

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

Wednesday, May 3, 1967

Senate called to order by the President.

Prayer by Rev. Daniel C. Tuttle of East Winthrop.

Reading of the Journal of yesterday.

Out of order and under suspension of the rules, Mr. Curtis of Penobscot presented the following Joint Resolution and moved its passage.

JOINT RESOLUTION

WHEREAS, the University of Maine Varsity Rifle Team, sponsored by the Athletic Department, and coached by the United States Army Military Department, has compiled a marksmanship record worthy of special recognition; and

WHEREAS, its outstanding record consists of consecutive victories at each match, for the past three years, in both the northern group and all groups of the New England College Rifle League and the Yankee Conference; now, therefore, be it

RESOLVED: That the members of the House and Senate of the 103rd Maine Legislature extend to the participants and their immediate and past coaches a message of commendation for their accomplishments in the field of rifle marksmanship and wish them continued success in their efforts to bring recognition and honor to our State; and be it further

RESOLVED: That a copy of this Joint Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Coach, Master Sergeant George Pritchard and the University of Maine Athletic Department in recognition of this outstanding performance. (S. P. 623)

Which was Read and Passed, and sent forthwith to the House for concurrence.

Paper From The House

Joint Resolution Commending The Church Of World Brotherhood.

WHEREAS, the Church of World Brotherhood was first founded and incorporated under the Revised Statutes, Title 13, Chapter 81, on May 15, 1965 and whose distinguished quality and character is to bring about world brotherhood through a practicable program including world peace, solution of cultural problems, inter-religious and interfaith worship and fellowship, moral values in education; assistance in problems involving the handicapped, the delinquent, health, etc.; maintaining that human problems must be faced educationally and not merely emotionally with a stressing of civil obedience, maintaining that God is the heavenly Father of us all and that creatively we are all brothers and sisters irrespective of race, color, creed, social status etc.; now, therefore, be it

RESOLVED: That we, the members of the 103rd Legislature, hereby commend the dedicated and sacrificial efforts of the founder, the Reverend Herbert Lester Reid of Fairfield and the Board of Trustees of this Ecumenical Church; and Movement and express our desire for perpetual success to this All-Religion Church which embraces within its by-laws such religions of the world as Christianity; Judaism; Islam; Shinto; Hindu; Jainism; Taoism; Primitivism; Sikhism; Parsiism; Buddhism and Confucianism; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the aforementioned person and board. (HP 1135)

Comes from the House, Read And Adopted. Which was Read And Adopted in concurrence.

Senate Paper

With the approval of the Committee on Reference of Bills, pursuant to Joint Rule No. 10, Mr. Katz of Kennebec presented:

Resolve Proposing an Amendment to the Constitution Pledging Credit of State of Maine School Building Authority Bonds. (S. P. 622)

The Committee on Reference of Bills suggests this Resolve be referred to the Committee on Education.

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

Sent down for concurrence.

Committee Reports Leave to Withdraw

The Committee on Education on Bill "An Act Relating to Fixing the Number of Personnel at the State Colleges." (H. P. 980) (L. D. 1422)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on Health and Institutional Services on Bill "An Act Relating to Sprinkler Systems in Nursing Homes." (H. P. 627) (L. D. 883)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Relating to Qualification of Witnesses." (H. P. 509) (L. D. 722)

Reported that the same should be granted Leave to Withdraw

Comes from the House, report Read and Accepted.

Ought Not to Pass

Which reports were Read and Accepted in concurrence.

The Committee on Appropriations and Financial Affairs on Bill "An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics." (H. P. 868) (L. D. 1280)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Education on Bill "An Act Relating to Free Admission to School Athletic Events for Those Eligible for Medicare." (H. P. 880) (L. D. 1292)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Education on Bill "An Act Providing for a Professional Clearing House Plan

for Public School Vacancies." (H. P. 881) (L. D. 1293)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Education on Bill "An Act Relating to Readiness Test for School Entrance Age." (H. P. 975) (L. D. 1417)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Education on Bill "An Act Relating to Pre-school Physical Examinations of Children." (H. P. 736) (L. D. 1059)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Education on Bill "An Act Relating to a Student Tour of the Maine State Prison under the Supervision of the Commissioner of Education." (H. P. 933) (L. D. 1349)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Health and Institutional Services on Bill "An Act Relating to the Support of Children Committee to the Training Centers." (H. P. 185) (L. D. 274)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

The Committee on Judiciary on Bill "An Act Licensing Private Detectives and Watch, Guard and Patrol Agencies." (H. P. 752) (L. D. 1099)

Reported that the same Ought Not to Pass.

Comes from the House, report Read and Accepted.

Which reports were Read and Accepted in concurrence.

The Committee on Business Legislation on Bill "An Act Relating to Countersigning Fees for Insurance Agents and Brokers." (H. P. 875) (L. D. 1287)

Reported that the same Ought Not to Pass.

Comes from the House, Recommended to the Committee on Business Legislation.

On motion by Mr. Katz of Kennebec, Recommended to the Committee on Business Legislation in concurrence.

The Committee on Public Utilities on Bill "An Act Increasing the Membership of the Board of Trustees of Richmond Utilities District." (H. P. 1054) (L. D. 1524)

Reported that the same Ought Not to Pass.

Comes from the House, Recommended to the Committee on Public Utilities.

On motion by Mr. Lund of Kennebec, the Senate voted to accept the Ought Not to Pass Committee Report in Non-concurrence.

Sent down for concurrence.

Ought to Pass

The Committee on Appropriations and Financial Affairs on Resolve Authorizing Construction of a Ferry Boat for the Maine State Ferry Service. (H. P. 465) (L. D. 678)

Reported that the same Ought to Pass.

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

The Committee on Business Legislation on Bill "An Act Relating to Banks Participating in Public Agencies." (H. P. 961) (L. D. 1404)

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 Claims on Resolve in Favor of Paul V. Douglass of Winslow for Well Damage by Highway Construction. (H. P. 402) (L. D. 568)

Reported that the same Ought to Pass.

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

The Committee on Towns and Counties on Bill "An Act Relating to Compensation for Full-time Deputy Sheriffs and Chief Deputies." (H. P. 950) (L. D. 1381)

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 Towns and Counties on Bill "An Act Relating to Duties of Deputy County Treasurer." (H. P. 334) (L. D. 468)

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 Towns and Counties on Bill "An Act Relating to Annual Postaudit for Municipalities." (H. P. 166) (L. D. 229)

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 Bills Read Once and tomorrow assigned for Second Reading.

Ought to Pass As Amended

The Committee on Education on Bill "An Act Creating the Town of Old Orchard Beach School District." (H. P. 1082) (L. D. 1547)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (L. D. 1609)

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

The Committee on Indian Affairs on Bill "An Act Appropriating Funds to Update the Surveys of Penobscot Tribal Lands." (H. P. 751) (L. D. 1098)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-168).

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

The Committee on Public Utilities on Bill "An Act to Enable City of Portland to Establish Sewer Service Charges." (H. P. 946) (L. D. 1377)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-222)

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

Which reports were Read and Accepted in concurrence, and the Bills and Resolves Read Once. Committee Amendments "A" were Read and Adopted in concurrence,

and the Bills, As Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Public Utilities on Bill "An Act Relating to Furnishing of Service by Public Utilities. (H. P. 537) (L. D. 766)

Reported that the same Ought to Pass in New Draft under same Title: (H. P. 1130) (L. D. 1606)

Comes from the House, report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed

The Committee on Transportation on Bill "An Act Relating to Weight and Weight Tolerance of Vehicles Loaded with Minerals. (H. P. 79) (L. D. 104)

Reported that the same Ought to Pass in New Draft under New Title: An Act Relating to Weight and Weight Tolerance of Vehicles. (H. P. 1132) (L. D. 1608)

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

Which reports were Read and Accepted in concurrence, and the Bills, in New Draft, Read Once and tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Food Stamp Program in Sagadahoc County." (H. P. 660) (L. D. 915)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

BERRY of Cumberland
ALBAIR of Aroostook
DUQUETTE of York

Representatives:

BRAGDON of Perham
BIRT of East Millinocket
DUNN of Denmark
HUMPHREY of Augusta
HINDS of

South Portland

The Minority of the same Committee on the same subject

matter reported that the same Ought to Pass.

(Signed)

Representatives:

JALBERT of Lewiston
SCRIBNER of Portland

Comes from the House, Minority — Ought to Pass report Read and Accepted, and the Bill Passed to be Engrossed, As Amended by House Amendment "A" (H-234)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Brewer.

Mr. BREWER of Sagadahoc: Mr. President, I would move for acceptance of the Minority Ought to Pass Report, and I would like to speak briefly.

The PRESIDENT: The Senator from Sagadahoc, Senator Brewer, moves that the Senate now accept the Minority Ought to Pass Report of the Committee. The Chair recognizes that Senator.

Mr. BREWER: Mr. President and Members of the Senate: Two years ago there was a pilot program adopted by the 102nd Legislature which applied to Androscoggin County, and I understand it has worked very well.

This bill, since it came out of the Appropriations Committee with a Majority Ought Not to Pass Report, has been amended in the other branch by Filing No. H-234, which reduces the appropriation amount by \$8,000 for the biennium, calling for an appropriation of \$14,000, in round figures, in '67 and '68, and \$16,000 for '68 and '69. This amount of money, I understand, will generate approximately \$150,000 per year of federal funds, which goes a long way in relieving paupers and poverty in a given area. I would hope that the amendment would be a little more tolerable to the Appropriations Committee and therefore, I hope the Minority Ought to Pass Report of the Committee will be accepted.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President and Members of the Senate: I arise to support Senator Brewer of Sagadahoc, Being from Androscoggin

County, I have had experience with the Food Stamp Program, and I dare say that it is one of the special programs which I believe has done the most for the deserving poor of this country. What I like about the Food Stamp Program is that it helps to provide proper nutrition for children and deserving families, and at the same time it maintains the dignity of the individual.

I certainly hope that the members of the Senate will go along with the motion of Senator Brewer and accept the Ought to Pass Report.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I was very much impressed by the remarks of the Senator from Sagadahoc, Senator Brewer, and I support his motion. I would be completely out of order by saying that the figures proposed in a possible amendment would change the bill, but they are considerably different from the facts that were presented before our Committee.

The PRESIDENT: Is the Senate ready for the question?

The pending question is on the motion of the Senator from Sagadahoc, Senator Brewer, that the Senate accept the Ought to Pass Report of the Committee. As many as are in favor of accepting the Report will say "Yes." Those opposed, "No."

A viva-voce vote being taken, the motion prevailed, and the Minority Ought to Pass Committee Report was accepted in concurrence. Thereupon, the Bill was given its first reading. House Amendment "A", Filing No. H-234, was read and adopted in concurrence, and the Bill as amended tomorrow assigned for second reading.

Divided Report

The Majority of the Committee on Health and Institutional Services on Bill "An Act Appropriating Funds for Inspection of Nursing Homes, Boarding Homes and Related Institutions. (H. P. 985) (L. D. 1427)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

GREELEY of Waldo
SPROUL of Lincoln
SNOW of Cumberland

Representatives:

GILL of South Portland
WHITE of Guilford
BENSON of
Southwest Harbor
SOULAS of Bangor
NOYES of Limestone
BINNETTE of Old Town

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

(Signed)

Representative:

CARSWELL of Portland

Comes from the House, Majority Ought Not to Pass Report Read and Accepted.

Which Majority Ought Not to Pass Committee Report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Sea and Shore Fisheries on Bill "An Act Prohibiting Hauling Lobster Pots on Sundays. (H. P. 240) (L. D. 348)

Reported that the same Ought to Pass

(Signed)

Senators:

BECKETT of Washington
YOUNG of Hancock
RENY of York

Representatives:

PRINCE of Harpswell
MADDOX of Vinalhaven
LOWERY of Brunswick
BUNKER of Gouldsboro
WATTS of Machias
HENNESSEY

of West Bath

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

(Signed)

Representative:

MILIANO of Eastport

Comes from the House, Majority Ought to Pass report Read and

Accepted and the Bill Passed to be Engrossed As Amended by House Amendment "A" (H-191).

On motion by Mr. Young of Hancock, the Senate voted to accept the Majority Ought to Pass Committee Report in concurrence. The Bill was given its first reading.

House Amendment "A", Filing No. H-191, was read and adopted in concurrence, and the Bill tomorrow assigned for second reading.

Senate

Leave to Withdraw

Mr Mills and Mr. Couturier for the Committee on Towns and Counties on Bill "An Act Appropriating County Funds for the Cooperative Extension Service for Franklin County. (S. P. 385) (L. D. 997)

Reported that the same should be granted Leave to withdraw.

Which report was Read and Accepted. Sent down for concurrence.

Ought Not to Pass

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Coordinator of Collections in Office of Treasurer of State. (S. P. 493) (L. D. 1213)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted. Sent down for concurrence.

Ought to Pass - As Amended

Mr. Couturier for the Committee on Election Laws on Bill "An Act Authorizing Use of Electronic Voting Systems in Elections and Granting Rule-making Authority. (S. P. 425) (L. D. 1079)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-104)

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" Filing S-104 was read by the Secretary as follows:

COMMITTEE AMENDMENT "A" to S. P. 425, L. D. 1079, Bill, "An Act Authorizing Use of Electronic Voting Systems in Elections and Granting Rule-making Authority."

Amend said Bill by striking out all of the first underlined paragraph of that part designated "\$1066." and inserting in place thereof the following:

'The clerk has custody of voting devices used by the municipality.'

Further amend said Bill by striking out all of the first sentence of subsection 1 of that part designated "\$1069." and inserting in place thereof the following sentence:

'Ballots furnished for elections shall have the titles of offices and the names of candidates arranged in vertical columns.'

Further amend said Bill by inserting after the underlined word and comma "list," in the 2nd line (same in L. D. 1079) of that part designated "1074." the following: **'which shall be checked against the incoming voting list.'**

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

Ought to Pass in New Draft

Mr. Snow for the Committee on Education on Bill "An Act to Share Costs in School Administrative Districts on a Basis Other than State Valuation. (S. P. 223) (L. D. 549)

Reported that the same Ought to Pass in New Draft under same title: (S. P. 621) (L. D. 1617)

Which report was Read and Accepted and the Bill, in New Draft Read Once and tomorrow assigned for Second Reading.

Second Readers

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

House

Bill "An Act Increasing Tax on Milk Producers for Promotional Purposes." (H. P. 775) (L. D. 1137)

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) (L. D. 112)

Bill "An Act Reactivating the Governor's Committee on Children and Youth." (H. P. 261) (L. D. 382)

Bill "An Act Providing Funds for a Redevelopment Plan of the Portland and South Portland Waterfront." (H. P. 657) (L. D. 912)

Bill "An Act Clarifying Compensation for Disfigurement Under the Workmen's Compensation Act." (H. P. 608) (L. D. 352)

Bill "An Act to Increase Borrowing Capacity of the Fort Fairfield Utilities District." (H. P. 806) (L. D. 1182)

Bill "An Act Repealing Trade-in Credit for Motor Vehicles Under Sales Tax Law." (H. P. 121) (L. D. 147)

Bill "An Act Relating to Taxation of Buildings on Leased Land in Unorganized Territory." (H. P. 1129) (L. D. 1602)

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

House — As Amended

Bill "An Act Relating to the Practice of Hairdressing and Beauty Culture." (H. P. 348) (L. D. 496)

Resolve to Authorize a Professional Review and Analysis of Maine's World Trade Potential." (H. P. 495) (L. D. 708)

Bill "An Act to Permit the Use of Candles in Religious or Fraternal Services." (H. P. 525) (L. D. 756)

Bill "An Act Appropriating Funds for Classroom Building at Erskine Academy." (H. P. 930) (L. D. 1346)

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

Bill "An Act Relating to Mental Illness as a Ground for Divorce." (H. P. 319) (L. D. 453)

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

Sent down for concurrence.

Senate

Bill "An Act Relating to Attending Secondary School Outside of Residence." (S. P. 403) (L. D. 1034)

Bill "An Act Relating to Adult Education." (S. P. 394) (L. D. 1027)

Bill "An Act Relating to Driver Education." (S. P. 402) (L. D. 1033)

Bill "An Act Relating to List of Prospective Jurors and Selection of Jurors." (S. P. 620) (L. D. 1612)

Bill "An Act to Regulate the Practice of Psychologists." (S. P. 619) (L. D. 1611)

Bill "An Act to Clarify the Status of Passenger Tramway Devices." (S. P. 554) (L. D. 1486)

Which were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

Senate — As Amended

Bill "An Act Revising the Laws Relating to Dentists and Dental Hygienists." (S. P. 551) (L. D. 1448)

Which was Read a Second Time and Passed to be Engrossed As Amended.

Sent down for concurrence.

Enactors

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

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

An Act Relating to State Contribution to Pollution Abatement. (S. P. 227) (L. D. 552)

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

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Authorizing One to Two-Year Sentences to Certain County Jails. (S. P. 265) (L. D. 646)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act to make Allocations from Bond Issue for Construction And Equipment of Pollution Abatement Facilities. (H. P. 622) (L. D. 878)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Incorporation of Maine Retail Gasoline Dealers Association. (H. P. 678) (L. D. 950)

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

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

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

An Act Relating to Unity Institute and John F. Kennedy Institute. (H. P. 934) (L. D. 1350)

(On motion by Mr. Snow of Cumberland, tabled and specially assigned for Friday, May 5th, pending Enactment.)

An Act Relating to Number of Officers of Associated Hospital Service of Maine." (S. P. 549) (L. D. 1395)

An Act Appropriating Moneys for Research Study of Pesticides. (S. P. 582) (L. D. 1546)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Housing and Meal Expenses for Legislators. (S. P. 586) (L. D. 1551)

(On motion of Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

An Act Relating to Protective Headgear by Persons Riding Motorcycles. (H. P. 1092) (L. D. 1560)

An Act to Revise Utility Location Permits in Public Highways. (S. P. 594) (L. D. 1572)

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

Resolve Authorizing the Sale of State Land Located at Thomaston. (S. P. 357) (L. D. 941)

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

Which were Finally Passed, and having been Signed by the President were by the Secretary presented to the Governor for his approval.

Resolve Appropriating Moneys for Improvements at Pleasant Point and Indian Township Reservations and the Penobscot

Indian Reservation. (H. P. 780) (L. D. 1142)

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Resolve to Provide Funds for the Purchase of Copies of the "History of the Town of Lisbon." (H. P. 825) (L. D. 1233)

(On motion by My. Berry of Cumberland, placed on the Special Appropriations Table.)

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

(On motion by Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Emergency

Resolve Authorizing the Disposal of Northern Maine Sanatorium. (S. P. 239) (L. D. 564)

This, being an emergency measure, and having received the affirmative vote of 30 members of the Senate, was Finally Passed, and having been signed by the President, was, by the Secretary presented to the Governor for his approval.

Emergency

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)

(On motion of Mr. Berry of Cumberland, placed on the Special Appropriations Table.)

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, (H. P. 953) (L. D. 1384) House Report - Ought to Pass from the Committee on Taxation on Bill, "An Act to Relieve Elderly Persons from Increases in the Property Tax." Tabled April 25 by Senator Ferguson of Oxford, Pending Acceptance of Report.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President, I move that we now accept the Ought to Pass Report of the Committee.

The PRESIDENT: The Senator from Oxford, Senator Ferguson,

moves that the Senate now accept the Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Bill was given its first reading.

House Amendment "A" was read and adopted.

The PRESIDENT: The Chair now recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON: Mr. President, I now submit Senate Amendment "A" and move for its adoption, and I would like to speak briefly on the Amendment.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, offers Senate Amendment "A" and moves its adoption.

Senate Amendment "A" was read by the Secretary as follows:

SENATE AMENDMENT "A" to H. P. 953, L. D. 1384, Bill "An Act to Relieve Elderly Persons from Increases in the Property Tax."

Amend said Bill by inserting at the beginning of the first line (same in L. D. 1384) the underlined abbreviation and figure 'Sec. 1.'

Further amend said Bill in that part designated "\$ 658." by inserting after the underline subsection 8, the following underlined subsection:

'9. Claims by municipality. Any municipality granting exemptions under this section shall have a valid claim against the State to recover the taxes lost by reason of such exemptions, upon proof of the facts in form satisfactory to the Commissioner of Finance and Administration.'

Further amend said Bill by adding at the end thereof the following section:

'Sec. 2. Appropriation. There is appropriated from the General Fund the sum of \$500,000 for the fiscal year ending June 30, 1969 to carry out the purpose of this Act.'

The PRESIDENT: The Chair now recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON: Mr. President and Members of the Senate:

L. D. 1384 would freeze the property taxes of persons over 65 with incomes of less than \$4,000 per year. It is my feeling that if this

Legislature is to enact tax exemption legislation of this type, it should be financially responsible for the property tax revenue loss to be incurred by the cities and towns of this state. I think that the issue of exempting persons over 65 is certainly quite debatable. However, I feel very strongly that this Legislature should make provisions to pay for the revenue losses of communities. Senate Amendment "A" will permit municipalities to recover taxes lost by such exemptions and it appropriates \$500,000 for such purposes in the second year of the biennium.

There are 115,000 persons in Maine who exceed the age of 65 and there are no statistics available to demonstrate what percentage of those persons own property. The \$500,000 figure may, in fact, be a conservative estimate of the taxes to be lost by the cities and towns.

This is a legislative session when we should be vitally concerned about where our municipalities are to find new revenues, not one where we are depleting the amount of revenues which can be derived from the property tax. As you know there is a great drain on property taxes.

I now urge the members of the Senate to vote favorably on Senate Amendment A.

The PRESIDENT: The pending question is on the adoption of Senate Amendment "A".

The Chair recognizes the Senator from Hancock, Senator Young.

Mr. YOUNG of Hancock: Mr. President and Members of the Senate: I think that the good Senator from Oxford has kind of over-estimated the cost of this relief to elderly persons from increases in property taxes.

This Bill, as the Bill was presented to the Committee, all it would do would be to exempt those in a certain category from any increase in their present taxes. The present taxes for the year 1966 would be used, and they have got to pay now on that amount anyway. And all they would be exempt from is just the difference between what their

taxes might go up in the next year or the year after.

I think that the amendment is designed to kill the bill, and I hope that we vote against the amendment.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: This came from your Taxation Committee unanimously Ought to Pass, and I agree with the statement made by the Senator from Hancock, Senator Young.

We felt that the bill had adequate protection. It is merely throwing a bone, so to speak, to the older people who still have to pay the same taxes. They have to live in the State for ten years, they have to own property for three years, and, if this bill is passed, it would have to be a single-family dwelling. And they will have to swear under oath, and be subject to perjury if they make a misstatement on their income, which must be \$4,000 or less. Now, it would seem that this would adequately protect the bill and the requests for exemptions provided under the bill.

Now, I also agree with Senator Young in his statement on the amount of money involved. \$500,000 in taxes on a 6 per cent rate, which may or may not be average for the State, would require something like eight million dollars in valuation. And it doesn't seem to me that these people are going to be increased eight million dollars in their valuation in one year. If they are, then certainly I think they should have some relief.

They are still going to be paying the same taxes they are paying now only as long as they live until the property can be revalued by the assessors and brought up to a proper value. I certainly hope this amendment will not pass.

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

Mr. LUND of Kennebec: Mr. President and Members of the Senate: I arise in support of the amendment offered by the Senator from Oxford, Senator Ferguson. This Legislature, as other Legisla-

tures, I think, has a tendency to try to solve problems of some people if it can, and this is entirely logical. I think it is a worthwhile thing to attempt to relieve the tax burden on some of our citizens, and there will be other measures that will be coming before the Legislature this session that will be calculated to achieve this goal.

I would like to point out that if this bill is enacted without the amendment provided by Senator Ferguson that we will be relieving the tax upon the elderly by increasing the tax upon the remaining people who do not happen to fall in the category of over 65. This, of course, raises the question: "How about the burden on 64?" "How about the burden on 63?" And, "How about the other people who may have far less income coming in?" So, I would suggest that, while the purpose is laudable for this bill, unless the State is prepared to pay the cost of this, that we ought not to enact it and I, therefore, would be in favor of the adoption of the amendment.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: It certainly is not my intent to try to kill this bill, but I feel very strongly that we should make some provisions in this piece of legislation to protect the municipalities and the taxpayers. As the Senator from Kennebec, Senator Lund, has explained, there are many people possibly not of the age of 65 who have far less income than the people who are 65 or over. I hope you will go along with my amendment.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: Reluctantly I will go along with the Taxation Committee with reference to this bill. The Chairman of the Taxation Committee really knows where I stand, and I am going to vote with him just the same on the issues.

It does seem to me that we have had a great deal of bills

come before Taxation which I think should not be there for the simple reason that we are passing bills out taking taxes that belong to the small communities in the State of Maine. I questioned this of those who were there, and from their testimony, the question was raised whether the assessors of a community have the broad powers under the general law for exemptions. I rested my case partially upon that as did the rest of the members of the Committee. I didn't feel that I wanted to be the only one and I think the Chairman at the time had a very good argument, and I went along with him and, reluctantly, I am going to support him this morning.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Young.

Mr. YOUNG of Hancock: Mr. President, when the vote is taken I request it be taken by a division.

The PRESIDENT: The Senator from Hancock, Senator Young, has asked that the vote be taken by a division.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I am speaking on this only as a member of the Senate from Aroostook County.

I know in my own County the municipalities have many problems in raising the necessary amount of money to do the certain things they are required to do under the statutes. I know that their tax base now is as broad as they would like to have it.

Now, if this Legislature deems, in its wisdom, that certain exemptions should be granted as far as our residents are concerned, I believe that is all well and good, but I think we ought to be willing to pay the tab that goes with it. Now, I don't know, and I don't think anybody here knows, what the cost to these municipalities is going to be on this particular bill. An estimate has been made by Senator Ferguson, as far as he is concerned, that half a million dollars is the price tag. I think we ought to be fair and not deprive the communities of the tax base

that they now have. So, I support the Senator from Oxford, Senator Ferguson, and his amendment, and I hope the Senate will also.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Maybe I am soft-hearted, but there were quite a group of elderly people came in there, and they worked and slaved to keep their homes. They have nothing else they can do, most of them at that age, but wait around to die. They want this little bit of relief, and I think they do have a problem, as well as the municipalities, and I think it is the responsibility of the municipalities to help them, and I hope the amendment is not adopted.

The PRESIDENT: Is the Senate ready for the question? As many as are in favor of the Senator from Oxford, Senator Ferguson, that we adopt Senate Amendment "A" will stand and remain standing in their places until counted. Those opposed?

A division was had. 24 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion prevailed and Senate Amendment "A" was adopted in non-concurrence, and the Bill, as amended by House Amendment "A", tomorrow assigned for second reading.

The President laid before the Senate the second tabled and today assigned matter, (H. P. 698) (L. D. 979) House Report — Ought to Pass from the Committee on State Government on Bill, "An Act Revising Names of Bureaus in Department of Agriculture." Tabled April 26 by Senator Barnes of Aroostook, Pending Acceptance of Report.

On motion by Mr. Barnes of Aroostook, the Senate voted to accept the Ought to Pass Committee Report. The Bill was given its first reading and tomorrow assigned for second reading.

The President laid before the Senate the third tabled and today assigned matter, (H. P. 551) (L. D. 783) House Report — Ought

to Pass in New Draft under same Title (H. P. 1127) (L. D. 1600) from the Committee on State Government on Bill, "An Act Relating to Approval of Plans and Competitive Bids Under Bureau of Public Improvements Law." Tabled April 28 by Senator Berry of Cumberland, Pending Acceptance of Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for Wednesday, May 10, Pending Acceptance of the Ought to Pass in New Draft Report.

The President laid before the Senate the fourth tabled and today assigned matter, (S. P. 614) (L. D. 1604) Bill, "An Act to Permit Savings and Loan Associations and Savings Banks to Act as Trustees Under Self-employed Individuals Tax Retirement Act of 1962." Tabled May 2 by Senator Berry of Cumberland, Pending Passage to be Engrossed.

Thereupon the Bill was Passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Hildreth of Cumberland, the Senate voted to take from the table the 33rd tabled and unassigned matter, (H. P. 514) (L. D. 727) Resolve, Permitting R. Dean Seguin of South Paris to Take the Examination for Admission to Practice Law. Tabled April 25 by Senator Hildreth of Cumberland, Pending Motion by Senator Mills of Franklin to pass the Resolve to be Engrossed.

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

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: As I mentioned a few weeks ago, when this was tabled earlier, this Resolve received a unanimous Ought to Pass Report from the Committee. The person in question, R. Dean Seguin, is a truly remarkable person. He is not an uneducated man by any means; he is quite an articulate man. He has had a great deal of education and he has a very strong musical background, and he has completed a correspondence course in law.

The Committee, frankly, was very much impressed by him, and impressed by the staggering amount of work which this man has done to complete this course under physical and economic handicaps. We were also impressed I think, by the fact that he enjoys a very good standing in the community. He is well respected and well liked. I think because of these things we decided that we would overlook the fact that the general law setting up standards for the practice of law in the State of Maine has certain requirements such as a degree from college and a degree from a recognized law school, a law school recognized by the Board of Bar Examiners. The Board of Bar Examiners, in fact, does not recognize any correspondence courses.

After we had made this decision it came to our attention that there are constitutional problems - there is a constitutional problem with the bill. Frankly, I don't think any of us thought of this at the time of the hearing. I don't know whether our decision would have been different or not. For my part, I know I did not think of it, and none of the opponents - the principal opponent to the bill was from the Board of Bar Examiners - and it was not mentioned at the hearing. On the other hand, Mr. Seguin frankly admitted at the hearing that he did not qualify for the general standards that have been set up by the Legislature.

The problem involved here is simply that this is a piece of special legislation in that we are doing something for the individual that other people generally don't have to comply with.

The Supreme Court of the State of Maine has held in a case of long standing that the people have not conferred upon the Legislature the power to exempt any particular person or corporation from the operation of the general laws, statutory or common. On principle it can never be within the bounds of legitimate legislation to enact a special law or pass a resolve dispensing with the general law in a particular case in granting a privilege and an indulgence to one man by way of an exemption

from the general law, leaving all other persons under its operation. I am afraid that this is exactly what we would be doing if we passed this resolve.

Because of my feeling about the individual, and my respect for what he has been able to accomplish, I take no pleasure whatever, but I feel I must move that the Resolve be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Hildreth, moves that the Resolve be indefinitely postponed.

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: Of course it is an unusual situation for the Judiciary Committee to have a division such as this going on in either chamber after a unanimous report, an Ought to Pass Report, has come before you. I don't think that unusual circumstances have arisen of sufficient caliber to warrant this.

Now, this resolve was introduced into the Legislature in the usual course, and it was advertised for hearing. There was a public hearing and there was only one, I believe, who appeared in opposition to it, and it happened to be the former partner of the last speaker, and who happens to be the Chairman of the Bar Examiners of the State. I think he took it for granted that his appearance there was going to swing the thing, and he was very much surprised the next day when he found that the unanimous decision of the Judiciary Committee was against him. He raised no question whatsoever about the constitutionality of this Act. There wasn't the slightest suggestion that it was unconstitutional for this Legislature to say that this gentleman of great merit, which has been adequately described by the good Senator from Cumberland, that this gentleman of great merit should be allowed to take the bar examination.

Now, this legislation, ladies and gentlemen, doesn't make this young man from South Paris a

member of the Bar of the State. It doesn't confer upon him a degree or an associate degree, or anything of the kind. It just puts him in competition with others who must pass a very rigid examination before they can be admitted to the Bar.

He has qualifications, ladies and gentlemen, that would put a great many members of our Bar to shame. He is a gentleman and he is a scholar. He showed that to our Committee and we were very much impressed with that fact. We think — I am sure the unanimous feeling of the Committee was at the time — that a sufficient case has been made out for him to be in competition with others to take the Bar exam. And I may say that the constitutional question was raised afterwards, after it was found that the unanimous feeling of the Judiciary Committee was that he should be allowed to take the examination, and one of the members of the other branch has put into progress steps that might remove such questions which might be raised, so that we would be doubly sure that this gentleman, when the time comes, might be allowed to take the examination.

As he said to us, after we made this unanimous report, that it didn't make much difference, that the bar examiners themselves still might not give him a chance to take the examination because they figured it out that they didn't have to, even though this Legislature might say so. And the Court might not even let him be admitted, even if this Legislature said he could take the examination.

Well, I think it is time that we had a separation of powers in this State that means something. And I think that when ten lawyers who have had some experience in this world and affairs determine that a man who made a wonderful appearance before us, who is supported by the Oxford Bar and those who know him best, I think the power of this Legislature is such that we can assert ourselves by saying that he should be allowed to take the examination.

I hope that the motion — I believe there is a motion pending here to indefinitely postpone — I hope the motion will not prevail, and that this will secure passage and, if corrective action needs to be taken, it may be taken in the other branch.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I wish to speak briefly on this as a member of the Judiciary Committee. I support the position of the Senator from Franklin, Senator Mills, on this. If there were a serious constitutional question on this I feel that this is a matter which would have come to the Committee's attention in the first place. And I have been around here long enough so I know that when you debate a bill, and you run out of arguments against it, you can always say that as the bill has been drafted it is unconstitutional.

Now, as far as the special privileges which the Legislature gives to particular people, we all vote for those special privileges. We voted, I think, this morning on a claim for a particular person, on a bill allowing him to claim. We also allow particular persons to sue the State of Maine.

I know we lawyers are referred to sometimes as a heartless group, but we felt that this particular individual, because of the tremendous sacrifice, and the tremendous pain that he had gone through, had taken upon himself the education that he has acquired, that he should have the chance to take the exam. This is all he asks, that he have a chance to take the exam. If he flunks it he won't be a lawyer. If he passes it, we feel that he should be a lawyer. So, I hope that you will not support the motion of the Senator from Cumberland, Senator Hildreth. And when the vote is taken, Mr. President, I ask that it be taken by a division.

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

Mr. STERN of Penobscot: Mr. President and Members of the Senate: Although I am not on the Judiciary Committee in particular, I am a part of it. I happened to be in on that particular hearing and I heard people speak in behalf of this young man. I was impressed and I spoke in his behalf. It has been my experience, and many of the attorneys know, that perhaps some of the outstanding judges and some of the outstanding lawyers have been people who have not had the law training in law schools, but have been a pronounced success.

In the last ten minutes I have been looking through my files, and I think that the opposition perhaps has taken from me a letter which he wrote, and that I thought was a masterpiece. I hope that I can find it, but it doesn't appear to be here now.

I think that this man has a wonderful opportunity to pass his bar. All he is asking is the opportunity. If there is a constitutional question that came up, or he can't pass the examination, then I am sure that we have done nothing to prevent him his chance. I feel that he should be given that chance and I would say — people say we are passing special legislation — at the last session and at this session we have been trying to enact legislation to permit individuals to sue the State of Maine so they should not be exempt. But, in effect, I think you will find that we have passed legislation this session, and for many sessions, giving people the right and the opportunity to sue the State of Maine. All this meant was that they had the right to sue, but if they could not show that they had a valid case under the law they would not be allowed to recover. Now, we are doing this all the time, and this is doing nothing more than this very same thing. I feel the Committee was correct when they passed this out unanimously Ought to Pass, and I strongly support their stand, and I hope that this young man will be given his chance to prove whether or not he can pass the bar exam.

The PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Sproul.

Mrs. SPROUL of Lincoln: Mr. President, I would like to ask a question through the Chair. I have been trying to understand both sides of this argument. Won't this open the door? I can think of two cases in Lincoln County — one is the present clerk of courts who has studied law for some time in the courthouse, and there is another one who had considerable legal experience while in the Army, and he is taking a correspondence course. I see the position of the Senator from Franklin, but I just wanted to ask this question: Won't it open the door to others?

The PRESIDENT: The Senator from Lincoln, Senator Sproul, poses a question to the Senate, and anyone can answer if he wishes.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, in answer to the Senator's question, I am afraid that inescapably it will open the door. The judgment we would be making is purely a subjective judgment colored by an emotional recollection of what we saw at the Committee hearing and our impressions of this particular individual.

If we are going to legislate certain standards for professions like the law or medicine or other professions, it seems to me we should have the courage to make these standards apply equally rather than allowing a particular person who might be more attractive or more articulate or better recommended in his community to overturn these standards that the Legislature in its wisdom has set up.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: If I might add something to the answer to the question which the Senator from Cumberland,

Senator Hildreth, has stated, I suppose that this would open the door. But this is an unusual circumstance, and there would have to be a very unusual circumstance to have another exception. I feel this way: if ever again a fellow should come to this Legislature with the disabilities which this fellow had, and with the courage and the strength he has had to try to overcome those disabilities and to make something of himself, and be a person that he could be proud of and that other citizens could be proud of, that we should make an exception. So, to the extent that we would be opening that door, I think it would be wise if we did open it that little bit.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: It having been all attorneys who spoke on this resolve this morning, I don't feel very qualified, but I do want to give my opinion, Richard Dean Seguin is a resident of Oxford County. I have known this young gentleman for a number of years, and he enjoys the very, very highest reputation in the County, and I don't believe we would be doing anything unusual. We have many attorneys who have studied law through the correspondence courses and, in fact, we have other able lawyers in Oxford County now.

I might say that at a meeting of the Oxford County Bar Association last Fall the vote was eight to one that they would not oppose this piece of legislation. I notice by the statute in setting up the standards, Title 4, Chapter 804 of the Revised Statutes of 1963, that very high standards were enacted. So, I hope that the Senate will oppose the motion of the Senator from Cumberland, Senator Hildreth.

The PRESIDENT: Is the Senate ready for the question?

As many as are in favor of the motion to indefinitely postpone the Resolve stand in their places and remain standing until counted.

Those opposed to the motion will stand and remain standing until counted.

A division was had. 24 Senators having voted in the affirmative, and 9 Senators having voted in the negative, the motion to in-

definitely postpone the Resolve prevailed.

Sent down for concurrence.

On motion by Mr. Ross of Piscataquis, Adjourned until ten o'clock tomorrow morning.