

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, January 26, 1968

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

Prayer by the Rev. Mr. Kenneth Brookes of Augusta.

The journal of yesterday was read and approved.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on An Act Establishing a State Employees Appeals Board (S. P. 771) (L. D. 1843) reporting that the Senate recede and concur with the House.

(Signed)

- MARTIN of Eagle Lake
- EWER of Bangor
- BEDARD of Saco
- Committee on part of House.
- JOHNSON of Somerset
- ROSS of Piscataquis
- ALBAIR of Aroostook
- Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

The SPEAKER: I would be remiss I feel if I did not at this time commend the people in the Engrossing Department for their dedication to the duties of that office. They have worked long hours under the direction of Miss Rachel Lemieux. This is a tedious task that they do for the legislative process and we have channeled bills to them as smoothly as possible and they have executed their duty remarkably. And to these wonderful people in the Engrossing Department I think we should show our appreciation by a round of applause. (Applause)

Order

Tabled and Later Today Assigned

Mr. Scribner of Portland presented the following Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be directed to

report out a Bill which will restore the Student Scholarship Administration to the amount and intent specified in Legislative Document 1856.

(On motion of Mr. Richardson of Cumberland, tabled pending passage and later today assigned.)

On motion of Mr. Richardson of Cumberland,

Recessed for fifteen minutes or until the sound of the gong.

After Recess

Called to order by the Speaker.

the SPEAKER: Conference Report, Supplement No. 1.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on An Act Reactivating the Governor's Committee on Children and Youth (H. P. 1300) (L. D. 1829) reporting that the Senate recede and concur with the House.

(Signed)

- KILROY of Portland
- LEVESQUE of Madawaska
- HARVEY of Woolwich
- Committee on part of House.
- ALBAIR of Aroostook
- YOUNG of Hancock
- VILES of Somerset
- Committee on part of Senate.

Report was read and accepted and sent up for concurrence.

Orders of the Day

The Chair laid before the House the following matter tabled earlier in the day and later today assigned:

House Joint Order directing Joint Standing Committee on Appropriations and Financial Affairs to report out a Bill restoring the Student Scholarship Administration to the amount and intent specified by L. D. 1856.

Tabled — Earlier in the day, by Mr. Richardson of Cumberland.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I move the indefinite postponement of this order and I would speak briefly to that motion.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson moves the indefinite postponement of this order, and the gentleman may proceed.

Mr. RICHARDSON: Mr. Speaker and Members of the House: Over in this corner I sometimes get the feeling that every time we take a position we are criticized for playing politics but that there is no reverse side to that coin. After the most agonizing personal struggle and after a great deal of discussion and debate with the members of my party we arrived at what we thought was an understanding and agreement on the basic Appropriations Bill, and at the same time attempted through other legislation relating to the cigarette tax to correct a typographical error which had occurred during the October session and which everyone had agreed was going to be corrected — or at least I thought they had.

Now these two basically unrelated subjects come back to pague us again. This Legislature has already done more for education than any Legislature in the State's history and it has done more in the area of financial aid to the students of this State than any legislature in the State's history. We have kept our moral commitment with the present members or the present students who are participating in the scholarship fund. There are other available funds and the gentleman from East Millinocket, Mr. Birt will give you the figures and describe to you exactly what has been done. And here we are back in with the chief dissenter from the agreement, from the operating majority that had been arrived at between both parties; the chief dissenter again introduces the same order.

Now it is a popular subject, but I think the facts will bear out my statement that this Legislature has far exceeded any effort of any legislature and any effort that we ever thought we would be able to make in the area of education. We

would all like to do more. I would like to reopen this and I would like to start talking about returning to the municipalities the \$900,000 contribution to ADC, and I would like to reopen it and start talking about let's raise the money to get the school subsidy program off the municipalities' backs and on the State's back where it belongs.

Now if you would like to open it up again, and we're all going to get serious and really start funding some of the State's problems, including the Bureau for the Mentally Retarded and these other programs that have had to be turned down because of lack of funds, I will debate them with you issue by issue. In this instance I hope that every member of the House will recognize the fact that we have done a fine job, we're just agonizing and delaying, that we should indefinitely postpone this and go home.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker and Members of the House: To at least bring out one area in which student scholarship money is available, besides the very excellent efforts that have been made in the establishing of seed money, on page 351 of the budget document there is \$100,000 and this money has been continued, it was left in the budget, there was no change in it, this money is \$50,000 per year. This money is granted under Title 20 in the Maine Revised Statutes, Section 2306, which says, "The state board shall develop and administer a plan for awarding scholarships to selected students enrolled in the teachers' colleges of the State who have evidenced qualifications of general worth and professional promise of potential teachers, and who have demonstrated ability and willingness to support their educational expenses, but who may be in need of partial financial assistance with respect to their educational costs. Each scholarship shall not exceed \$300 in any one year." And it goes on beyond that.

But this is at least one area, if the members of this Legislature feel that they haven't done anything in the area of student

scholarship, this is one area of a program that has been continued and has been funded.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Scribner.

Mr. SCRIBNER: Mr. Speaker and Members of the House: My major bone of contention with this action, I realize that it's probably going to be unsuccessful, but I do want to remind you that we do have a Statute on the books and that in itself is a commitment. We also have the commitment to the students who paid their \$3.00 application fee and there are over a thousand of them who have applied. I feel that we are taking a somewhat irresponsible action by forcing the Department of Education to send these students and their parents a letter stating that the same week the applications were due the program was not funded.

Now we have not taken the law off the books; it's there and I feel it is responsible to fund it as long as the Statute is there. The merits of it, I am not going to debate scholarships as opposed to loans at this time. But we do have — the language is there, it is quite lengthy, there are a number of pages of Statutes which we have left there, it spells out the terms and conditions under which these scholarships shall be granted, and I feel that as long as we're going to do that we should leave the money there.

This is a somewhat futile attempt I realize. I had not considered making any other attempt on this until I thought that there possibly would be funds available for this. I feel that it has a tremendous amount of support from both sides of the aisle, barring other political issues. But on its own merits I think that there is a great deal of support here.

We are sent here to represent our individual constituents and I think we have an obligation to them to do the best job we can, and I feel that we should restore these funds. I realize that the decision may be otherwise, it comes very late in the session, but I am just going to do the best

job that I can. I did not do this with any particular attempt at disrupting any plans because I feel that anything that has as much support as this particular proposal does it should receive some additional consideration from the members of this House. Whatever their decision is I will abide by it, and when the vote is taken I request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Members of the House: There is nothing very much that I can add towards this document this morning or the order presented by the gentleman from Portland, Mr. Scribner. Only that I think probably each and every member of this House has recognized the bare fact that there will be a loan program in the State of Maine and still regarding the bare fact that Maine as far as percentage of students going to college or to a school of higher learning is still quite a bit below what the national average is or what the New England region is, so my personal belief is that any little thing that we could do to encourage some of these youngsters to pursue higher education then we should do everything in our capacities and efforts towards the end of trying to provide some form of higher education for these students.

I think I would like a few comments on the remarks made by the gentleman from Cumberland, Mr. Richardson that there was an agreement. On those few words I would remind the members of this House that if my memory serves me right with the Appropriations Committee, the evening prior to reporting out a document, the Committee was unanimously in agreement, only to find out that when the bill appeared before both branches of the Legislature it was somewhat different than what had been previously unanimously agreed the night before. So what was an agreement one night comes up differently the next morning.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: Sometimes things are said here that cannot go unchallenged and I think the statement that the gentleman from Madawaska, Mr. Levesque just made should be clarified. The agreement was between the leadership and the Governor.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Richardson that Joint Order directing Joint Standing Committee on Appropriations and Financial Affairs to report out a bill restoring the Student Scholarship Administration to the amount and intent specified by L. D. 1856, be indefinitely postponed. All of those in favor of indefinite postponement will vote yes; those opposed will vote no. The Chair opens the vote.

ROLL CALL

YEA — Allen, Baker, E. B.; Baker, R. E.; Benson, Berman, Birt, Bragdon, Brown, M. F.; Brown, R.; Bunker, Carey, Clark, Cornell, Crockett, Crosby, Cushing, Darey, Dickinson, Drummond, Dudley, Durgin, Edwards, Eustis, Evans, Ewer, Farrington, Fortier, Foster, Gill, Hall, Hanson, H. L.; Hanson, P. K., Harriman, Haynes, Henley, Hewes, Hichens, Hodgkins, Hoover, Huber, Humphrey, Hunter, Immonen, Jameson, Jewell, Kyes, Lewin, Lewis, Lincoln, Littlefield, Lycette, McMann, McNally, Morrell, Mosher, Noyes, Payson, Pendergast, Philbrook, Pike, Porter, Prince, Rackliff, Richardson, G. A.; Richardson, H. L.; Robinson, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Shute, Snow, P. J.; Snowe, P.; Soulas, Susi, Thompson, Trask, Waltz,

Watts, White, Wight, Williams, Wood.

NAY — Bedard, Belanger, Bernard, Binnette, Boudreau, Bourgoin, Bradstreet, Brennan, Burnham, Carrier, Carroll, Carswell, Champagne, Conley, Cote, Couture, Crommett, Curran, Danton, Drigotas, Fecteau, Fraser, Gaudreau, Gauthier, Giroux, Harnois, Harvey, Healy, Hennessey, Jalbert, Kieyte, Kilroy, Lebel, Levesque, Martin, Minkowsky, Nadeau, J. F. R.; Nadeau, N. L.; Rocheleau, Sawyer, Scribner, Starbird, Tanguay, Trumana, Wheeler.

ABSENT — Beliveau, Buck, Cookson, Cottrell, D'Alfonso, Dennett, Dunn, Hanson, B. B.; Hawes, Hinds, Jannelle, Maddox, Meisner, Miliano, Quimby, Quinn, Rideout, Robertson, Roy, Sullivan, Townsend.

Yes, 84; No, 45; Absent, 21.

The SPEAKER: Eighty-four having voted in the affirmative and forty-five in the negative, the motion to indefinitely postpone prevails.

The House will be at ease for a few minutes.

House at Ease

Called to order by the Speaker.

A message came from the Senate borne by Secretary Speers of that body informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

On motion of Mr. Richardson of Cumberland, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had transacted all business before it and was ready to adjourn without day.

Mr. Lewin of Augusta was granted unanimous consent to address the House.

Mr. LEWIN: Mr. Speaker and Members of the House: I think that I speak in behalf of the other two Representatives from Augusta, Mr. Brown and Mr. Humphrey, when I say that we hope that you've had an interesting stay in our

Capitol City during these sessions of the 103rd Legislature. The Augusta people have enjoyed serving you and trust that you will return soon. May I simply say in closing, may God watch over you all as you return to your respective homes. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Conley.

Mr. CONLEY: Mr. Speaker and Members of the House: I would just like to inform the gentleman from Augusta, Mr. Lewin that the Democrats will be back in May.

From the Senate: The following Order:

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 communication he may be pleased to make (S. P. 819).

Came from the Senate read and passed, and the following appointed as members of the Committee on the part of the Senate:

Mrs. SPROUL of Lincoln
Messrs. MILLS of Franklin
BOISVERT
of Androscoggin

In the House, the Order was read and passed in concurrence and the Speaker appointed the following members on the part of the House:

BAKER of Orrington
BAKER of Winthrop
CORNELL of Orono
WHITE of Guilford
LINCOLN of Bethel
BROWN of York
PAYSON of Falmouth
HANSON of Lebanon
KILROY of Portland
WHEELER of Portland
BOUDREAU of Portland
CARSWELL of Portland
GIROUX of Waterville
SAWYER of Brunswick

Mrs. Baker of Orrington for the Committee subsequently reported that the Committee had performed the duties with which it was charged and that the Governor

would be present in the House forthwith.

The Governor and Council then entered the Hall of the House amid applause, the members rising, and the Governor addressed the House as follows:

Mr. Speaker and Members of the House: For the third time I am honored to address you as you prepare to adjourn. Much credit for the results of this special session is owed to those members of both parties who have cooperated so well to make this session productive.

Justice William J. Brennan, Jr., of the U. S. Supreme Court once wrote: "The law is not an end in itself, nor does it provide ends. It is preeminently a means to serve what we think is right."

I believe your deliberations of this session have been largely conducted in the spirit of Justice Brennan's statement.

I would like to mention in quick review some important accomplishments of this session. Although this session was brief, several historic actions were taken.

Through direct appropriations and the submission of a bond issue, we have made possible additional improvements in the educational and living facilities for our fellow citizens on our three Indian reservations.

Much has been done to supplement the existing opportunities at our institutions of higher education. Thirty-two positions have been established at our state colleges and fifteen at our vocational-technical institutes. A bond issue has been referred to the people to improve housing at the Maine Maritime Academy and Farmington State College.

The University of Maine has received \$1,850,255, which with previous appropriations, funds 98 percent of the University's biennium request and 46.4 percent more state assistance than provided last biennium. A state college loan program has been created to make available \$12.5 million for student loans. The state scholarship program has been continued on a limited basis for those presently in college. I sin-

cerely hope that both loans and scholarships will be widely used to aid Maine students. It is most important to the youth of this State that the State Scholarship Program be expanded and fully funded by the 104th Legislature.

A monumental step has been taken to improve higher education opportunities for future generations. The state colleges and the University of Maine have been unified with the promise of improved quality through a better coordinated higher education system.

During the ensuing months a strong, well-balanced Board of Trustees will be selected, and they will begin their important search for a chancellor. They will face the enormous challenge of building a system of higher education that meets the needs of this State.

At this session both money and legislation have been provided to assure a more centralized information and planning system at the state level. I intend to see that these modern tools of management are actively and properly used.

Advancement of the Federal share of pollution abatement projects should accelerate the willingness of municipalities to fulfill this obligation and will mean a rapid acceleration of the construction of a number of local sewerage disposal systems.

Our state effort to assure quality mental health care has been enhanced through increased appropriations, the creation without funding of a Bureau of Mental Retardation, and a bond issue for a residential facility in Northern Maine.

We are all concerned with our increasing highway fatalities. As a partial answer to this problem, this session funded thirteen additional State Police and adopted legislation to remove certain restrictions on the use of devices for measuring speed. Driving while impaired has been established as a criminal offense.

I do regret your decision not to create the Maine Planning Committee on Criminal Law Administration. This committee would have enabled us to conduct professional research in order to

review and propose improvements in the laws and administration affecting criminal justice.

Another innovation of this session was the establishment — for the first time — of a salary plan for most executives in the state service. This procedure was long overdue and will assist the Governor and Council in recruiting and retaining capable agency heads within salary limits established by the Legislature.

There are other advances that could be cited — and there were worthy projects left undone.

But having come to what is very likely the last meeting of the 103rd Legislature, I wish now to express my thoughts about the January, 1969 session that will soon occupy the attention of the next Legislature, and those of you who will be returning.

It is my sincere hope that we can turn greater attention to the needs of our mental health and correctional institutions, as well as more effectively deal with the problems of the poor. There will be no abatement of demands for services by local and state governments. To finance these necessary services during the next Legislature will tax our ingenuity as well as our resources.

I suggested in my opening message to this Special Session that this Legislature might want to increase the subsidy formula for 1969 to allow school officials to more adequately plan their budget requests to municipalities.

Although I believe that subsidies will need to be increased in 1969, I concur with this Legislature's decision to defer consideration of funding additional subsidies to the 104th Legislative session. This State Legislature did not choose to change the formula. However, the present statutes express the intent of the Legislature to revise the subsidy formula each biennium consistent with educational expenditures in the towns.

Title 20, Subsection 3722 of the Revised Statutes requires the Commissioner of Education to recommend amendments to the Governor by October 1 as a basis for my budget requests to the 104th Legislature. I am confident that

this process can be used to evaluate local education costs and to propose necessary increases in state assistance for both the 1969 and 1970 school years along with recommendations to correct inequities that may be in the present subsidy formula.

Preliminary projections by the Department of Education and the University of Maine indicate that their combined requests for the next two-year budget period will be \$55 million in excess of this biennium's appropriations. Most of these additional costs will be required by school subsidy programs and the demand for student admission to institutions of higher education. I anticipate a General Fund Budget in January of 1969 of approximately \$300 million. The leaders of both parties apparently now concur with this estimate.

Your best thinking, as well as that of our citizen task forces and state department officials will be needed to design a better tax system to yield the revenue that the State of Maine and its municipalities need. Neither the economy of this state nor our tax system will expand rapidly enough to meet this anticipated \$300 million budget.

To meet this challenge is the most important task facing both the Legislature and the Executive Branch.

To fail in this responsibility will mean a substantial loss of the momentum that has improved state services during the past few years.

With this expression of both hope and concern for the future, I respectfully extend to you my best personal wishes for 1968. Thank you, very much.

Thereupon, Governor Curtis and his Council retired from the Hall of the House, amid applause, the members rising.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Crockett.

Mr. CROCKETT: Mr. Speaker, Ladies and Gentlemen: We are in the waning hours of going home to our loved ones, and I have certainly enjoyed serving here with you. This honor has been bestowed upon me as being the oldest man in the House here, and I do wish you all good luck going home to your loved ones, and I now move this session adjourn without day.

The SPEAKER: The gentleman from Freeport, Mr. Crockett, now moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed, and the House adjourned without day at 1:20 P.M. Eastern Standard Time.