

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

Saturday, February 7, 1970
Senate called to order by the President.

Prayer by the Honorable Carroll E. Minkowsky of Lewiston.

Reading of the Journal of Yesterday.

The PRESIDENT: The Chair would like to inform the Senate that at 2:00 A.M. this morning I called the Engrossing Department and both crews were still working on engrossing the Governmental Reorganization Bill. I know the Senate joins me in extending our appreciation to the loyal members and staff of the Engrossing Department under the supervision of Rachel Lemieux, Mrs. Douglas and the other ladies. They were here until 1:00 A.M. the day before yesterday working.

I was informed by Mrs. Lemieux that because they still were there at 2:00 A.M. engrossing a bill it would have to go to the Kennebec Journal for printing of the hard copy as an enactor and, without a word of debate, it would have been 4:00 to 5:00 A.M. this morning before we could have adjourned.

This morning I found out that the Human Rights Commission Bill had still not been printed as an enactor so, if this Senate went along with the House action of last night, the House would not be in position to enact this bill at this time.

If the agreement made yesterday noon with the leadership of this Legislature had been kept, the Senate would have been able to adjourn at 5:00 o'clock yesterday afternoon to come back on Monday and conclude our business in an orderly fashion. For this I am sorry.

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

Joint Order (S.P. 666) — Relative to Department of Education — under supervision of the Legislative Research Committee study State Principals Association.

In the Senate February 6, 1970, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist.

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

Non-concurrent Matter

Joint Order (S.P. 667) — Relative to Special Tax Committee being appointed by the President of the Senate and Speaker of the House to study and evaluate the present feasibility of our State Government tax structure.

In the Senate February 6, 1970, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist.

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

**Committee Reports
House**

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on

Bill, "An Act Establishing a Human Rights Commission." (H. P. 1439) (L.D. 1814) ask leave to report: reporting that the House recede from passage to be enacted and from passage to be engrossed as amended by Senate Amendments "A" and "B"; recede from adoption of Senate Amendments "A" and "B" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted herewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the Senate recede and concur with the House.

On the part of the House:

McTEAGUE of Brunswick
RICHARDSON

Of Cumberland

On the part of the Senate:

TANOUS of Penobscot
VIOLETTE of Aroostook
CONLEY of Cumberland

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as

Amended by Conference Committee Amendment "A" (H-715) in non-concurrence.

Which report was Read.

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

Mr. BERRY of Cumberland: Mr. President, I move that the conference committee report be rejected in non-concurrence.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that the report of the conference committee be rejected in non-concurrence.

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I wouldn't want to unduly prolong this legislative session today, and I have no idea how long the passage of this bill would prolong it, but I would hope at this point that the Senate would not go along with the rejection of the conference committee report. I hope that it would defeat the motion by the Senator from Cumberland, Senator Berry.

I hope that we don't have any of the bitter and long debate that occurred in the other branch last night over this bill, but this Senate has previously passed this bill. It passed it with two Senate amendments and then sent it on down to the other branch.

The conference committee report adopts the two Senate amendments that we previously had found to be acceptable. It also further deletes from the bill the educational section and also the \$5,000 appropriation for the educational section, so that what we have before us is even less, as far as the bill is concerned, than when we passed this bill a couple of days ago.

I think it is a good bill. I think it is a law that ought to go onto our books. I am not going to start engaging in any long debate as to the merits or demerits of this type of legislation. I think that it is an expression, however, on the part of our State Legislature as to what our State thinks on human rights, and the consideration that it gives to them, that it has made an

expression that it is concerned and that it is willing to enact legislation which will make a contribution toward the matter of human rights.

I don't think it is the type of legislation that is going to be offensive to anyone, but I think that it is the type of legislation that, if and when there is discrimination, it will provide a forum for complaints to be filed under civil procedures and, in a very much reduced manner, will allow these complaints to be heard and, hopefully, be resolved.

Now, I listened to the debate I guess until 12:30 last night, and all the acrimonious discussions that were going on concerning this legislation, I can only cite you as a background experience the occasion in the 102nd Legislature when the State Legislature enacted the Fair Rental Housing Law. I recall very vividly, as a member of the Committee on Judiciary, the public hearing we had on this bill, attended by somewhere between three and four hundred people, and the great alarm that many people expressed concerning this legislation and the great harm that supposedly would befall the people who were in the housing rental business, and the damage it would do to them. Nevertheless, in spite of this, the Legislature thought that this was a good law to put on the books, and the experience has shown that this law has been good for our State. It has not been abused. No property owner in the housing rental area has suffered from it, and on the few occasions when it has been invoked its invoking has been justified, and I think on the whole it has worked successfully. I view this legislation today in the same light, and I would very, very much hope that the Senate would not reject the committee of conference report, that it would in fact accept it. I would request a roll call vote.

The PRESIDENT: 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 more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once again. The pending motion before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate reject the report of the committee of conference on Bill, "An Act Establishing a Human Rights Commission." A "Yes" vote will be in favor of rejecting the report of the committee of conference; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Hanson, Hoffses, Holman, Letourneau, Logan, Martin, Minkowsky, Moore, Peabody, Quinn and Stuart.

NAYS: Senators Beliveau, Bernard, Conley, Duquette, Gordon, Kellam, Reed, Sewall, Violette, Wyman and President MacLeod.

ABSENT: Senators Boisvert, Cianchette, Greeley, Katz, Levine and Tanous.

A roll call was had. Fifteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with six Senators absent, the motion prevailed.

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

Mr. ANDERSON of Hancock: Mr. President, I now move indefinite postponement of this Bill, L.D. 1814, "An Act Establishing a Human Rights Commission," and all accompanying papers.

The PRESIDENT: The Chair would inform the Senator that on a committee of conference report the Senate either rejects or accepts the report of the committee of conference. The Senate has rejected the report of the committee of conference, and a motion to adhere would be in order, which has the same effect as indefinite postponement.

The Chair recognizes the same Senator.

Mr. ANDERSON: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that the Senate adhere. Is this the pleasure of the Senate?

The motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I move that we reconsider our action whereby we voted to adhere on L.D. 1814, and I hope everybody will vote against my motion.

The PRESIDENT: The Senator from Aroostook, Senator Barnes, moves that the Senate reconsider its action whereby it voted to adhere on Bill, "An Act Establishing a Human Rights Commission."

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. Reed of Sagadahoc then requested that the matter be tabled until later in today's session, pending the motion to reconsider.

On motion by Mr. Barnes of Aroostook, a division was had. Nine Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the tabling motion did not prevail.

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

Mr. QUINN of Penobscot: Mr. President, a point of inquiry: Did the Senate pass this bill, and if we adhere we would be adhering to the passage of the bill?

The PRESIDENT: The Senator is incorrect. The Senate voted to join in a committee of conference with the House. The committee of conference has reported back to the Senate. The Senate has rejected the committee of conference report, and a motion to adhere means that the Senate does not want to discuss the matter any further.

Mr. QUINN: Would that mean that the bill was finally terminated and defeated?

The PRESIDENT: The Senator is correct.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President, a further point of inquiry. What happens if the other body should recede and concur?

The PRESIDENT: When one body adheres, that means that body does not wish to discuss the matter any further.

The Chair recognizes the Senator from Sagadahoc, Senator Reed.

Mr. REED of Sagadahoc: Mr. President and Members of the Senate: I am not going to carry this debate on any further. We have talked about the Human Rights Commission and this particular piece of legislation during the regular session and we have talked about it here in the special session. What is happening here now is that the 104th Legislature in its wisdom is not going to pass a Human Rights Commission of any kind.

The motion to reconsider, of course, is a parliamentary move so that no one can hold this legislation to discuss it any further, as far as the number of absentees that we have here this morning. Now, maybe this is true feeling of this Senate, and it is not my position to question it, however, Mr. President, under the circumstances, I would request that a roll call be taken on the motion to reconsider. I realize it is sort of childish but, under the circumstances, this is the motion that will decide whether or not the Human Rights Commission lives or dies in this Special Session and, therefore, I make that request.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution 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 more than one-fifth having arisen, a roll call is ordered. The pending question before the Senate is the motion of the Senator from Aroostook, Senator Barnes, that the Senate reconsider its action whereby the Senate voted to adhere on Bill, "An Act Establishing a Human Rights Commission."

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President, would you please restate the pending motion.

The PRESIDENT: The motion before the Senate is the motion of the Senator from Aroostook, Senator Barnes, that the Senate reconsider its action whereby the

Senate voted to adhere to its former action on Bill, "An Act Establishing a Human Rights Commission." A "Yes" vote will be in favor of the motion for reconsideration; a "No" vote will be opposed.

The Chair recognizes the Senator from Penobscot, Senator Quinn.

Mr. QUINN of Penobscot: Mr. President, if the "No" vote prevails, the bill is dead?

The PRESIDENT: The Senator is correct.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Bellevue, Bernard, Conley, Duquette, Gordon, Kellam, Martin, Reed, Sewall, Violette, Wyman and President MacLeod.

NAYS: Senators Anderson, Barnes, Berry, Dunn, Hanson, Hoffses, Holman, Letourneau, Logan, Minkowsky, Moore, Peabody, Quinn and Stuart.

ABSENT: Senators Boisvert, Cianchette, Greeley, Katz, Levine and Tanous.

A roll call was had. Twelve Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to reconsider did not prevail.

Enactors

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

An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees. (H. P. 1306) (L. D. 1620)

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like at this time to make a very brief remark in regards to this legislative document. This is a document which has been very carefully considered, a document which both parties have been hopeful could be enacted. At the time that we "cut the pie," so to speak, the pie did not seem to be there to cut. We just did not have the money available to fund this particular document.

The document has been revised a little. We have been able to reduce the amount of money required to fund it. By the reduction and the availability of moneys, which we just a day or two ago were

not able to find for this bill, we now have it available. I do not believe that it is the effort of any one individual in this Legislature who has made this piece of legislation possible; I think that it is because of the efforts of the entire Legislature and good, sound judgment and prudent expenditures of our moneys that we have made this document available.

Now, Mr. President, I move the enactment of this L.D. 1620.

The PRESIDENT: Is the Senate ready for the 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.

An Act Appropriating Funds for Maine Historical Society. (H. P. 1319) (L. D. 1648)

Which 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 Correct Errors and Inconsistencies in the Public Laws. (H. P. 1412) (L. D. 1779)

This being an emergency measure and having received the affirmative votes of 25 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.

Pursuant to Joint Order (S. P. 633) the President appointed the following members of the Senate to serve on the Special Interim Legislative Committee:

SEWALL of Penobscot
BARNES of Aroostook
REED of Sagadahoc

Orders of the Day

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

JOINT ORDER — Relative to State Government Officials making studies as directed by the Legislative Research Committee. (H. P. 1475)

Tabled — February 6, 1970 by Senator Katz of Kennebec.

Pending — Passage.

Mr. Hoffses of Knox then moved the pending question.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Hoffses of Knox,

Recessed pending the sound of the bell.

(After Recess)

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following paper from the House:

Enactor

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

An Act to Promote Governmental Reorganization and Efficiency. (S. P. 641) (L. D. 1812)

Comes from the House, having failed of Enactment.

Mr. Berry of Cumberland moved that the Senate Recede and Concur.

Mr. Beliveau of Oxford then requested a roll call.

The PRESIDENT: 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 more than one-fifth having arisen, a roll call is ordered. The Chair will state the question once more to the Senate. The pending question before the Senate is the motion of the Senator from Cumberland, Senator Berry, that the Senate recede and concur with the House on Bill, An Act to Promote Governmental Reorganization and Efficiency, which has come from the House having failed of enactment. A "Yes" vote will be in favor of receding and concurring; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Barnes, Berry, Dunn, Hanson,

Hoffses, Holman, Logan, Moore, Peabody, Quinn, Sewall, Stuart, Tanous and President MacLeod.

NAYS: Senators Beliveau, Bernard, Conley, Duquette, Gordon, Kellam, Letourneau, Martin, Minikowsky, Reed and Violette.

ABSENT: Senators Boisvert, Cianchette, Greeley, Katz, Levine and Wyman.

A roll call was had. Fifteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, the motion prevailed.

Mr. Beliveau of Oxford was granted unanimous consent to address the Senate:

Mr. BELIVEAU: Mr. President and Members of the Senate: This will be my final parting blow, as it were. Again, for the record, I think it is important that we all know that the Republican Party once again has voted unanimously, at least the members of the Senate, in opposition to an attempt to initiate some form of governmental reorganization and efficiency.

At least we must admit that both parties have been consistent, at least during the closing hours of the special session, in that we have attempted to support certain progressive measures, and the Republicans — particularly some really concern me, because there are members of the Republican Party who voiced support and voted for this bill over the past several weeks, but when it came to the time of final enactment they again rejected the report by the Task Force on Government Reorganization. They apparently wished to pursue the route of the Research Committee and, I am afraid, attempt partisan politics into this area.

In any event, it is history now, and we will wait and see what develops this fall to see whether the voters of this State want the Legislature to attempt to initiate some form of government reorganization. Only history will tell whether or not the rejection of this bill today has served the best interests of the citizens of our State.

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

Mr. LOGAN: Mr. President and Members of the Senate: I think those of us who voted against this reorganization bill recognized that the best part of this bill was the title and, like sin, it promises a lot more than it delivers.

Mr. Berry of Cumberland was granted unanimous consent to reluctantly address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: Actually, of course, it isn't so reluctant, because I never try to disengage in combat with my good friend, the Senator from Oxford, Senator Beliveau. His sad thought that this is his swan song really does make us lament his departure. I wish that he were going out after having suffered a round defeat at the hands of the voters on his poor record at the Senate this year.

I also notice that there is no press present, so I do feel that the good Senator really means what he says. In the remarks which appeared in the paper, Senator Beliveau was critical of my comments about this Governmental Reorganization Committee which was appointed by the Governor, and he made comment that I had castigated the entire membership of the committee and cast reflections on their sincerity and ability to discharge their duties. Of course, my comment was that the committee was loaded with partisan members of the Democratic Party and that there were no partisan Republicans on there. He also said that it was a very fair committee, and I would point out to him that twelve of the eighteen members on the committee are Democrats. That is not a bad ratio, I suppose.

This reminds me of the story of a Republican and a Democrat who met in one of the places where you stand up to a mahogany bar. After they got going there was a little interplay as to the relationship between the two parties, and the Republican said to the Democrat, "Do you know how many Democrats it takes to beat up a Republican?" The Democrat said,

"No, I don't remember." The Republican said, "It takes ten Democrats to beat up one Republican." Of course, this almost started a fight, but the boy said, "Don't get excited. It takes nine Democrats to shake the Republican out of a tree and one to step on him." So, it is not a bad ratio.

Now, of course, this bill in the form in which we voted it down was completely poor legislation. It creates a number of new positions, with money involved and fancy titles involved, in the first part. The second part, as we said yesterday, has a questionable method of returning to the towns the appointment of the board of voter registration. And the third has got what has been in the past a very much debated issue on the consolidation of our credit agencies in the State. So I think the record is rather plain that, if this was bad legislation, there is nothing partisan about it.

I do wish from the bottom of my heart to Senator Beliveau the best of success to him in the future. We will miss him, but can assure him that he has many, many friends here in the Republican Party in Augusta.

(Off Record Remarks)
(Senate at Ease)

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following papers from the House:

Communications

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

February 7, 1970

Honorable Harry N. Starbranch
Secretary of the Senate
Sir:

The House today voted to Adhere to its action whereby it indefinitely postponed Joint Order relative to Department of Education—Legislative Research Committee study of State Principals Association (S. P. 666).

Respectfully,
(s) BERTHA W. JOHNSON
Clerk of the House

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

February 7, 1970

Honorable Harry N. Starbranch
Secretary of the Senate
Sir:

The House today voted to Adhere to its action whereby it indefinitely postponed Joint Order relative to Special Tax Committee study of State Government Tax Structure (S. P. 667).

Respectfully,
(s) BERTHA W. JOHNSON
Clerk of the House

Which was Read and Ordered
Placed on File

Order

Out of order and under suspension of the rules, Mr. Hoffses of Knox presented the following Order and moved its Passage:

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business before it and is ready to adjourn without day.

Which was Read and Passed.

The President appointed Senator Hoffses of Knox to deliver the message.

Subsequently that Senator returned and reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives through Mr. Richardson, Majority Floor Leader in the House, that the House had transacted all business before it and was ready to adjourn without day.

Joint Order

Out of order and under suspension of the rules, Mr. Hoffses of Knox presented the following Order and moved its Passage:

ORDERED, the House concurring, that a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communica-

tion he may be pleased to make. (S. P. 670)

Which was Read and Passed.

The President appointed as Senate members of such committee Senator Hoffses of Knox, Senator Barnes of Aroostook and Senator Reed of Sagadahoc.

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

Subsequently the Order was returned from the House, Read and Passed in concurrence.

Subsequently the committee returned and reported that the committee had attended to the duties assigned to it and that the Governor would directly attend the session.

At this time the Honorable Kenneth M. Curtis, Governor of Maine, and the Executive Council entered the Senate Chambers and the Governor addressed the Senate as follows:

GOVERNOR CURTIS: Mr. President and Members of the Senate: In the interest of saving your time during this special session, I did not address you when you convened. In the same spirit, I do not want to delay your closing but I do, however, personally and in behalf of all of the people of the State of Maine, want to thank you most sincerely for your service.

Barring any unforeseen emergencies, I think that this will be the last session of the 104th Legislature.

While it is true that the complex society in which we live today has required you to spend more time in session than any other legislature in our history, much has been accomplished by this 104th Legislature in many areas, but you will undoubtedly again be best remembered for the historic conservation measures you enacted.

I know that some of you plan to return to the 105th Legislature and I know that some of you do

not but, regardless of your length of service and your future plans, you deserve the deep appreciation of all Maine people for your willingness to participate in our great democratic process and for your individual contributions to both the regular and special sessions.

Thank you all, and good luck.

Thereupon, Governor Curtis and the Executive Council retired from the Chambers amid the applause of the Senate, the members rising.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I want to thank you for the many courtesies that you have shown me in this session. For a long time I have dreamed of seeing salmon swimming up the Union River. You have made that possible, and I am very grateful.

For the benefit of the Chairman of the Appropriations Committee, the Secretary of the Senate and Mr. President, I want to tell you the proper pronunciation of fish that come up rivers and go back into the sea: "anadromous".

I am sure you will all join with me in expressing thanks to the lovable and hard-working staff that has so ably administered to our wants.

Now, I want to say God bless you all and Godspeed, until we meet again.

Mr. President, I now move we adjourn sine die.

The **PRESIDENT:** The Senator from Hancock, Senator Anderson, now moves that the Senate stand adjourned sine die. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, at 11:32 A.M. on Saturday, February 7, 1970 the Honorable Kenneth P. MacLeod, President of the Senate, declared the Senate of the 104th Legislature adjourned sine die.