

# 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**

Thursday, April 27, 1967

Senate called to order by the President.

Prayer by the Rev. Father Donald Lozier of Augusta.

Reading of the Journal of yesterday.

**Papers from the House****Non-concurrent matters**

Bill "An Act Relating to Membership of State Soil and Water Conservation Committee." (S. P. 50) (L. D. 40)

In Senate, April 12, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed As Amended by Committee Amendment "A" (S-53) in non-concurrence.

Mr. Berry of Cumberland moved that the Senate adhere.

(On motion by Mr. Hoffses of Knox, the Bill was tabled until Friday, April 28, pending the motion of Mr. Berry of Cumberland that the Senate adhere.)

Bill "An Act Relating to School Entrance Age Requirements." (S. P. 213) (L. D. 476)

In House, April 5, Passed to be Engrossed As Amended by Committee Amendment "A" (S-43) and by House Amendments "A" (H-134) and "B" (H-140) in non-concurrence.

In Senate, April 14, Passed to be Engrossed As Amended by Senate Amendment "A" (S-74) in non-concurrence.

Comes from the House, that body having Insisted.

On motion by Mr. Snow of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

The President appointed the following Senators to the Committee on the part of the Senate:

Senators:

SPROUL of Lincoln  
ALBAIR of Aroostook  
GOOD of Cumberland

**Communications**

State of Maine  
House of Representatives  
Office of the Clerk

April 26, 1967

Hon. Jerrold B. Speers  
Secretary of the Senate  
103rd Legislature

Sir:

The Speaker today appointed the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill "An Act Increasing Compensation of Members of the Legislature." (S. P. 167) (L. D. 338)

Messrs.

DENNETT of Kittery  
RIDEOUT of Manchester  
HARRIMAN of Hollis

Respectfully,

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered Placed on File.

The President then appointed the following Senators to the Committee on the part of the Senate:

Senators:

KATZ of Kennebec  
MacLEOD of Penobscot  
SNOW of Cumberland

**Committee Reports****House****Ought Not to Pass**

The Committee on Legal Affairs on Bill "An Act to Require Fencing of Unsightly Public Dumps." (H. P. 679) (L. D. 951)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Natural Resources on Bill "An Act Relating to Differential Use of Coastal Flats, Marshes, Meadows and Swamps." (H. P. 911) (L. D. 1321)

Reported that the same Ought Not to Pass, as covered by other Legislation.

Comes from the House, report Read and Accepted.

The Committee on Natural Resources on Bill "An Act Relating to Coastal Marshlands." (H. P. 763) (L. D. 1110)

Reported that the same Ought Not To Pass, as covered by other legislation.

Comes from the House, report Read and Accepted.

The Committee on State Government on Bill "An Act Permitting Salvation Army to Solicit Funds Within State Liquor Stores." (H. P. 1027) (L. D. 1493)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

### Recommended

The Committee on Retirements and Pensions on Resolve Increasing Pension for Leeman Grant of Milbridge. (H. P. 115) (L. D. 142)

Reported that the same Ought Not to Pass.

Comes from the House, Resolve Recommended to the Committee on Retirements and Pensions.

On motion by Mr. Curtis of Penobscot, the Senate voted to concur with the House and Recommend the Resolve to the Committee on Retirements and Pensions.

### Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve, Appropriating Funds to Waban Project, Inc. for Retarded Children to Purchase Land for Summer Camp for Handicapped Children (H. P. 688) (L. D. 969)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted, and the Bill Passed to be Engrossed.

The Committee on Legal Affairs on Bill "An Act Relating to Incorporation of Maine Retail Gasoline Dealers Association." (H. P. 678) (L. D. 950)

Reported that the same Ought to Pass.

Comes from the House, report Read and Accepted, and the Bill Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bill and Resolve read once and tomorrow assigned for second reading.

### Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Resolve, to Provide Funds for the Purchase of Copies of the "History of the Town of Lisbon." (H. P. 825) (L. D. 1233)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-207)

Comes from the House, report Read and Accepted and the Resolve Passed to be Engrossed As Amended.

The Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Improvements at Pleasant Point and Indian Township Reservations. (H. P. 780) (L. D. 1142)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-206)

Comes from the House, report Read and Accepted and the Resolve Passed to be Engrossed As Amended.

The Committee on Legal Affairs on Bill "An Act To Permit the Use of Candles in Religious or Fraternal Services." (H. P. 525) (L. D. 756)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-186).

Comes from the House, report Read and Accepted and The Bill Passed to be Engrossed As Amended.

(On motion by Mr. Girard of Androscoggin, tabled and specially assigned for Tuesday, May 2, pending Acceptance of Committee Report.)

Which reports were Read and Accepted in concurrence and the Resolves read once. Committee Amendments "A" were Read and Adopted in concurrence, and the Resolves, As Amended, tomorrow assigned for Second Reading.

### Ought to Pass in New Draft

The Committee on State Government on Bill "An Act Requiring Constructed Public Buildings be Made Accessible to the Physically Handicapped." (H. P. 857) (L. D. 1270)

Reported that the same Ought to Pass in New Draft under same title: (H. P. 1114) (L. D. 1583)

Comes from the House, report Read and Accepted and the Bill in New Draft Passed to be Engrossed As Amended by House Amendment "B" (H-201)

Which report was Read and Accepted and the Bill in New Draft read once. House Amendment "B" was Read and Adopted in Concurrence, and the Bill, As Amended, tomorrow assigned for second reading.

### Divided Report

The Majority of the Committee on Natural Resources on Bill "An Act Relating to Survey of Private Sewage Disposal Systems by Department of Health and Welfare." (H. P. 910) (L. D. 1320)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-193)

(Signed)

Senators:

SEWALL of Penobscot  
FERGUSON of Oxford

Representatives:

PIKE of Lubec  
BROWN of Augusta  
FULLER of York  
CURRAN of Bangor  
EUSTIS of Dixfield  
SAHAGIAN of Belgrade

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(signed)

Senator:

VILES of Somerset

Representative:

DICKINSON of Mars Hill

Comes from the House, the Majority — Ought to Pass As Amended report Read and Accepted, and 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, and the Bill, As Amended, tomorrow assigned for second reading.

### Ought Not to Pass

Mr. MacLeod for the Committee on Education on Bill "An Act to Authorize Bond Issue in the

Amount of \$500,000 for a Reserve Fund to Guarantee Student Loans under the Higher Education Act of 1965." (S. P. 72) (L. D. 154)

Reported that the same Ought Not to Pass.

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

Mr. KATZ of Kennebec: Mr. President, Ladies and Gentlemen: I think a brief word of explanation is in order because this bill was part of the Governor's program. This is an attempt to afford to Maine youngsters available loan money while attending the institutions of higher education. You will recall that earlier we passed a bill sponsored by Senator Ferguson for \$50,000 which sought to be a temporary stop-gap in the requirements to loan funds, but the Committee on Education has voted this out "Ought Not to Pass," but it will be followed very shortly with a complete and different approach to establishing a large revolving loan fund for Maine students to which I hope you will give your favorable consideration at that time.

The PRESIDENT: Is it now the pleasure of the Senate to accept the "Ought Not to Pass" report of the Committee?

Thereupon, the Senate voted to accept the "Ought Not to Pass" report of the Committee.

Sent down for concurrence.

Mr. Brewer for the Committee on Public Utilities on Bill "An Act Relating to Permits and Hearings in Regulation of Contract Carriers." (S. P. 355) (L. D. 939)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

### Ought to Pass

Mr. Curtis for the Committee on Agriculture on Bill "An Act Relating to the Length Provision in the Sale or Packaging of Herring." (S. P. 444) (L. D. 1124)

Reported that the same Ought to Pass.

Mr. Young for the Committee on Taxation on Bill "An Act Exempting Water and Air Pollution

Control Facilities from Sales and Use Taxes." (S. P. 413) (L. D. 1042)

Reported that the same Ought to Pass.

Which reports were Read and Accepted and the Bills read once and tomorrow assigned for Second Reading.

#### **Ought to Pass — As Amended**

Mr. MacLeod for the Committee on Education on Bill "An Act Relating to Public Policy on Higher Education." (S. P. 498) (L. D. 1259)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-94)

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

Mr. KATZ of Kennebec: Mr. President and Ladies and Gentlemen: I call your attention specifically to this bill, because this is the first of four of the higher education bills you will be getting here this session. This one just puts into words a statement of public policy. I think that it will be a good guide for us in the years ahead. The amendment is a very brief amendment which reassures faculties of the institutions around the State that their historic privileges will be safeguarded.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I speak on this measure with a great deal of reluctance, and I do it from a feeling of necessity borne out by the testimony which the Appropriations Committee has heard this year and it has caused, I feel safe in saying, the concern of all the members of the Committee.

We have been faced this year with numerous financial problems which we have inherited from previous Legislatures. Many of these problems which we have inherited have been because insufficient funds have been provided to implement these programs.

I do not quarrel with the philosophy of this legislative document.

I am very wary of getting ourselves again more deeply into unknown financial expense. I am wholeheartedly behind the theory, but I am very concerned about the pitfalls ahead. I think we could debate this a great deal, but until I believe we are ready to put our money where our philosophy is we should not pass such legislation. Accordingly, Mr. President, I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry moves that this bill and its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Ladies and Gentlemen: This is purely and simply a statement of State Code. I agree that many of us have misgivings about financial support of institutions. I would urge all of you to turn to L. D. 1259 presently before you, and refer to Paragraph 7 and Paragraph 8. It is in these two paragraphs — the number again is L. D. 1259, — that statements of financial support, 7, 8 and 9, are mentioned. There is no attempt to offer any structure here. Might I point out to you with some sense of urgency that the State of Maine is one of the very few states in the United States that has never gotten around to adopting some statement of public policy in the area of higher education. It suggests that we assign continuously a high priority in the allocation of public funds to provide opportunities for those who do not share equitably in the advantages of higher education because of limited economic, social, educational and cultural factors. This is one of the statements pertaining to finances.

Under Paragraph 8, "Financial Support," it suggests that we should support financially the programs of our public higher education institutions through appropriations, grants and loans based on comprehensive plans and budgets.

I suggest, Mr. President, and Ladies and Gentlemen, that if we are indeed concerned with economically spending our aduca-

tional dollars that L.D. 1259 spells out to future legislatures our intent that educational dollars be spent for the greatest possible good of the greatest possible number. I don't think it is an innocuous document; I think it is a very important document. But in so far as binding us to any particular structure, or any particular financial avenue, it just doesn't do that. I hope that you rise up and defeat handily the move for indefinite postponement.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: I believe it is well known that I do not favor spending money where it is not needed to be spent. I believe it is well known what my attitude was toward many of the studies that were made by the previous legislature.

This particular study I am referring to now which resulted in this document and the three accompanying documents that will be along later, cost the State of Maine around \$50,000. In my opinion, this was the best spent money for any study which was made by any legislature in recent history.

I am a little shocked and certainly surprised to hear the statements by the distinguished Senator from Cumberland, Senator Berry, this morning in reference to this bill and to the policies to which it pertains. For one thing, if we consolidate, which these bills ask us to do our public higher education facilities into one cohesive system, it will certainly result in savings in the long run and still offer quality education.

Last night in Bangor I spoke to a group of people which included about 35 high school and college youngsters. If you will pardon my making the same statement twice, I would like to read to you part of what I said. "The 103rd Legislature is proposing a complete reorganization of our public higher education system which, if enacted, would consolidate all of our State educational institutions in one cohesive body. This will avoid waste, duplication of courses, and

still will retain the autonomy of each individual institution. It is a blueprint for progress. It will provide the necessary facilities for our young people seeking a higher education. It will be lowering costs and providing the same quality education as under our present system."

To substantiate my surprise at the motion of the Senator from Cumberland to indefinitely postpone this measure, I think of just one bill this Senator presented to the Legislature which calls for the expenditure of just under a million dollars for library facilities split up among five or six institutions in our State.

Under the proposed bills that this study came up with, which Senator Katz introduced to this Legislature, there would be quality library facilities, but no duplication, and the books available in one institution would be available at the other institutions. The University of Maine, the State teachers colleges and the vocational schools would all benefit under the combined purchasing of library books, as just one item. And perhaps the bill which the Senator from Cumberland introduced for nearly a million dollars for library funds, it might be necessary to only have \$500,000 to do the same job.

It is high time that the State of Maine used its limited financial resources in the most feasible economical manner. It is my sincere conviction that this statement of policy as exemplified in L.D. 1259 will be the first step in this direction, and I hope the motion to indefinitely postpone will be overwhelmingly defeated. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I refer to L.D. 1259, and I quote a few pertinent sections from it.

Under I "Recognition: To recognize higher education as an organized program of instruction authorized" — just jump down a little bit — "which is administered

and systematically pursued on a full-time or part-time basis by persons who have completed secondary schools or who have demonstrated equivalent competence to appropriate means."

Now, we find ourselves at this present session of the 103rd Legislature faced with the exact same situation whereby legislation was passed by the 102nd saying that all qualified students can go to the University of Maine, and we find ourselves lacking several millions of dollars to implement that philosophy. I cite this to you, Members of the Senate, as one of the pitfalls of this legislation. I do not disagree with the philosophy that we need to combine, streamline and organize. I feel that I am safe in saying that probably no one realizes the need for this more than I do.

I am referring now to Section 8, Financial Support: "To support financially the programs of the public higher education institutions through appropriations," and so forth. We are morally committing ourselves here to a long-range, significant, expensive program, and a program on which even experts in the field of education cannot agree. I feel that this has not had enough study and this has not had the unanimous support of our leaders in education in the State of Maine. I exhort you to support my motion.

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

Mr. KATZ of Kennebec: Mr. President and Ladies and Gentlemen: There will be subsequent controversies. L.D. 1258 is going to be one that I suspect is going to come in for its share of brickbats. But there is a humorous aspect to this, that if there is one piece of legislation that was presented before a completely critical audience in the hearing — the hearing was loaded with knowledgeable people — if there is one piece of legislation that was accepted by all present, all present, and had minor modifications suggested by faculty members, it is this bill before us. There is no controversy attached to this one.

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

Mr. SNOW of Cumberland: Mr. President and Members of the Senate: The motion of my colleague from Cumberland County, Senator Berry, comes as a surprise to me, and I would oppose it. I would note that this document sets forth what I believe are the aims of all of us. It does not commit us to a specific course. It does not commit us to any expenditure. But it does set forth for the future, as I said, the policy which I think we all believe in, in asking for more educational opportunities. It is asking for co-ordination in higher education. It is asking, if you will, for cooperation in education. Mr. President and Members of Senate, I hope that when this is voted upon that you will defeat the motion of the good Senator from Cumberland, Senator Berry, to indefinitely postpone this document, and I would ask that when the vote is taken it be taken by a division.

The PRESIDENT: Is the Senate ready for the question? The pending question is on the motion of the Senator from Cumberland, Senator Berry, that we indefinitely postpone this bill and its accompanying papers.

As many as are in favor of the motion to indefinitely postpone will stand and remain standing until counted. As many as are opposed to the motion will stand and remain standing until counted.

A division was had. Eight Senators having voted in the affirmative, and 22 Senators having voted in the negative, the motion did not prevail. Thereupon, the Senate voted to accept the Ought to Pass Report of the Committee, and the Bill was given its first reading.

Committee Amendment "A" was read by the Secretary as follows: COMMITTEE AMENDMENT "A" to S. P. 498, L. D. 1259, Bill, "An Act Relating to Public Policy on Higher Education."

Amend said Bill in that part designated "§ 2251" by inserting after the underlined word "opinions" in the last line of subsection 2 (same in L. D. 1259) the under-



lined words 'and that such faculty shall be consulted in the formulation of academic policies pertaining to it'

Committee Amendment "A" was adopted, and the Bill, as Amended, tomorrow assigned for second reading.

#### Divided Report

The Majority of the Committee on Education on Bill "An Act Relating to Application of State Aid for School Construction." (S. P. 13) (L. D. 29)

Reported that the same Ought Not to Pass.

(signed)

Senator:

SNOW of Cumberland

Representatives:

ALLEN of Caribou

HANSON of Lebanon

SHUTE of Farmington

RICHARDSON

of Stonington

LEVESQUE of Madawaska

CARROLL of Limerick

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

(signed)

Senators:

MACLEOD of Penobscot

KATZ of Kennebec

Representative:

BAKER of Winthrop

(On motion by Mr. Good of Cumberland, tabled pending the motion by the same Senator that the Senate accept the Minority "Ought to Pass" report of the Committee.)

#### Divided Report

Five members of the Committee on Industrial and Recreational Development on Bill "An Act Creating the Position of Community Recreation Specialist." (S. P. 438) (L. D. 1122)

Reported in Report "A" that the same Ought to Pass.

(signed)

Senators:

HILDRETH

of Cumberland

SEWALL of Penobscot

Representatives:

McMANN of Bath

FORTIER of Waterville  
PAYSON of Falmouth

Five members of the same Committee on the same subject matter reported in report "B" that the same Ought Not to Pass.

(signed)

Senator:

HOFFSES of Knox

Representatives:

LEWIS of Bristol

PORTER of Lincoln

LITTLEFIELD of

Hampden

TRUMAN of Biddeford

On motion by Mr. Barnes of Aroostook, the Senate voted to accept the "Ought to Pass" Report "A" of the Committee, The Bill was read once, and tomorrow assigned for second reading.

#### Second Readers

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

#### House

Bill "An Act Repealing Bond Issue for Dining Facilities for the Maine Maritime Academy." (H. P. 129) (L. D. 193)

Bill "An Act Relating to Allocation of Funds for Purchase of Real Estate by State." (H. P. 438) (L. D. 613)

Bill "An Act to Permit the Interchange of Government Employees." (H. P. 724) (L. D. 1048)

Bill "An Act to Clarify the Organization of the Department of Health and Welfare." (H. P. 918) (L. D. 1327)

Resolve Providing for a State Pension for David Carnevale of Saco." (H. P. 1121) (L. D. 1593)

Resolve Authorizing Director of Public Improvements to Convey Land in Hallowell to City of Hallowell. (H. P. 726) (L. D. 1050)

Which were read a Second Time and Passed to be Engrossed in concurrence.

#### House — As Amended

Bill "An Act to Make Allocations from Bond Issue for Construction and Equipment of Pollution Abatement Facilities." (H. P. 622) (L. D. 878)

Bill "An Act Relating to Ward Boundaries of the City of Brewer." (H. P. 801) (L. D. 1178)

Which were Read a Second Time and Passed to be Engrossed As Amended, in concurrence.

#### Senate

Bill "An Act to Regulate the Alteration of Wetlands." (S. P. 612) (L. D. 1597)

Mr. HILDRETH of Cumberland presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A" Filing S-93 was read by the Secretary as follows:

SENATE AMENDMENT "A" to S. P. 612, L. D. 1597, Bill, "An Act to Regulate the Alteration of Wetlands."

Amend said Bill in that part designated "§ 4701" by striking out in the 3rd line (2nd line in L. D. 1597) the underlined words and punctuation "beach, flat"; and by striking out in the 3rd line (same in L. D. 1597) the underlined words "or coastal"; and by inserting after the underlined word and punctuation "waters," in the 4th line (3rd line in L. D. 1597) the underlined words and punctuation 'or remove, fill, dredge or drain sanitary sewage into, or otherwise alter any swamp, marsh, bog, beach, flat or other wetland bordering coastal waters,'

Senate Amendment "A" was Adopted.

(On motion by Mr. Barnes of Aroostook, tabled pending Passage to be Engrossed.)

#### Enactors

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

An Act Relating to Tuition for Pupils Attending Secondary Schools in Other States or Countries. (H. P. 1096) (L. D. 1562)

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

Resolve, to Reimburse Raymond Lammers of Augusta for Payment of Restaurant Liquor License. (S. P. 518) (L. D. 1338)

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

Mr. BERRY of Cumberland: Mr. President, having frequently been a beneficiary of the facilities offered by the Pioneer House, it is with a great deal of reluctance I move to place on the Special Appropriations Table Item 8-2, L. D. 1338, Resolve to Reimburse Raymond Lammers of Augusta for Payment of Restaurant Liquor License.

(Thereupon, Item 8-2 was placed on the Special Appropriations Table.)

#### Orders of the Day

On motion by Mr. Ross of Piscataquis,

Adjourned until 9:30 o'clock tomorrow morning.