

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

SENATE

Friday, January 11, 1974

Senate called to order by the President.

Prayer by the Rev. Canon Roger S. Smith, Rector of St. Mark's Episcopal Church, Augusta.

Reading of the Journal of yesterday.

Papers from the House Committee Reports House

The following **Ought Not to Pass** reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Pay the Increased Cost of the Health Insurance Program for State Employees and their Dependents." (H. P. 1723) (L. D. 2167)

Bill, "An Act to Provide Additional Longevity Steps for Employees of the Bureau of Corrections." (H. P. 1728) (L. D. 2172)

Bill, "An Act Relating to Token Compensation for Work Performed by Residents of State Penal and Correctional Institutions." (H. P. 1742) (L. D. 2201)

Resolve, Providing Funds for Construction of a Fire Pond at Frenchboro Long Island Plantation, Hancock County. (H. P. 1798) (L. D. 2278)

Leave to Withdraw

The Committee on Health and Institutional Services on, Bill, "An Act to Define Registered Nurses Exempt under Cosmetology Law." (H. P. 1783) (L. D. 2255)

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 to Pass

The Committee on Legal Affairs on, Bill, "An Act to Amend the Charter of the Maine Wesleyan Board of Education." (H. P. 1670) (L. D. 2063)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Relating to Voting Shares of Stock of Northeast Harbor Golf Club." (H. P. 1700) (L. D. 2093)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Permit Town of North Berwick to Accept a Conveyance of the Friends Burying Ground and the Endowments Connected Therewith." (H. P. 1702) (L. D. 2095)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Validate Proceedings Authorizing the Borrowing of Money and the Purchase and Transfer of Certain Real Estate to the Dover-Foxcroft Housing Development Corporation by the Town of Dover-Foxcroft." (H. P. 1706) (L. D. 2099)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Amend the Charter of the Bangor Recreation Center." (H. P. 1751) (L. D. 2210)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act to Describe a Section of the Town Line Between the Towns of Bristol and Bremen." (H. P. 1752) (L. D. 2211)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Legal Affairs on, Bill, "An Act Increasing Indebtedness of Caribou Hospital District." (H. P. 1672) (L. D. 2065)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-625).

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Senate

The following **Ought Not to Pass** report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Recruiting

and Retention Incentives for the National Guard." (S. P. 783) (L. D. 2263)

Ought to Pass

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Funds to Pine Tree Legal Assistance, Inc., for Continued Legal Representations for those Unable to Afford such Representation." (S. P. 754) (L. D. 2164)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Creating a Third Assistant County Attorney for Androscoggin County." (S. P. 760) (L. D. 2191)

Reported that the same Ought to Pass.

Mr. Greeley for the Committee on Transportation on, Resolve, Designating State Route No. 157 and State Route No. 201 in Maine as a Blue Star Memorial Highway. (S. P. 761) (L. D. 2192)

Reported that the same Ought to Pass.

Mr. Morrell for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Moneys for Legislative Expenditures." (S. P. 730) (L. D. 2142)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Making Appropriations for the Supplemental Security Income Program." (S. P. 823) (L. D. 2335)

Reported pursuant to Joint Order (S. P. 816) that the same Ought to Pass.

Which reports were Read and Accepted, the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Payments in Behalf of Maine Students at Out-of-State Graduate Schools." (S. P. 707) (L. D. 2119)

Reported that the same Ought to Pass in New Draft under New Title: "An Act to Encourage Maine Students at Graduate Schools to Become Physicians and Dentists" (S. P. 824) (L. D. 2336)

Which was Read.

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

Mr. KATZ: Mr. President and Members of the Senate: In the closing days of the last session of the legislature there were those who felt that our program to underwrite the cost of educating our doctors should be increased and through an informal agreement, it was decided that we would increase the number of youngsters whom we support at the University of Vermont Medical School, in consideration of the fact that those who could afford to pay more would pay more. I am going to take a moment of your time because I think that this is going to be a growing problem.

Today, if a Maine youngster is accepted by the University of Vermont Medical School through a contract with the New England Board of Higher Education, the taxpayers of the state pay \$5,000 to the University of Vermont to underwrite the cost of education. There is no need test. The program has not been an enormous success. There has been up to now little evidence that we have benefitted by having an overwhelming number of these youngsters in whom we have such an enormous financial investment returning to practice. Very frequently they marry and move out of state or go out to the west coast, and we have seen very few of them come back to the State of Maine to practice. So our investment for the Maine taxpayer has turned out more often than not to be an investment for the benefit of the individual student. And when it was \$2500 a year that we paid for each individual student, this was one thing, but now that it is \$5,000 per year per student, and the number of students has proliferated, it is a big and an expensive program.

What this bill attempts to do is to repeal the understanding that we had in the regular session and say, irrespective of whether a Maine youngster attending the University of Vermont Medical School comes from a family with an annual income of \$75,000 a year, he gets the full benefit of the \$5,000 bonus the taxpayers give him.

This is a noble purpose but, in light of the fact that there are many youngsters in the state who are getting absolutely no career education, no job training, no benefit from any program, and we are finding it increasingly difficult to find dollars for this kind of program, I for one

feel that it is not in the public interest to pass out these what are adding up to some hundreds of thousands of dollars to youngsters who want to become doctors and dentists, because the Tufts Dental School is involved, without regard as to whether they can afford to pay more of their load. On that basis, I shall move the indefinite postponement of this bill.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act Relating to Payments in Behalf of Maine Students at Out-of-State Graduate Schools", be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: I agree with ninety-nine percent of the comments made by my colleague, Senator Katz from Kennebec. The one percent, however, difference of opinion is, in my opinion, the key to the issue.

The bill has been changed for reasons with which I am not familiar, and I make no attempt to defend that. That is up to those people who felt it desirable to do that. The bill as originally submitted, however, was an extremely important bill. This would have corrected the injustice that was done by the passage of the legislation to which Senator Katz referred earlier.

The legislation which was passed said that all students attending the medical school and Tufts School, the dental school — but I am primarily concerned about what happened in Vermont — that all students who attended Vermont Medical School from Maine would have their cases judged on need. In other words if they could pay their tuition they would have to. Well, this sounded very good and I am sure we all voted for it. Everybody in this room, except Senator Henley, I imagine, voted for it.

However, what has happened is this: that guidelines have been set up at the University of Vermont which require everybody from the State of Maine attending to present evidence of hardship and need. Now, this seems wrong to do for those who are there now, and the legislation which was introduced and which the committee changed, the original legislation introduced at this special session, would have exempted

students this year from these stringent requirements. In other words, they started in good faith the course in the academy, taking this medical course, and then in mid-stream the Maine Legislature, their home state legislature, changed the rules.

Now, all I am concerned with is seeing a little bit of justice being done and that those Maine students who are going to the University, and thought they were going to pay on a certain basis or receive certain financial help, be permitted to continue this. I take no cudgels up in behalf of the present bill, but I would like to keep this legislation alive and at least pass something like that which was originally presented at this special session.

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

Thereupon, on motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec that the Bill be Indefinitely Postponed.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Salary of the Administrative Assistant, Supreme Judicial Court." (S. P. 767) (L. D. 2198)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SEWALL of Penobscot

MORRELL of Cumberland

Representatives:

JALBERT of Androscoggin

HASKELL of Houlton

BRAGDON of Perham

SPROUL of Augusta

CARTER of Winslow

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Senator:

CONLEY of Cumberland

Representatives:

NORRIS of Brewer

SMITH of Dover-Foxcroft

Which reports were Read.

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

pending Acceptance of Either Committee Report.

Second Readers

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

Senate

Bill, "An Act Appropriating Funds to Carry out Duties of Director of Legislative Research." (S. P. 728) (L. D. 2140)

Resolve, Authorizing Attorney General to Convey State's Interest in Certain Land in Bangor. (S. P. 728) (L. D. 2140)

Resolve, Providing Funds for Cerebral Palsy Centers. (S. P. 706) (L. D. 2118)

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

Sent down for concurrence.

House - As Amended

Bill, "An Act Increasing Borrowing Capacity of School Administrative District No. 64." (H. P. 1692) (L. D. 2085)

Bill, "An Act Relating to Membership on Maine State American Revolution Bicentennial Commission." (H. P. 1679) (L. D. 2072)

Which were Read a Second Time and Passed to be engrossed, as Amended, in concurrence.

Enactors

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

An Act Changing Name of Maine Tuberculosis and Health Association. (S. P. 716) (L. D. 2128)

An Act Relating to Name of The Better Business Bureau of Maine, Inc. (S. P. 719) (L. D. 2131)

An Act Relating to Change of Name of The Right to Life Committee. (S. P. 725) (L. D. 2137)

An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Service. (S. P. 773) (L. D. 2220)

An Act Relating to Threatening Communications. (S. P. 779) (L. D. 2235)

An Act Changing Name of Peoples Benevolent Hospital to Northern Maine Medical Center. (H. P. 1669) (L. D. 2062)

An Act Authorizing Use of Name "The Children's Theatre of Maine." (H. P. 1731) (L. D. 2094)

An Act to Clarify the Exemption Date in the Minimum Lot Size Law. (H. P. 1731) (L. D. 2175)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for January 15, pending Enactment.)

An Act to Authorize the Transfer of Certain Funds Appropriated to the Department of Indian Affairs from Capital Construction to All Other. (H. P. 1733) (L. D. 2179)

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.

Resolve, Relating to Granting Pipeline Easement by Atlantic Sea Run Salmon Commission to Town of Machias. (H. P. 1667) (L. D. 2060)

Which was Finally Passed and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Gerald Perkins of Bucksport for Loss of Beehives by Bear. (H. P. 1730) (L. D. 2174)

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

Emergencies

An Act Relating to Investment of State Funds and Revenue Sharing Funds in Interest Bearing Accounts. (S. P. 721) (L. D. 2133)

An Act Increasing Indebtedness of Town of York School District. (H. P. 1691) (L. D. 2084)

An Act Increasing Indebtedness of Hospital Administrative District No. 3 in Aroostook and Penobscot Counties. (H. P. 1703) (L. D. 2096)

An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by S.A.D. No. 49. (H. P. 1744) (L. D. 2203)

An Act Clarifying the Source of Payment of Bonds, Notes and Other Evidence of Indebtedness Issued for School Purposes. (H. P. 1761) (L. D. 2229)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, were Passed to be Enacted and, having been signed

by the President, were by the Secretary presented to the Governor for his approval.

Papers From the House

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

House Papers

The Bills and Resolution today received from the House requiring Reference to Committees were acted upon in concurrence.

WHEREAS, distinguished men rise, from time to time, to the duties of higher position leaving a mark of significance and impact in the wake of their tenure; and

WHEREAS, the noble profession of journalism has been greatly enhanced by the distinguished services in the person of David L. Swearingen, Associated Press Correspondent at the State House; and

WHEREAS, David holds the unique distinction of being called both a Democrat and a Republican simultaneously for the same story and of lacking the necessary qualifications for AP service in Fargo, North Dakota; and

WHEREAS, he is a person of rare talent and quiet personal charm whose fair and objective reporting has earned the respect, loyalty and devotion of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature of the State of Maine take this opportunity, while meeting in special legislative session on the 11th day of January, 1974 and the day of departure of our youthful friend, David L. Swearingen, as Associated Press Correspondent at Augusta, Maine to express our heartiest congratulations and sincere best wishes for good luck and godspeed in his new office; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to him as head of the new Associated Press Control Bureau for Northern New

England to be located at Concord, N.H. in token of our esteem. (H. P. 1858)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. SPEERS: Mr. President and Members of the Senate: In rising in support of this order, it is with some trepidation that I would ask of anyone in this body who may be qualified to answer just what the necessary qualifications for AP service in Fargo, North Dakota may be.

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

Mr. BERRY: Mr. President and Members of the Senate: We certainly can't let a moment such as this go, one of the rare little nuances in history that bring together people such as ourselves and Dave Swearingen, who has been apparently recognized for apparent ability.

I notice it is sort of very apropos that this document is full of glaring inconsistencies and errors, and yet at the same time it has little seeds of truth in it, a quite fitting epitaph for a distinguished journalist leaving our fields here in Maine and going to greener pastures at higher elevations. But I know I do speak for all of us when we extend to Dave our sincere best wishes for his work in areas of greater responsibility. To my knowledge, it doesn't happen too often in the field of journalism, and I think it is great. I am sure you share my thoughts too that it happened to Dave Swearingen, who through the years has done a very difficult job and done it very well.

The PRESIDENT: Is it now the pleasure of the Senate that this joint order receive passage?

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Sewall of Penobscot, Adjourned until Monday, January 14, 1974, at 4:00 in the afternoon.