

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

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1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Monday, January 19, 1970

Senate called to order by the President.

Prayer by the Rev. Lawrence E. Merckens of Hallowell.

Reading of the Journal of yesterday.

Joint Order

On motion by Mr. Katz of Kennebec,

ORDERED, the House concurring, that the Joint Standing Committee on Education report out to the Senate a Bill validating proceedings authorizing the issuance of bonds and notes for School Administrative District No. 70.

(S. P. 629)

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: On Saturday I learned that we have a school administrative district which has proper authorization from this legislature to begin construction. The voting of one of the towns was held improperly and bond counsel has placed the entire project under a cloud. This is an emergency, and I would ask indulgence of the Senate in passing this order.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I don't know quite what to say, other than I might ask for a division because I did say that I frowned upon introducing bills through the way of an order. Maybe I will be the only one who votes this way, but I will ask for a division on the order.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: In the hope of attacking the principle with the practicality of the matter, SAD 70, so I am told, is about as poor a district as there is in the State. These poor people

have been wrestling with the question of what to do about their children for a long time. In the regular session we finally, after an awful lot of soul searching, came up with this solution. I am sure that, as has been expressed to me by the people in this area, that they are at their wits' end now that they zigged instead of zagged in the very, very technical procedures to satisfy bond council. If this plea for understanding can reach your ears, I would be appreciative if this order could be passed, if not for the sake of the legislature, for the sake of the people up in SAD 70.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the passage of Joint Order 629. A division has been requested. As many Senators as are in favor of passage of this order will rise and remain standing until counted. Those opposed?

A division was had. Fourteen Senators having voted in the affirmative and twelve Senators having voted in the negative, the Joint Order received Passage.

Sent down 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 to Maine Maritime Academy for Library Acquisitions and Salary Increases." (H. P. 1396) (L. D. 1752)

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

Comes from the House the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds to Greater Bangor Chamber of Commerce to Aid in Defraying Costs of Promotional Film." (Emergency) (H. P. 1402) (L. D. 1758)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Snow Removal from Airports." (H. P. 1411) (L. D. 1777)

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 in concurrence, and the Bills Read Once.

Thereupon, under suspension of the rules, the bills were given their Second Reading and Passed to be Engrossed in concurrence.

Ought to Pass-As Amended

The Committee on Retirements and Pensions on Bill, "An Act Relating to Certain Charges to the State Retirement Allowance Fund" (H. P. 1351) (L. D. 1680)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-638)

The Committee on Public Utilities on Bill, "An Act to Incorporate the Mapleton Water District." (Emergency) (H. P. 1347) (L. D. 1676)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-636).

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 and, under suspension of the rules, the Bills, as amended, given their Second Reading and Passed to be Engrossed in concurrence.

Senate

Referred to 105th Legislature

Mr. Peabody for the Committee on Towns and Counties on Bill, "An Act Providing for a Chief Administrative Officer of and increasing Salaries of County Commissioners of Androscoggin County." (S. P. 574) (L. D. 1701)

Reported that the same be referred to the 105th Legislature.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass - As Amended

Mr. Dunn for the Committee on Appropriations and Financial Affairs on Bill, "An Act To Provide Protection for the Consumer Against Unfair Trade Practices." (S. P. 578) (L. D. 1705)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-374).

Mr. Violette for the Committee on Judiciary on Resolve Authorizing Henry Perley to Bring Civil Action Against the State of Maine. (S. P. 571) (L. D. 1698)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-371)

Mr. Peabody for the Committee on Towns and Counties on Bill, "An Act Authorizing Knox County to Raise Money for Airport and Industrial - Commercial Improvement and Development." (S. P. 573) (L. D. 1700)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-373).

Which reports were Read and Accepted and the Bills and Resolve Read Once.

Committee Amendments "A" were Read and Adopted and, under suspension of the rules, the Bills and Resolve, as Amended, given their Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Enactors

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

An Act Relating to Bag Limit on Bears and Roadside Menagerie Permits for Bear. (H. P. 1374) (L. D. 1723)

(On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Enactment.)

An Act to Clarify Inconsistent Laws Relating to Harness Racing. (H. P. 1378) (L. D 1727)

An Act Relating to Penalty for Violations by Guides Under Fish and Game Laws. (H. P. 1401) (L. D. 1757)

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

Emergency

An Act Relating to Power of Houlton Water Company to Purchase Securities of Other Public Utility Corporations. (H. P. 1408) (L. D. 1774)

This being an emergency measure and having received the affirmative votes of 27 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 to Clarify the Law for Eligibility for Burial in the Maine Veterans Memorial Cemetery. (H. P. 1413) (L. D. 1780)

This being an emergency measure and having received the affirmative votes of 27 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 to Repeal the Law Providing a Uniform Fiscal Year for Municipalities. (H. P. 1424) (L. D. 1794)

On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Enactment.

Orders of the Day

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

Bill, "An Act Creating the Non-public Elementary Education Assistance Act." (H. P. 1395) (L. D. 1751)

Tabled—January 16, 1970 by Senator Hoffses of Knox.

Pending—Reference.

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

Mr. KATZ of Kennebec: Mr. President, I hope that every member of the Senate took the oppor-

tunity to read the report of the Law Court which appeared in the House Advance Journal on Friday. It was very, very interesting reading, and it showed up the tremendous complications of the implications of the bill within the framework of our Maine Constitution.

It is very obvious that the bill, according to the Court, does have very serious constitutional implications, and it is very obvious that we are not going to further consider the bill this session. But I just wanted at this time to call the attention of the Senate to the fact that that problem which brought this bill out facing us, the problem still exists. In the City of Augusta, for example, at St. Mary's School we have presently something over 400 students enrolled, and St. Mary's, as recently as last year, told us that they would like to close. If you have been reading the K.J, there just is absolutely no place physically to put these students, and St. Mary's has agreed to continue operating. But even though the issue is not in front of us, the problem still is, and I hope that we arrive at some reasonable solution.

Under the circumstances, Mr. President, I move that this paper be placed in the legislative files.

Thereupon, the Bill was placed in the Legislative Files in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to State-owned Motor Vehicles." (H. P. 1356) (L. D. 1685)

Tabled—January 16, 1970 by Senear Katz of Kennebec.

Pending—Enactment.

Thereupon, on motion by Mr. Dunn of Oxford, retabled and tomorrow assigned, pending Enactment.

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

Bill, "An Act Relating to Appropriations and Allocations to

the Legislative Research Committee." (H. P. 1315) (L. D. 1644)

Tabled—January 16, 1970 by Senator Beliveau of Oxford.

Pending—Enactment.

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

Mr. BELIVEAU of Oxford: Mr. President and Members of the Senate: My interest in this document, and also 1645, a companion document which would provide for an additional appropriation of \$13,000 for the Research Committee, is prompted by suggestions and comments that I have heard about the activities and reports of the Research Committee, and I would like to pose a few questions to some member of the Committee to see whether or not we can get some answers.

First of all, as I understand it, under 1644 whatever monies are appropriated from year to year, or from biennium to biennium, I guess, at the present time, if the money is not expended or used for the purposes outlined in the various orders, then the money lapses back into the general fund, or is it the legislative fund? I really don't know. So, my question is: Why is there a need for this legislation? Do they anticipate having a surplus available which they would want to use next year or the following year? Secondly, why is there a need for an additional appropriation of \$13,000? Thirdly, what is the amount of money that has been appropriated for this biennium for the use of the Research Committee? Hopefully, I can get responsive answers to those questions.

The PRESIDENT: The Senator from Oxford, Senator Beliveau, has posed some questions through the Chair to any Senator who may answer if he desires.

The Chair recognizes the Senator from York, Senator Duquette.

Mr. DUQUETTE of York: Mr. President, L.D. 1644 carries no appropriation. It just carries the unexpended balance from the first year to the second year.

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

Mr. BELIVEAU of Oxford: Mr. President, this bill doesn't say that. I am wondering, if that is the intention of the document, then possibly we ought to clarify the language. It would be my interpretation, and it is quite clear — it says "Shall not lapse, but shall be carried forward and expended for the purpose for which the appropriation or allocation was made." That could go on ad infinitum, I suppose. Some of the projects that they are working on now, I would assume, will continue for a year or two, if not more. But, secondly, I would like an answer to my question as to why they need an additional \$13,000, although that bill is on the Appropriations Table.

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

Mr. SEWALL of Penobscot: Mr. President, I think in five minutes time with Senator Beliveau it would be very easy to explain these questions to him. Rather than take the time of the Senate, I would hope that somebody might table this until tomorrow, and between now and tomorrow I would be glad to sit down with Senator Beliveau.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and tomorrow assigned, pending Enactment.

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

Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1317) (L. D. 1646)

Tabled—January 16, 1970 by Senator Katz of Kennebec.

Pending—Enactment.

Mr. Martin of Piscataquis then moved that the matter be retabled and tomorrow assigned, pending Enactment.

On motion by Mr. Katz of Kennebec, a division was had. Sixteen Senators having voted in the affirmative, and ten Senators hav-

ing voted in the negative, the motion prevailed.

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

Bill, "An Act Clarifying and Correcting an Omission in the Charter of the Town of Gorham and the Town of Winslow." (H. P. 1345) (L. D. 1674)

Tabled—January 16, 1970 by Senator Hoffses of Knox.

Pending—Enactment.

On motion by Mr. Dunn of Oxford, retabled and tomorrow assigned, pending Enactment.

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

SENATE REPORT—Ought to Pass from the Committee on Appropriations and Financial Affairs: Pursuant to Joint Order (S. P. 622) Reporting a Bill, "An Act to Amend Bond Issue Act as to Limitation of Interest on Bonds for York County Regional Vocational Education Center or Centers." (S. P. 627) (L. D. 1798)

Tabled—January 16, 1970 by Senator Duquette of York.

Pending—Acceptance of Report.

On motion by Mr. Duquette of York, the Ought to Pass Report of the Committee was Accepted and the Bill Read Once. Under suspension of the rules, the Bill was then given its Second Reading.

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

Mr. LOGAN of York: Mr. President and Members of the Senate: I think we can probably dispose of this business of ceilings on bonds very quickly. We all know that

there are four bills, as I understand it, having to do with ceilings on bonded indebtedness. There is this one, there is an education act, one on municipal bonds in committee, and there is one on the Housing Authority coming along somewhere. The question is do we want to put a ceiling on our bond interest or don't we, and it is a judgment question. My feelings in the matter are that you can do a bad job, make a bad deal under a ceiling, just as well with a ceiling as you can without.

What it all boils down to is the competence of the people that are hired to do the work. I have no qualms about letting the Treasurer's Office use its procedures and its judgment in this matter, since they do use bond counsel and it is largely competitive. Furthermore, I can't see the Legislature chasing the bond market up and down every year. Consequently, I present Senate Amendment "A" to this document, which removes the statutory ceiling on interest. Thank you, Mr. President.

The PRESIDENT: The Senator from York, Senator Logan, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-375, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.