

# 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**

Tuesday, January 31, 1967

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

Prayer by the Rev. Mr. Arthur Christopher of Augusta.

The members stood at attention during the playing of the National Anthem by the Winthrop High School Band.

The journal of the previous session was read and approved.

The SPEAKER: The Band performing for us this morning is the Winthrop High School Band, invited by the Honorable Reta Baker of Winthrop. This band is distinguished because of its having played at the inaugural of President Johnson in Washington, D.C.

The Chair on behalf of the House is delighted to have you young folks with us this morning. (Applause)

The SPEAKER: It is with a deep feeling of sorrow that the Chair announces this morning the death of the Executive Councillor from the Sixth Councillor District, and also a former Governor of the State of Maine, the Honorable Lewis O. Barrows of Newport.

Let us stand here for a moment of silent meditation in our expression of respect to a dedicated public servant.

(Thereupon, the House stood for a moment of silence.)

The Chair will appoint the Penobscot County delegation to be the official delegation to attend the funeral services of this distinguished man which will be held at the High Street Church in Newport on Thursday afternoon at 3:00 o'clock.

**Papers from the Senate**

From the Senate:

Joint Resolution Memorializing Congress to Include Maine in Study of High-Speed Ground Transportation (S. P. 172)

Came from the Senate read and adopted.

In the House the Resolution was read and adopted in concurrence.

From the Senate:

Bill "An Act Appropriating Operating Funds for Vocational Educational Institute in Washington County" (S. P. 136) (L. D. 266)

Bill "An Act Providing a Bond Issue in the Amount of Six Hundred and Fifty Thousand Dollars for a Vocational Educational Institute in Washington County" (S. P. 137) (L. D. 267)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate:

Bill "An Act to Clarify the Motor Vehicle Laws" (S. P. 115) (L. D. 264)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate:

Bill "An Act relating to Disposal of Income of Organized Townships Fund" (S. P. 130) (L. D. 265)

Bill "An Act Classifying Certain Inland Waters of the Androscoggin River Basin" (S. P. 140) (L. D. 268)

Came from the Senate referred to the Committee on Natural Resources.

In the House, referred to the Committee on Natural Resources in concurrence.

From the Senate:

Bill "An Act Providing for an Economist within the Department of Economic Development" (S. P. 141) (L. D. 269)

Bill "An Act relating to Appointment of the Deputy Secretary of State" (S. P. 142) (L. D. 270)

Came from the Senate referred to the Committee on State Government.

In the House, referred to the Committee on State Government in concurrence.

From the Senate:

Bill "An Act relating to Establishing Salary of Deputy Clerk of Courts of Hancock County by

County Commissioners" (S. P. 129) (L. D. 258)

Came from the Senate referred to the Committee on Towns and Counties.

In the House, referred to the Committee on Towns and Counties in concurrence.

From the Senate:

Bill "An Act Providing for Periodic Reexaminations for Motor Vehicle Operators' Licenses" (S. P. 131) (L. D. 259)

Bill "An Act relating to Recognition of Certain Motor Vehicle Licenses Held by Members of Armed Forces or Their Spouses" (S. P. 132) (L. D. 260)

Bill "An Act Establishing Classified Motor Vehicle Operators' Licenses" (S. P. 133) (L. D. 261)

Bill "An Act Prohibiting Unauthorized Person from Driving a Motor Vehicle" (S. P. 134) (L. D. 262)

Bill "An Act relating to Reregistration of Motor Vehicles for Members of Armed Forces Returning from Overseas Duty" (S. P. 135) (L. D. 263)

Came from the Senate referred to the Committee on Transportation.

In the House, referred to the Committee on Transportation in concurrence.

#### **Non-Concurrent Matter**

Bill "An Act Providing a Fire Chief for the Dover and Foxcroft Water District" (H. P. 78) (L. D. 103)

Which was referred to the Committee on Town and Counties in the House on January 17.

Came from the Senate referred to the Committee on Public Utilities in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### **Petition, Bills and Resolves Requiring Reference**

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

#### **Judiciary**

Petition by Henry D. McAvoy, President of the Waterville Hotel Corporation, to the 103rd Legislature, filed under Article 1, Section 15, of the State Constitution (H. P. 338)

(Ordered Printed)

Sent up for concurrence.

#### **Appropriations and Financial Affairs**

Bill "An Act to Provide for Payment for Unused Sick Leave of State Employees" (H. P. 299) (Presented by Mrs. Baker of Winthrop)

(Ordered Printed)

Bill "An Act to Authorize Bond Issues in the Amount of \$14,000,000 to Provide Funds for School Building Construction Under the Provisions of Section 3457 of Title 20, R. S." (H. P. 300) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Bill "An Act Appropriating Funds for Capital Construction and Equipment at the Madawaska Airport, Aroostook State College, Gorham State College, Central Maine Vocational - Technical Institute, Southern Maine Vocational-Technical Institute, Bureau of Public Improvements and Stevens Training Center" (H. P. 301) (Presented by Mr. Levesque of Madawaska)

(Ordered Printed)

Sent up for concurrence.

#### **Business Legislation**

Bill "An Act relating to the Practice of Public Accountancy" (H. P. 302) (Presented by Mr. Minkowsky of Lewiston)

(Ordered Printed)

Sent up for concurrence.

#### **Education**

Bill "An Act relating to the Reimbursement of Board for Secondary School Pupils" (H. P. 303) (Presented by Mr. Allen of Caribou)

(Ordered Printed)

Bill "An Act relating to Sick Leave for Teachers" (H. P. 304) (Presented by Mrs. Baker of Winthrop)

(Ordered Printed)

Bill "An Act Authorizing State Board of Education to Enter into Contract with Certain Nonpublic Schools for Conduct of Vocational Education Programs" (H. P. 305) (Presented by same member)

(Ordered Printed)

Bill "An Act to Set a Minimum Wage for Substitute Teachers" (H. P. 306) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Bill "An Act Providing Subsidy to Driver Education" (H. P. 307) (Presented by Mr. Dunn of Denmark)

(Ordered Printed)

Bill "An Act relating to High School Equivalency Certificates" (H. P. 308) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)

Bill "An Act Requiring that School Expenditures be Reported on a Fiscal Year Annually" (H. P. 309) (Presented by Mr. Levesque of Madawaska)

(Ordered Printed)

Bill "An Act relating to Reimbursement for Driver Education and Special Education" (H. P. 310) (Presented by Mr. Richardson of Stonington)

(Ordered Printed)

Bill "An Act relating to Adult Education" (H. P. 311) (Presented by Mr. Shute of Farmington)

(Ordered Printed)

Bill "An Act relating to Use of Interest of Organized Townships Fund by Lakeville Plantation" (H. P. 312) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)

Sent up for concurrence.

#### **Election Laws**

Bill "An Act relating to Signatures on Petitions for Nomination for State and County Officers" (H. P. 313) (Presented by Mr. Dudley of Enfield)

Bill "An Act relating to Counting of Election Ballots" (H. P. 314) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

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

Bill "An Act relating to Keeping a Live Bear in Captivity" (H.

P. 315) (Presented by Mr. Haynes of Camden)

(Ordered Printed)

Bill "An Act relating to Muskrat Trapping Season in Franklin County" (H. P. 316) (Presented by Mr. Shute of Farmington)

(Ordered Printed)

Bill "An Act Regulating the Daily Limit of Certain Fish Taken from Inland Waters of the State" (H. P. 317) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Judiciary**

Bill "An Act Repealing the Law on Comparative Negligence in Civil Actions" (H. P. 318) (Presented by Mr. Dennett of Kittery)

(Ordered Printed)

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 319) (Presented by Mr. Shute of Farmington)

(Ordered Printed)

Bill "An Act to Revise the Uniform Gifts to Minors Act" (H. P. 320) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

#### **Labor**

Bill "An Act Increasing Minimum Wages" (H. P. 321) (Presented by Mr. Ewer of Bangor)

(Ordered Printed)

Bill "An Act to Clarify the Meaning of a Labor Dispute Under Employment Security Law" (H. P. 322) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act Amending the Charter of the City of Augusta" (H. P. 323) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Resolve to Change the Name of Long Pond, Sandy River Plantation, Franklin County, to Beaver Mountain Lake (H. P. 324) (Presented by Mr. Shute of Farmington)

(Ordered Printed)

Sent up for concurrence.

**Retirements and Pensions**

Bill "An Act relating to Restoration to Service Under State Retirement Law" (H. P. 325) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)  
Sent up for concurrence.

**State Government**

Bill "An Act to Increase Membership of Baxter State Park Authority" (H. P. 326) (Presented by Mr. Crommett of Millinocket)

(Ordered Printed)  
Bill "An Act relating to Salary of Commissioner of Education" (H. P. 327) (Presented by Mrs. Hanson of Lebanon)

(Ordered Printed)  
Bill "An Act relating to Mandatory Competitive Bids on State Property" (H. P. 328) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)  
Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (H. P. 329) (Presented by Mr. Danton of Old Orchard Beach)

(Ordered Printed)  
Resolve Proposing an Amendment to the Constitution to Abolish the Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (H. P. 330) (Presented by Mr. Levesque of Madawaska)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act Exempting Water Sold for Human Consumption from Sales Tax" (H. P. 331) (Presented by Mr. Townsend of Baileyville)

(Ordered Printed)  
Sent up for concurrence.

**Towns and Counties**

Bill "An Act relating to Establishment of Regional Planning Commissions by Counties" (H. P. 332) (Presented by Mr. Binnette of Old Town)

(Ordered Printed)  
Bill "An Act Increasing Salary of Superior Court Messenger of Cumberland County" (H. P. 333)

(Presented by Mr. Gill of South Portland)

(Ordered Printed)  
Bill "An Act relating to Duties of Deputy County Treasurer" (H. P. 334) (Presented by Mr. Richardson of Stonington)

(Ordered Printed)  
Bill "An Act relating to Joint State and Municipal Purchasing" (H. P. 335) (Presented by Mr. Robertson of Brewer)

(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act Revising the Law Relating to School Buses" (H. P. 336) (Presented by Mr. Shute of Farmington)

(Ordered Printed)  
Sent up for concurrence.

**Veterans and Military Affairs**

Bill "An Act relating to War Orphans" (H. P. 337) (Presented by Mr. Allen of Caribou)

(Ordered Printed)  
Sent up for concurrence.

**Orders**

The SPEAKER: The Chair is pleased to recognize this morning in the rear of the Hall of the House, Brigadier General Clair H. Thurston of the Maine State Guard. Brigadier General Thurston is a retired Colonel after thirty years of service in the regular United States Army, has served two and one-half years in the Maine State Guard, is Commander of the State of Maine Chapter of World War Veterans. He is the Director of Waldo District of Boy Scouts, a member and President of the Belfast Rotary Club.

At the present time the General lives in the Town of Knox and owns and operates a stock farm of Registered Aberdeen Angus cattle.

On behalf of the House, the Chair extends to the General a warm welcome and we trust that you will enjoy your visit with us here this morning. (Applause, the members rising)

The Chair would request the Sergeant-at-Arms to escort the General to the rostrum to be the guest of the Speaker.

General Thurston would like to address a few remarks to the members of the House. Is there objection? The Chair hears none. General Thurston.

**GENERAL THURSTON:** Mr. Speaker, distinguished Members of the House: I came here today as I did two years ago to make a brief report to this body on the status of the Maine State Guard.

You will recall that this body in its wisdom at the end of the Cuban missile crisis authorized the Governor, at his pleasure, to establish a State Guard, a security force for the State of Maine to be available in the event of the mobilization of the National Guard to provide security for this State.

In 1964 the Governor authorized this formation and, to be exact, on the 28th of October of that year I was designated Commanding General and the Guard was organized.

It is a pleasure and a privilege for me to report to this group that the response of the citizens of the State of Maine is something to be really proud of. I think you ladies and gentlemen can be very proud of the people in your areas. The young men of the State have volunteered and we now have a force which is organized, uniformed, armed and equipped with its individual accouterments capable of performing security mission in the State. We have five battalions located one in the Portland area, one in the Waterville area, one in the Lewiston area, one in the Bangor area and the last in the Caribou area. Headquarters and Headquarters Company is located in Augusta.

These men serve without pay, they donate their time with only one desire, and that is to provide security to you people and to their homes and families. The State Guard has a battalion-sized force which is ready to be put into the field at any time the Governor so requires it to be committed. This force numbers 250 men. We call it a priority unit and it is armed, equipped and ready to do any job that may be required of it. They are all in training, they have fired qualification courses

with their weapons, most of these men are ex-service men and all of the officers are officers who were previously officers of the armed forces in some category. It is a pleasure for me to tell you this, it is a pleasure for me to praise in the highest degree the men who dedicate themselves, give their time and service to the State.

I will be glad to answer any questions individually after I leave this room. Thank you very much, Mr. Speaker.

(Whereupon, Brigadier General Clair H. Thurston retired from the Hall of the House of Representatives amid applause, the members rising)

On motion of Mr. Richardson of Cumberland, it was

**ORDERED,** that Mr. Earle F. Ingalls, State Coordinator, Civil Defense Adult Education Program, State Department of Education, be given permission to utilize the Hall of the House at 2:00 P.M. today for the presentation of a civil defense educational program.

#### **Passed to Be Enacted Emergency Measure**

An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by School Administrative District No. 51 (H. P. 27) (L. D. 48)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The **SPEAKER:** The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. **ROSS:** Mr. Speaker and Ladies and Gentlemen of the House: Since this is our first Enactor, I think that I might mention for the benefit of the new members, its course prior to its appearance on our calendar today for its final vote. It had a Committee hearing, as all bills do. It first appeared on our calendar on January the 19th where we gave it its first and second readings. On January the 24th it appeared again and it was given its third reading and passed to be engrossed. If we enact it today, it then goes to the Senate where they will or will not enact it, and

if they do, it finally goes to the Governor where he will sign it or not sign it. I now move that the vote be taken.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 143 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

Bill "An Act relating to Aid for Persons Injured in Hunting Accidents" (H. P. 272)

Tabled — January 26, by Mr. Richardson of Cumberland.

Pending — Motion of Mr. Martin of Eagle Lake to refer to the Committee on Inland Fisheries and Game.

Whereupon, Mr. Martin of Eagle Lake was granted consent to withdraw the pending motion.

On further motion of the same gentleman, the Bill was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Mr. D'Alfonso of Portland was granted unanimous consent to address the House.

Mr. D'ALFONSO: Mr. Speaker, Ladies and Gentlemen of the House: On the afternoon of January 26 I submitted a statement to the Portland papers opposing a particular bill that was being introduced in the 103rd Legislature. On the morning of January 27 the Portland Press Herald printed a story indicating that Representative D'Alfonso may need an ombudsman, stating that I had in effect put my foot in my mouth.

As the facts relate to this particular situation, it was revealed immediately after I gave the statement that in the Maine Action Plan the Governor had indicated his approbation of this particular item, an ombudsman for the State of Maine. I indicated that it did not appear in his inaugural address; it did not ap-

pear in the Democratic Platform, and therefore that I would steadfastly oppose the bill on the Floor of the House. That being as it may, which I shall do in due time, but at this time I am defending myself to the effect that this in itself as I stand here is ample proof that I, Representative D'Alfonso, do not need at any time an ombudsman to speak for me on any matter relating to state or local government, and I would strongly suggest that there is not a single member present in the Hall of the House among the 151 who at any time would ever need an ombudsman; further to suggest that other members of the Legislature, the Governor's staff, all members of Commissions and so forth are ready, available and always willing to render their services to any public-spirited citizen who has a legitimate complaint to bring before anyone in state government, local government or even national government.

I would like to have inserted into the record my feelings as they were so accurately expressed by Mr. Bruce Roberts in the Portland Evening Express on the afternoon of January 27, and I think that this would also be your feeling as to our status and stature as representatives of the State of Maine: "The proposal to create the office of a Maine ombudsman to protect citizens against abuses by governmental agencies sounds good, except that it hurts down deep, deep, to have to acknowledge that citizens need protection from government." I always thought that government and its concept was created to actually protect citizens, and not that we had to create another agency to actually protect citizens from the government. This sort of confuses me. "It also hurts one's ego to acknowledge that all these years one has been under the naive and childish impression that our elected representatives were supposed to protect citizens' interests. An ombudsman—the word isn't in our most recent dictionary — is supposed to be the champion of the people." When I read this particular item on ombudsman, the first thing that flashed across my mind was



that this person might possibly be the incarnation of either Batman, Mr. Nice, The Green Hornet or someone similar to that. "We had hoped until now that every two years we elected lots of ombudsmen to local, state and national legislative bodies." Can we truthfully say as Mr. Bruce Roberts

has said, that we are to guess that all this time we were wrong? Thank you.

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On motion of Mr. Richardson of Cumberland,

Adjourned until ten o'clock tomorrow morning.