

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

1967

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Wednesday, January 18, 1967

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Harold Rowley of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

ORDERED, the House concurring, that the 103rd Legislature present to the retiring Executive Administrative Assistant, Steven D. Shaw, the set of Revised Statutes from his office (S. P. 68)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Communication: (S. P. 56)

**MAINE STATE  
HIGHWAY COMMISSION  
Augusta, Maine**

January 11, 1967

To the Honorable Senate and House of Representatives of the One Hundred and Third Legislature —

Transmitted herewith is a report entitled "Biddeford-Saco Bridge Study".

This report is being submitted in accordance with the provisions of the Resolves of the One Hundred and Second Legislature, Chapter 36, a copy of which is included and made a part of this report. The report was prepared in cooperation with the United States Department of Commerce, Bureau of Public Roads.

Respectfully,

**MAINE STATE  
HIGHWAY COMMISSION**

(Signed) David H. Stevens  
(Signed) Bertrand A. Lacharite  
(Signed) Steven D. Shaw

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 57)

**MAINE STATE HIGHWAY  
COMMISSION  
Augusta, Maine**

January 11, 1967

To the Honorable Senate and House of Representatives of the One Hundred and Third Legislature

Transmitted herewith is a report entitled "Machiasport and East Machias Bridge Study."

This report is being submitted in accordance with the provisions of the Resolves of the One Hundred and Second Legislature, Chapter 53, a copy of which is included and made a part of this report.

The report was prepared by the Maine State Highway Commission, Bridge Division.

Respectfully,

**MAINE STATE  
HIGHWAY COMMISSION**

(Signed) David H. Stevens  
Chairman  
(Signed) Bertrand A. Lacharite  
Member  
(Signed) Steven D. Shaw  
Member

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bills and Resolves were received and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and Financial  
Affairs**

Bill "An Act Appropriating Money to Supplement Federal Vocational Funds for Area Education Programs for Apprentices and Other Adult Workers" (H. P. 81) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (H. P.

82) (Presented by Mr. Cote of Lewiston)

(Ordered Printed)

Bill "An Act relating to Salaries Paid by the State to Ministers of the Gospel" (H. P. 83) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)

Bill "An Act to Authorize a Bond Issue in Amount of Four Hundred and Five Thousand Dollars for Construction of a Multi-purpose Building at Southern Maine Vocational Technical Institute" (H. P. 84) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act Increasing Payments to Hancock County Law Library" (H. P. 85) (Presented by Mr. McNally of Ellsworth)

(Ordered Printed)

Bill "An Act Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service" (H. P. 86) (Presented by Mr. Maddox of Vinalhaven)

(Ordered Printed)

Bill "An Act to Authorize Construction of Self-Liquidating Student Housing and Dining Facilities for the State Colleges and the Maine Maritime Academy, and the Issuance of Not Exceeding \$5,227,-300 Bonds of the State of Maine for the Financing Thereof" (H. P. 87) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Bill "An Act Increasing Payments to Piscataquis County Law Library" (H. P. 88) (Presented by Mr. Meisner of Dover-Foxcroft)

(Ordered Printed)

Bill "An Act relating to Compensation and Allowances for Members of the Indian Tribes at the Legislature" (H. P. 89) (Presented by Mr. Scott of Wilton and Mr. Starbird of Kingman Township)

(Ordered Printed)

Resolve Providing Funds for the Narraguagus River Water Control Program (H. P. 90) Presented by Mr. Kennedy of Milbridge)

(Ordered Printed)

Sent up for concurrence.

#### Business Legislation

Bill "An Act relating to Augusta Mutual Insurance Company"

(H. P. 91) (Presented by Mr. Brown of Augusta)

(Ordered Printed)

Bill "An Act Regulating Secondary Mortgage Loans" (H. P. 92) (Presented by Mr. Ross of Bath and Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### Claims

Resolve to Reimburse Marguerite Spohrer of York for Well Damage Resulting from Use of Salt on Route 1 (H. P. 93) (Presented by Mrs. Fuller of York)

(Ordered Printed)

Resolve to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway Construction (H. P. 94) (Presented by Mr. Susi of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

#### Education

Bill "An Act to Create a School Administrative District in the Town of Cape Elizabeth" (H. P. 95) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Bill "An Act relating to Industrial and Vocational Training in State Institutions" (H. P. 96) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)

Bill "An Act Repealing Prohibition of Use of Certain Names by Institutes Not Given Right to Grant Degrees" (H. P. 97) (Presented by Mr. Wood of Brooks and Mr. Bourgoin of Fort Kent)

(Ordered Printed)

Sent up for concurrence.

#### Election Laws

Bill "An Act relating to Compensation of Ballot Clerks During Recounts" (H. P. 98) (Presented by Mr. Hanson of Solon)

(Ordered Printed)

Sent up for concurrence.

#### Highways

Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1968 and June 30, 1969" (H. P.

99) (Presented by Mr. Dudley of Enfield)

(Ordered Printed)

Bill "An Act to Allocate Money from the General Highway Fund for State Aid Construction" (H. P. 100) (Presented by Mr. Nadeau of Biddeford)

(Ordered Printed)

Bill "An Act relating to Permits to Operate Heavy Motor Vehicles in Unorganized Territory" (H. P. 101) (Presented by Mr. Wood of Brooks)

(Ordered Printed)

Sent up for concurrence.

#### **Inland Fisheries and Game**

Resolve Regulating Fishing in Certain Waters in Cumberland County (H. P. 102) (Presented by Mr. Burnham of Naples)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act relating to Definition of Mental Defect in Responsibility for Criminal Conduct" (H. P. 103) (Presented by Mr. Fortier of Waterville)

(Ordered Printed)

Bill "An Act relating to Divorce Actions by Military Nonresidents Stationed in Maine" (H. P. 104) (Presented by Mr. Lowery of Brunswick)

(Ordered Printed)

Bill "An Act relating to Sale of Fireworks" (H. P. 105) (Presented by Mr. Pendergast of Kennebunkport)

(Ordered Printed)

Bill "An Act relating to Examination of Vehicles by Police Officers" (H. P. 106) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to Licensing and Regulation of Use of Explosives" (H. P. 107) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to the Construction and Assembling of Bombs" (H. P. 108) (Presented by same gentleman)

(Ordered Printed)

Bill "An Act relating to the Prohibited Practices of Collection

Agencies" (H. P. 109) (Presented by Mr. Scott of Wilton)

(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act relating to Powers of Bustin's Island Village Corporation" (H. P. 111) (Presented by Mr. Crockett of Freeport)

(Ordered Printed)

Bill "An Act Increasing Membership from Five to Seven in City Council and Board of Education of City of South Portland" (H. P. 112) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)

Bill "An Act to Clarify the Charter of the City of South Portland" (H. P. 113) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Natural Resources**

Bill "An Act Reclassifying Chandler Brook in Pownall" (H. P. 114) (Presented by Mr. Crockett of Freeport)

(Ordered Printed)

Sent up for concurrence.

#### **Retirements and Pensions**

Resolve Increasing Pension for Leeman Grant of Milbridge (H. P. 115) (Presented by Mr. Kennedy of Milbridge)

(Ordered Printed)

Sent up for concurrence.

#### **State Government**

Bill "An Act to Create a Department of Motor Vehicles" (H. P. 116) (Presented by Mr. Beliveau of Rumford)

(Ordered Printed)

Bill "An Act relating to Rights and Privileges of Members of the Indian Tribes at the Legislature" (H. P. 117) (Presented by Mr. Scott of Wilton and Mr. Starbird of Kingman Township)

(Ordered Printed)

Bill "An Act relating to Specially Designed Motor Vehicle Number Plates for Indian Agents and Commissioner of Indian Affairs" (H. P. 118) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 119) (Presented by Mr. Beliveau of Rumford)

(Ordered Printed)

Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule (H. P. 120) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

#### **Taxation**

Bill "An Act Repealing Trade-In Credit for Motor Vehicles Under Sales Tax Law" (H. P. 121) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Bill "An Act to Increase Cigarette Tax Two Cents" (H. P. 122) (Presented by Mr. Lebel of Van Buren)

(Ordered Printed)

Bill "An Act to Remove Sales Tax Exemptions on Rentals, Repairs, Installation and Servicing of Tangible Personal Property" (H. P. 123) (Presented by Mr. Scribner of Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Transportation**

Bill "An Act relating to Use of Dealer Registration Plates" (H. P. 124) (Presented by Mr. Crosby of Kennebunk)

(Ordered Printed)

Bill "An Act relating to Registration of Motor Vehicles by Blind Veterans" (H. P. 110) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Sent up for concurrence.

#### **House Report of Committee on Elections**

The following Report:

The Committee on Elections to which was referred the petition of Peter T. Snowe of Auburn and the returns of votes and accompanying communications from the City of Auburn, having had the matter under consideration, and after hearing the evidence in the case and the argument of counsel, beg leave to report that Mr. La-

berge and Mr. Snowe have agreed that Mr. Laberge received 3,773 votes and that Mr. Snowe received 3,772 votes, and seven (7) ballots are in dispute. Three ballots are challenged by Mr. Snowe and four ballots are challenged by Mr. Laberge.

The Committee further reports that there has been no fraud of any nature or description in the casting of the votes in question. It appears, however, that the validity of all or any one of the seven (7) ballots may determine the outcome of the election and present a question of law and that the Supreme Judicial Court should be requested to give this House its opinion as to the validity of the seven (7) ballots and for whom they should be counted.

COMMITTEE ON ELECTIONS  
(Signed) By HAROLD BRAGDON  
Chairman

Report was read and accepted.

#### **Tabled and Assigned**

Mr. Bragdon of Perham then presented the following Order out of order and moved its passage:

WHEREAS, in connection with the proposed examination by the House Committee on Elections in the Ballots cast in the general election of November 8, 1966, for a House seat in the City of Auburn, certain questions have arisen with regard to the validity of certain ballots because of a contest for said seat by Peter T. Snowe of Auburn who contests the seating of Romeo Laberge of Auburn; and

WHEREAS, Peter T. Snowe of Auburn caused a recount to be had before the convening of the Legislature before the appropriate election officials of the State of Maine at which recount both parties were represented; and

WHEREAS, this recount resulted in an agreement between Mr. Snowe and Mr. Laberge that there were 3,773 votes cast for Romeo Laberge and 3,772 votes cast for Peter T. Snowe, and that there were seven (7) ballots in dispute, four challenged by Mr. Laberge and three challenged by Mr. Snowe, and

WHEREAS, this matter was brought to the attention of the

House of Representatives on January 5, 1967, and

WHEREAS, the House referred to the Committee on Elections for its review the question of who should have the seat in question for the city above mentioned, and

WHEREAS, Mr. Laberge and Mr. Snowe have agreed that the recounted ballots are, as far as the count above-mentioned is concerned, acceptable, and that the ballots in dispute could decide the election. and

WHEREAS, the ballots in dispute are attached hereto and made a part hereof and are identified by markings affixed to each ballot which have been placed there by officials of the State of Maine and are not considered distinguishing marks, namely, number 1 through 7, inclusive, and

WHEREAS, no evidence has been offered to the House of Representatives or to the Committee on Elections that there has been any fraud of any nature or description in the casting of the votes in question, and

WHEREAS, two of the attached ballots have write-in candidates' names written on them for specific offices, and there is appended herewith the original voting list of the City of Auburn for comparison therewith, and

WHEREAS, it appears that the reason for counting these questionable ballots one way or another must appear on the face thereof and must, therefore, be reduced to a question of law, and

WHEREAS, it appears to the Members of the House of Representatives of the 103rd Legislature that questions of law have arisen which make this occasion a solemn one:

NOW, THEREFORE, be it ordered, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respectfully requested to give their opinion on the following questions:

I

Is ballot No. 1 a valid ballot?

II

If the answer to question No. 1 is in the affirmative, for whom should the ballot be counted?

III

Is ballot No. 2 a valid ballot?

IV

If the answer to question No. III is in the affirmative, for whom should the ballot be counted?

V

Is ballot No. 3 a valid ballot?

VI

If the answer to question No. V is in the affirmative, for whom should the ballot be counted?

VII

Is ballot No. 4 a valid ballot?

VIII

If the answer to question No. VII is in the affirmative, for whom should the ballot be counted?

IX

Is ballot No. 5 a valid ballot?

X

If the answer to question No. IX is in the affirmative, for whom should the ballot be counted?

XI

Is ballot No. 6 a valid ballot?

XII

If the answer to question No. XI is in the affirmative, for whom should the ballot be counted?

XIII

Is ballot No. 7 a valid ballot?

XIV

If the answer to question No. XIII is in the affirmative, for whom should the ballot be counted?

(On motion of Mr. Richardson of Cumberland, tabled pending passage under Rule 41 and tomorrow assigned.)

**Orders of the Day**

Mr. Richardson of Cumberland was granted unanimous consent to briefly address the House.

Mr. RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I should like to direct a

question through the Chair to the gentleman from Lewiston, Mr. Jalbert. I should like to inquire on behalf of several members of the House that have asked me about it, the present position in the legislative mill of the Cresap, McCormick & Paget Report concerning state employees.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson has posed a question through the Chair of the gentleman from Lewiston, Mr. Jalbert, who may answer if he so chooses.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to thank the gentleman from Cumberland, Mr. Richardson, for his question. I have also been asked the same query.

I spoke this morning with the printers. The reports should be on your desks by Tuesday morning. They are made up of three volumes: the first one is the classification program—all of these are proposals of course, and the second volume involves the salary program of the state employees, and the third one involves the personnel study, the Personnel Board study. They are rather voluminous and we just received the rough draft of the third copy yesterday morning, and the printers are cooperating with us, working evenings to see that the report is placed on your desk as soon as possible, and I am sure that you will have these reports on Tuesday pending my agreement with the Speaker and the President of the Senate if they so agree on all these reports from the Research Committee as to time of distribution.

While I am on my feet, I might say that I was rather surprised yesterday to read a statement in the press wherein it concerned the reports and its criticism of it. I mean it was the comments made by the President of the local chapter of the AFL-CIO. I might state that I do not have copies available of the report. I have looked at a rough draft of the report. I have distributed to members of the Committee way back a few weeks ago a summary of what the re-

ports might be with changes that could be made after we had heard a report on the summary from one of the representatives of the firm of Cresap, McCormick & Paget. I gave a copy of this brief summary to the labor agent representing the Union. I know that it got also to their President, Mr. Denning, who commented on the report in a critical manner yesterday. I informed the agent of the Union that this was subject to changes.

Now I cannot for a moment have too much patience with anyone who would make a decision, also making it publicly, without knowing what the facts are. It is no small wonder to me that the agent of the Union and the President of the Union and any officers were not or are not aware of the facts, because they didn't take too much bother to acquaint themselves with the facts.

Two days after this past late summer, a couple of days after I returned from another sojourn at the hospital, I had in my home the gentleman in question and the agent of the Union. I told them that the Legislative Research Committee was about to launch a vast program of hearings on specifications for state employees, those employees who felt that they had not been treated properly, who had a right to appeal. I gave to these gentlemen a copy of the programs, a list of the dates, the cities or towns and the location and the building where these hearings would be held. I also told them that if they went to the office of the Legislative Research Committee they could get a set of rules as I had set forth and distribute them to their constituents. I went further by telling them that if they wished to they would have the same privileges as the Employees Association was granted, that they could appear in the hearing room with the person who was appealing, they could intercede for them partially. I went even one step further because I felt some people couldn't come to the hearings, if they wanted to, they could even appear in toto for the individual who had sent in and set forth a desire to



be heard. I bent way over backwards to accommodate them.

I also invited them to any and all of our meetings and I invited them to appear before the Legislative Research Committee when Mr. Marshall Graham of the firm of Cresap, McCormick & Paget fully explained the summary, and their suggested changes were made which will indicate themselves in the full report that it is hoped you will have by Tuesday. No appearance was made by the agent or any other representative of the Union, no more than they appeared at any hearings which were held from Kittery to Fort Kent—I think some hearings. I further, at their request, extended the time of the hearing for those people who couldn't appear at a certain time. I further extended the hearings for those who couldn't meet in certain communities, that they could go to another community if they were delayed for them to be heard.

I think that, in my opinion, is showing cooperation. I think that any member of the Research Committee will bear me out. I don't think anyone here in twenty years of legislative experience can question my labor voting record, but sometimes it kind of hurts when your toe is stepped on by people whom you consider would be your friends.

Mr. Ross of Bath was granted unanimous consent to briefly address the House.

Mr. ROSS: Mr. Speaker and Members of the House: As a Republican member of the Legislative Research Committee, I would also like to comment on this article which appeared in yesterday's papers.

Much of the phraseology contained therein was most vindictive which is difficult to understand since the true intent of the study was to improve conditions for all of our state employees.

In the first place, it is difficult to understand from whence came the specific observation. As I mentioned before, I am a member of the Legislative Research Committee that worked diligently on these reports and none of us have

seen the completed report. No one has a copy as yet. However, I do have a general idea of the context. Nevertheless, I for one, would withhold specific comments until the final draft is released next week.

This Union spokesman stated that some of the recommendations, and I quote, "date back to the turn of the century." I understand that the pay step principle will continue to be maintained. Eventually, at some point, merit performance will take over. Perhaps this is what he means. Perhaps, in his opinion, there is no place in our modern society for incentive, ability, intelligence and truly dedicated service. I, for one, feel that these qualities should always have recognition along with longevity.

Our plan, whatever it may be, must be fair to all. The pay of positions should be based on the type of work performed, experience, education and job performance. I cannot agree with the Union claims that only the lower paid employees should receive raises. If such a premise were true, why should we continually stress the need for more and higher education?

I have genuine concern for those making minimal wages. This category does not only include janitors, bridge tenders, laundresses, and so forth but also typists, switch board operators, bookkeepers and retail store clerks. If I had not been truly concerned for these persons, I would not have been the co-sponsor of last year's employee pay raise.

It was stated that such a plan as suggested would, and I quote again, "make the rich richer and the poor poorer." I will grant that some persons, due to their education and training, receive substantially more remuneration than others. However, I doubt if any persons are getting rich on state salaries.

It is grossly unfair to term retrogressive any increase for our many specialists. Surely, by certain standards they could be considered to be making an adequate wage now. However, if their salaries are not brought into consideration,

many of these positions will remain or become unfilled. This would greatly affect thousands of our Maine citizens, less fortunate than the Union spokesman, who must turn to them for care, treatment and consideration. I refer, of course, to doctors, therapists, nurses, child welfare supervisors and others trained in the many professions.

If this genuine concern, not only to our employees but also to our citizens as a whole, is "regres-

sive," I am pleased to be on that side and not the other.

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The SPEAKER: The House is proceeding under Orders of the Day.

(Off Record)

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On motion of Mr. Richardson of Cumberland,

Adjourned until ten o'clock tomorrow morning.