor Laws." (S. P. 575) (L. D. 1702)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act relating to Hours of Sale Under Liquor Laws." (S. P. 18) (L. D. 1793)

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

(Off Record Remarks)

Second Readers

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

House

Bill, "An Act to Clarify School Construction Aid." (H. P. 1326) (L. D. 1655)

Resolve, Approving of Conveying of Anson Academy to School Administrative District No. 74. (Emergency) (H. P. 1328) (L. D. 1657)

Bill, "An Act Relating to Duties of Lucerne-in-Maine Village Corporation and Town of Dedham as to Education and Children." (Emergency) (H. P. 1340) (L. D. 1669)

Bill, "An Act Relating to Elections in City of Biddeford." (H. P. 1342) (L. D. 1671)

Bill, "An Act Relating to Powers and Duties of the Public Safety Commission of the Town of Old Orchard Beach." (H. P. 1341) (L. D. 1670)

Bill, "An Act Relating to Authority of State Employees Appeals Board." (H. P. 1352) (L. D. 1681)

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

House - As Amended

Bill, "An Act to Change the Name of Westbrook Seminary and Junior College to Westbrook College." (H. P. 1325) (L. D. 1654)

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

Senate

Bill, "An Act Appropriating Funds for Employment of an Occupational Safety Engineer by

the Department of Labor and Industry." (S. P. 577) (L. D. 1704)

Bill, "An Act to Improve Sanitary Standards to Stop Unlawful Sales of Shucked Shellfish." (S. P. 563) (L. D. 1638)

Bill, "An Act to Extend the Period During Which the Trustees of Harrison Water District Have to Acquire Properties Owned by Harrison Water Company." (S. P. 567) (L. D. 1694)

(On motion by Mr. Moore of Cumberland, tabled and specially assigned for January 13, 1969, pending Passage to be Engrossed.)

Bill, "An Act Relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies of Androscoggin County." (S. P. 558) (L. D. 1633)

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

Under suspension of the rules, sent down forthwith for concurrence.

Senate - As Amended

Bill, "An Act Amending the Liquor Laws." (S. P. 586) (L. D. 1741)

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

Under suspension of the rules, sent down forthwith for concurrence.

Orders of the Day

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

Joint Order—Relative to Amending Joint Rules. (S. P. 616)

Tabled—January 8, 1970 by Senator Katz of Kennebec.

Pending—Passage.

Mr. Logan of York presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-616, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. LOGAN of York: Mr. President and Members of the Senate: Since it is a little difficult to tell from reading the amendment what it does to this order, briefly stated, it removes the requirement that the sponsor personally write the statement of fact that would

appear on bills and resolves under this rule 12-A. It occurred to me and to some others that this places really an unnecessary burden on the individual legislator. We are certainly busy enough as it is without having to individually sit down and come up with the words. Furthermore, there are some of us that do not have a way with the English language and we simply need help in framing our thoughts. This amendment then allows the individual legislator to seek help wherever he wishes. Thank-you, Mr. President.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Joint Order, as Amended, received Passage.

Sent down for concurrence.

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

Bill, "An Act Relating to Certain Classified Employees in the

Forestry Department." (H. P. 1354) (L. D. 1683)

Tabled—January 8, 1970 by Senator Wyman of Washington.

Pending—Assignment for Second Reading.

Under suspension of the rules, the Bill was given its Second Reading.

Mr. Wyman of Washington then presented Senate Amendment "A" and moved its Adoption.

Senate Amendent "A", Filing No. S-360, was Read and Adopted in non-concurrence and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence.

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox,

Adjourned until Monday, January 12, 1970, at four o'clock in the afternoon.