

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

SENATE

Tuesday, January 31, 1967

Senate called to order by the President.

Prayer by Rev. Howard O. Hough of Portland.

Reading of the Journal of yesterday.

The Senate then stood in a moment of silence in memory of Ex-Governor Lewis O. Barrows.

The PRESIDENT: The Chair recognizes in the rear of the Senate Chamber the presence of Brigadier General Clair H. Thurston. General Thurston has been in command of the Maine State Guard for two and a half years. He retired with the rank of Colonel after thirty years service in the United States Army. He is Commander of the State of Maine Chapter World War Veterans. He lives in Knox, in Waldo County and operates a stock farm on which he raises registered Aberdeen Angus cattle. The Senate would be pleased to hear such remarks as you may wish to make to the members of the Senate.

(Applause, members rising)

BRIGADIER GENERAL CLAIR H. THURSTON: Thank you, Mr. President and distinguished members of this Senate.

Two years ago I reported to this body, although I believe it is not the same organization, on my plans for the formation of a Maine State Guard. You will recall that in 1962 during the Cuban missile crisis and immediately following it, this body, in its wisdom, authorized the Governor to establish a State Guard to provide security for the State in the event of mobilization of the National Guard.

In the following year, the Governor authorized the establishment of that organization. In 1964, October 28th to be exact, the Maine State Guard was formed, and I was designated commanding general thereof.

I am happy and proud to report to this body that the response of the men in the State of Maine has been magnificent. At the present time you have a well-organized, healthy State Guard capable of

performing a mission for the security of the State of Maine. The organization at the present time is organized in five battalions with a brigade headquarters company located at Augusta. The battalions are located, one in the Portland area, one in the Lewiston area, one in the Bangor area, one in the Waterville area and one in the Caribou area. These battalions have been built up and they have reached a strength now of approximately six hundred people. We have stopped recruiting, except to replace normal losses. We intend to hold the State Guard at this strength until such time as warning orders are received alerting the National Guard for movement out of the State, and then we will start an intensive campaign to bring the State Guard up to full authorized strength. At the present time the units are, generally, at cadre strength, they operate in the armories, they are uniformed, they are armed and they are equipped with all the necessary equipment. We have a 250-man force, organized in companies, which have gone beyond cadre strength. They are a security battalion which can be employed on any mission that is required of it at the present time. This organization is generally with one company up in the Caribou area and the rest of them scattered over the State. We can concentrate those and use them on any type of mission that the Governor may require. I think that you gentlemen and ladies can feel well proud of the men who have contributed so magnificently to the support of this organization. This body will have to worry, in the event of the mobilization of the National Guard, about providing transportation. This is the one area in which we are weak, but a military force, as you all know, without its own organic transportation, would be seriously handicapped, but we do not need the transportation until such time as the national Guard is mobilized and sent out of the State.

It is my privilege to report to you briefly on the progress of the State Guard, and I would be glad to answer any questions

individually. Mr. President, I thank you for honoring me and my organization.

The PRESIDENT: On behalf of the Senate, I express our appreciation for your report and wish you every success in your future endeavors. (Applause)

Papers from the House

Bill "An Act to Provide Aerial Photos for Resurvey of Maine's Forest Lands." (H. P. 182) (L. D. 272)

Comes from the House referred to the Committee on Appropriations and Financial Affairs.

Which was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act Providing for Voluntary Foster Home Placement of Children." (H. P. 184) (L. D. 273)

Bill "An Act Relating to the Support of Children Committed to the Training Centers." (H. P. 185) (L. D. 274)

Come from the House referred to the Committee on Health and Institutional Services.

Which were referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Authorize the Construction of a Bridge Across the Androscoggin River Between the Cities of Auburn and Lewiston." (H. P. 186) (L. D. 275)

Comes from the House referred to the Committee on Highways.

Which was referred to the Committee on Highways in concurrence.

Bill "An Act Relating to Hunting Deer with Bow and Arrow in Northern Zone." (H. P. 187) (L. D. 276)

Bill "An Act Relating to Closed Season on Bear." (H. P. 188) (L. D. 277)

Bill "An Act Relating to Open Season for Fishing in Rivers, Streams and Brooks." (H. P. 189) (L. D. 278)

Bill "An Act Relating to Hunting from Automobiles by Double Amputees." (H. P. 1900) (L. D. 279)

Resolve Regulating Fishing in McGrath Pond and Salmon Pond

in Kennebec County. (H. P. 191) (L. D. 280)

Come from the House referred to the Committee on Inland Fisheries and Game.

Which were referred to the Committee on Inland Fisheries and Game in concurrence.

Bill "An Act Prohibiting the Destruction of Political Posters and Signs." (H. P. 192) (L. D. 281)

Resolve Authorizing Marcella Levasseur to Bring Action Against the State of Maine. (H. P. 193) (L. D. 282)

Come from the House referred to the Committee on Judiciary.

Which were referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Expenses of Forest Management on Indian Township Forest Lands." (H. P. 194) (L. D. 283)

Bill "An Act Relating to Reciprocity in Registration of Pharmacists." (H. P. 153) (L. D. 271)

Come from the House referred to the Committee on Legal Affairs.

Which were referred to the Committee on Legal Affairs in concurrence.

Communication

To the Members of the 103rd Legislature:

The Legislative Research Committee is pleased to submit a study of Liquor Inventories.

This report shall be designated as Committee Publication No. 103-10 and contains the findings and recommendations of the Legislative Research Committee.

The Committee sincerely hopes that the information herein contained will prove of benefit to the members of the Legislature and the people of the State of Maine.

Respectfully submitted,
 LOUIS JALBERT
 Chairman, Legislative
 Research Committee

(S. P. 202)

Which was Read and Ordered Placed on File with the accompanying report.

Sent down for concurrence.

Senate Papers
Appropriations
and Financial Affairs

Mr. Reny of York presented Bill "An Act Appropriating Funds to Aid in Dredging the Saco River." (S. P. 187)

Mr. Albair of Aroostook presented Bill "An Act to Authorize the Establishment of a Regional Vocational Education Center in Aroostook County and the Issuance of Not Exceeding One Million Five Hundred Thousand Dollar Bonds of the State of Maine for the Partial Financing Thereof." (S. P. 188)

Which were referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

Inland Fisheries and Game

Mrs. Sproul of Lincoln presented Bill "An Act Prohibiting the Use of Dogs for the Hunting of Wild Animals in Lincoln County." (S. P. 189)

Which was referred to the Committee on Inland Fisheries and Game and ordered printed.

Sent down for concurrence.

Judiciary

Mr. Lund of Kennebec presented Bill "An Act Revising the Laws Relating to Disclosures of Debtors." (S. P. 190)

The same Senator presented Bill "An Act Relating to Examination to Determine Sanity of Accused in the District Court." (S. P. 191)

Mr. Stern of Penobscot presented Bill "An Act Providing for the Short-term Investment of Idle Funds by Local Government Units or Political Subdivisions." (S. P. 192)

Mr. Albair of Aroostook presented Bill "An Act Relating to Municipal Financing of Industrial and Recreational Projects." (S. P. 193)

(On motion by Mr. Hildreth of Cumberland, tabled pending reference.)

Which were referred to the Committee on Judiciary and ordered printed.

Labor

Mr. Norris of Oxford presented Bill "An Act to Prevent the Employment Security Commission from Enforcing an Unfair Labor Practice." (S. P. 194)

Which was referred to the Committee on Labor and ordered printed.

Sent down for concurrence.

Public Utilities

Mr. Lund of Kennebec presented Bill "An Act Amending the Charter of the Augusta Sanitary District." (Emergency) (S. P. 195)

Which was referred to the Committee on Public Utilities and ordered printed.

Sent down for concurrence.

Retirements and Pensions

Mr. Boisvert of Androscoggin presented Bill "An Act Relating to Pension Adjustments for Former and Present Members of the Lewiston Police Department." (S. P. 196)

The same Senator presented Bill "An Act Relating to Pensions for Members of Lewiston Police Department." (S. P. 197)

The same Senator presented Bill "An Act Relating to Pensions for Disabled Members of the Lewiston Police Department." (S. P. 198)

Which were referred to the Committee on Retirements and Pensions and ordered printed.

Sent down for concurrence.

On motion by Mr. Boisvert, the Senate voted to reconsider its action whereby S. P. 196, S. P. 197, and S. P. 198 were referred to the Committee on Retirements and Pensions, ordered printed and sent down for concurrence.

On further motion by the same Senator, the bills were tabled pending reference to a committee.

State Government

Mr. Katz of Kennebec presented Bill "An Act Providing for a Coordinator of Apprenticeship in the Department of Education." (S. P. 199)

Mr. Curtis of Penobscot presented Bill "An Act Providing for a State Government Internship Program." (S. P. 200)

Which were referred to the Committee on State Government and ordered printed.

Sent down for concurrence.

Towns and Counties

Mr. Lund of Kennebec presented Bill "An Act Relating to County Funds for Buildings for Education Programs for Retarded Children." (S. P. 201)

Which was referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

Committee Reports

Senate

Ought to Pass

Mr. Lund from the Committee on State Government on Bill "An Act Relating to Membership in Advisory Committee of Highway Safety and Change of Name of Executive Secretary." (S. P. 12) (L. D. 18) reported that the same Ought to Pass.

Which report was read and accepted, and the Bill was read once and tomorrow assigned for second reading.

**Ought to Pass
As Amended**

Mr. Albair from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Appropriations to the Maine Industrial and Recreational Finance Approval Board (S. P. 44) (L. D. 34) reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-1).

Which report was read and accepted and the Bill read once. Committee Amendment "A" was Read and Adopted, and the Bill, as amended, tomorrow assigned for second reading.

Second Readers

The Committee on Bills in the Second Reading reported the following Bill and Resolve:

House — as Amended

Resolve Relating to Repairing Training Vessel at Southern Maine Vocational Technical Institute in South Portland. (Emergency) (H. P. 24) (L. D. 45)

Which was read a second time and passed to be engrossed, as amended, in concurrence.

Senate

Bill, "An Act Relating to Open Season on Otter." (S. P. 8) (L. D. 14)

Which was read a second time and passed to be engrossed.

Sent down for concurrence.

Orders of The Day

On motion by Mr. Mills of Hancock, the Senate voted to take from the table the 9th tabled and unassigned matter, (S. P. 174) Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorney of Aroostook County," tabled on January 26, 1967 by that Senator pending reference. The same Senator moved that the bill be referred to the Committee on Towns and Counties in non-concurrence.

Mr. FARLEY of York: Mr. President and members of the Senate: When I arose the other day I did it with all good intentions, and not to disturb anybody on any committee or any chairman.

It has been my privilege for years to have been on Towns and Counties. I have never been here as one of the majority; I have always been here as one of the minority. These questions always came before Towns and Counties. None of them had full support from the County Commissioners of the State of Maine. It was a case of politics from one end to the other. When I left here 1959 as a member of the Committee on Towns and Counties it was my very strong impression, after forcing Attorney General Hancock to submit to us what he was going to do in the way of raises to the County Attorneys in the State of Maine, he submitted us a figure of \$8500, which it was up to us to divide. I was on the committee, and I honestly say this: that I don't know what a County Attorney is worth, or an Assistant County Attorney. Good Lord, let them get all they can get, as far as I am concerned, but get it from some people who really understand the problems of one county or

another county or vice versa. In my own county, unfortunately, I knocked one of my county attorneys down until I realized I had done something wrong. He had a bill in for \$1500 and I voted against it.

I believe that Towns and Counties should handle everything on the county level that pertains to anything in the shire towns. The Attorney General is the boss of the county attorneys, he pays the county attorneys, he knows his appropriation—I do not. Is he going to give them an increase or not. I do not think it is right to send it to Towns and Counties when State Government is closer than anything else. I talked with the chairmen of the committees and I try to be fair to these committees. It was my understanding — and as I say, I haven't been here since 1959 — I think there is one of them now in the Supreme Court for a decision — they come in on the last night and who knows who is getting some of that and who doesn't in the rush to get out of here. I still think that the Senator from Cumberland County has moved on the previous bill to place it in the right committee and I trust the Senate does the same.

The PRESIDENT: The question is on the motion of the Senator from Franklin, Senator Mills, that the item be referred to the Committee on Towns and Counties. Is the Senate ready for the question? Those in favor of the motion will say aye; those opposed will say no.

A viva voce vote being doubted, a division was had.

Eighteen having voted in the negative and eleven in the affirmative, the motion did not prevail.

On motion by Mr. Berry of Cumberland, the bill was referred to the Committee on State Government.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the 5th tabled and unassigned matter, (H. P. 127) (L. D. 191) Bill "An Act Appropriating Funds for Testimonials for Marking Unmarked Graves of Revolutionary War Soldiers," tabled on January 26th by that Senator pending reference; and on further motion by the same Senator the bill was referred to the Committee on Veterans Affairs in non-concurrence.

Sent down for concurrence.

On motion by Mr. Johnson of Somerset, the Senate voted to take from the table the 8th tabled and unassigned matter, (S. P. 176) Bill "An Act to Provide Funds for Enforcement of the Potato Branding Law," which was tabled by that Senator on January 26th pending reference.

On motion by Mr. Barnes of Aroostook, the bill was referred to the Committee on Agriculture.

Sent down for concurrence.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.