

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Third
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, June 16, 1967

Senate called to order by the President.

Prayer by Rev. John Godfrey of Jefferson.

Reading of the Journal of yesterday.

Order

Out of order and under suspension of the rules, on motion by Mr. Ross of Piscataquis

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, June 19th, at 1 o'clock in the afternoon. (S. P. 693)

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

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

Bill "An Act Relating to Salaries of Director of Legislative Research and Legislative Finance Officer." (S. P. 509) (L. D. 1223)

In Senate, June 9, Passed to be Engrossed.

Comes from the House, Indefinitely Postponed in non-concurrence.

On motion by Mr. Wyman of Washington, the Senate voted to Recede and Concur with the House.

Bill "An Act Relating to Hours of County Offices of Androscoggin County." (H. P. 1045) (L. D. 1517)

In Senate, June 9, Passed to be Engrossed As Amended by Committee Amendment "A" (H-396)

Comes from the House, Passed to be Engrossed As Amended by Committee Amendment "A" and by House Amendment "B" (H-433) in Non-concurrence.

(On motion by Mr. Couturier of Androscoggin, tabled and specially assigned for Monday, June 19, pending further consideration.)

Bill "An Act Clarifying the Offense of Procuring Liquor for Certain Persons." (H. P. 1191) (L. D. 1691)

In Senate, June 7, Passed to be Engrossed in concurrence.

Comes from the House, Indefinitely Postponed in non-concurrence.

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for Monday, June 16, pending further consideration.)

**House Papers
Joint Orders**

ORDERED, the Senate concurring, that Bill, "An Act Granting Complimentary Fishing Licenses for Certain Maine Residents in Armed Forces" (H. P. 1120) (L. D. 1592) be recalled from the legislative files. (H. P. 1213)

Comes from the House Read and Passed.

The PRESIDENT: Is it the pleasure of the Senate that this Joint Order be Passed in concurrence?

The Chair recognizes the Senator from Kennebec, Senator Lund.

Mr. LUND of Kennebec: Mr. President, I request a division.

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

Mr. SNOW of Cumberland: Mr. President, I believe that the members of the Senate have all received a communication from Representative Carrier expressing his wishes in this matter. Representative Carrier is a freshman legislator this year and did not realize the meaning of the motion to Adhere. He merely seeks a Committee of Conference, ultimately. I hope the Senate will Pass this Order.

The PRESIDENT: The pending question is on the Passage of the Joint Order in concurrence with the House. The Senator from Kennebec, Senator Lund, has requested that the vote be by division.

Thereupon, on motion by Mr. Hoffses of Knox, tabled and specially assigned for Monday, June 19, pending further consideration.

Order

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

Mr. FERGUSON of Oxford: Mr. President, out of order I present an Order and move its passage.

The PRESIDENT: The Senator from Oxford, Senator Ferguson, presents an Order out of order and moves its passage.

The Secretary will read the Order.

ORDERED The House concurring, that Bill, "An Act to Clarify Errors and Inconsistencies in the Fish and Game Laws" be recalled from the Governor to the Senate.

Which was Read and Passed.

Sent down for concurrence.

ORDERED, the Senate concurring, that Bill "An Act to Authorize a Bond Issue in Amount of Seven Hundred and Fifty Thousand Dollars for Construction of a Dormitory at Maine Maritime Academy" (H. P. 343) (L. D. 491) be recalled from the Legislative Files to the House. (H. P. 1214)

Come from the House, Read and Passed.

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

Mr. KATZ of Kennebec: Mr. President, I wonder if someone could explain the purpose of this Order.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: This was not of my action, but I would say that the Appropriations Committee has considered this item in their Construction Budget, and in a subsequent item on today's calendar, there is a provision for this. I believe the Committee is all in favor of this dormitory. I, however, would believe that it would be just as well to recall this from the legislative files in case we have need for the items, so it won't hold up legislative progress. I would move passage of the Order.

Thereupon, the Senate voted to Pass the Order in concurrence.

On motion by Mrs. Sproul, and under suspension of the rules, the gentlemen of the Senate were granted permission to remove their coats.

Senate Paper

Mr. Albair of Aroostook presented the following Joint Resolution and moved its Adoption:

WHEREAS, the national defense of America requires the eternal vigilance of every citizen including those of the 27th Fighter Interceptor Squadron at Loring Air Force Base who maintain a constant alert; and

WHEREAS, the State of Maine is proud to share a small part of the 27th Squadron's famous heritage as the oldest continually activated Squadron of the United States Air Force; and

WHEREAS, Friday, June 23rd, will mark the 50th anniversary of the Squadron's founding upon the dusty plains of Texas; and

WHEREAS, it is fitting and proper that we honor the memory of those patriotic Americans of the 27th who have served through the illustrious years to the present; now, therefore, be it

RESOLVED: that the Members of the Senate and House of Representatives of the 103rd Legislature of the State of Maine commend the men of the 27th Fighter Interceptor Squadron of the Air Defense Command for their outstanding record of service throughout the past 50 years and offer their sincere wishes for good luck and God-speed in the years to come; and be it further

Resolved: that a copy of this resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to Lieutenant Colonel Bernard H. Barton, Commander of the 27th Fighter Interceptor Squadron and Colonel Raymond Gehrig, 36th Air Division Commander and Brigadier General Robert J. Dixon, 45th Air Division Commander in honor of the occasion. (S. P. 677)

Which was Read and Adopted.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland

ORDERED, the House concurring, that notwithstanding the Joint Order previously passed by the 103rd Legislature directing the Committees to file final reports by June 16th (S. P. 683), said order shall not apply to the Joint Committee on Appropriations and Financial Affairs. (S. P. 689)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports

House

Conference Committee Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Relating to Taxation of Television Sets." (H. P. 287) (L. D. 407)

Has had the same under consideration, and ask leave to report that the members are Unable to Agree.

(Signed)

PERCY K. HANSON
CLARENCE E. ROBINSON
MYRON E. WOOD

—of the House.

NORMAN K. FERGUSON
J. HOLLIS WYMAN
BENNETT KATZ

—of the Senate.

Comes from the House, Read and Accepted.

Which report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Judiciary on Bill "An Act Establishing the Maine Planning Commission on Criminal Law Administration." (H. P. 583) (L. D. 815)

Reported that the same Ought to Pass As Amended by Committee Amendment "B" (H-427)

(Signed)

Senators:

MILLS of Franklin
HARDING of Aroostook

Representatives:

HEWES of Cape Elizabeth
FOSTER
of Mechanic Falls
DAREY

of Livermore Falls
BERMAN of Houlton
QUINN of Bangor
BRENNAN of Portland
DANTON

of Old Orchard Beach

The Minority of the same Committee on the same subject

matter reported that the same Ought Not to Pass.

(Signed)

Senator:

HILDRETH

of Cumberland

Comes from the House, Majority — Ought to Pass As Amended report Read and Accepted and the Bill Passed to be Engrossed As Amended by Committee Amendment "B" (H-427)

(On motion by Mr. Lund of Kennebec, tabled and specially assigned for Monday, June 19, pending Acceptance of Either Report.)

Senate

Leave to Withdraw

Mr. Mills for the Committee on Judiciary on Bill "An Act Revising Revocation and Suspension Powers of Bank Commissioner, Restricting Conduct of Other Businesses by Small Loan Agencies and Relating to Reasonable Attorneys' Fees." (S. P. 382) (L. D. 1019)

Reported that the same should be granted Leave to Withdraw

Mr. Couturier for the Committee on Towns and Counties on Bill "An Act Relating to the Transmitting of County Estimates to Secretary of State." (S. P. 351) (L. D. 935)

Reported that the same should be granted Leave to Withdraw — as covered by other Legislation.

Which reports were Read and Accepted.

Sent down for concurrence.

Ought Not to Pass

Mrs. Sproul for the Committee on Towns and Counties on Bill "An Act Relating to Annual Estimates for County Taxes." (S. P. 458) (L. D. 1135)

Reported that the same Ought Not to Pass.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass As Amended

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred Thousand Dollars for Land and Classroom Building for University of

Maine in Augusta." (S. P. 526) (L. D. 1362)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-271)

Which report was Read and Accepted and the Bill Read Once.

Committee Amendment "A" Filing S-271 was read by the Secretary as follows:

COMMITTEE AMENDMENT
"A" to S. P. 526, L. D. 1362, Bill "An Act to Authorize Bond Issue in Amount of One Million One Hundred Thousand Dollars for Land and Classroom Building for University of Maine in Augusta."

Amend said Bill in section 1 by adding at the end a new sentence, as follows:

'Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor and Council.'

Committee Amendment "A" was Adopted, and the Bill, As Amended, Tomorrow Assigned for Second Reading.

Mr. Lund for the Committee on State Government on Recommended Bill "An Act Relating to Audits for Judiciary and Legislature." (S. P. 71) (L. D. 153)

Reported that the same Ought to Pass in New Draft, under New Title: "An Act Relating to Audits for Judiciary, Legislature, and Executive." (S. P. 690) (L. D. 1725)

Which report was Read and Accepted, and the Bill, in New Draft Read Once.

Under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Bond Issue in the Amount of Seventeen Million Eight Hundred Two Thousand Dollars for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 70) (L. D. 152) reported that the same Ought to Pass in New Draft "A" under New Title: "An Act to Authorize Bond Issue in the Amount

of \$15,755,000 for Capital Improvements, Construction, Renovations, Repairs, Equipment and Furnishings." (S. P. 691) (L. D. 1726)

(Signed)

Senator:

ALBAIR of Aroostook

Representatives:

HINDS of So. Portland

BRAGDON of Portland

BIRT of E. Millinocket

DUNN of Denmark

HUMPHREY of Augusta

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft "B" under New Title: "An Act to Authorize Bond Issue in the Amount of \$21,740,000 for Capital Improvements, Construction Renovations, Repairs, Equipment and Furnishings." (S. P. 692) (L. D. 1727)

(Signed)

Senators:

BERRY of Cumberland

DUQUETTE of York

Representatives:

JALBERT of Lewiston

SCRIBNER of Portland

'On motion by Mr. Johnson of Somerset, tabled and specially assigned for Monday, June 19, pending Acceptance of Either Report.)

Divided Report

The Majority of the Committee on Business Legislation on Bill "An Act Relating to Installment Sales and Retail Charge Agreements." (S. P. 528) (L. D. 1396)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

MacLEOD of Penobscot

KATZ of Kennebec

HARDING of Aroostook

Representatives:

GAUTHIER of Sanford

SCOTT of Wilton

FECTEAU of Biddeford

TRASK of Milo

SCOTT of Presque Isle

HARRIMAN of Hollis

The Minority of the same Committee on the same subject

matter reported that the same Ought to Pass.

(Signed)

Representatives:

SULLIVAN of Portland

In Senate: Voted to accept the Ought Not to Pass Report of the Committee.

Sent down for concurrence.

Final Reports

The following Committees submitted their Final Reports.

Committee on Business Legislation.

Committee on Towns and Counties.

Which reports were Read and Accepted.

Sent down for concurrence.

Second Readers

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

Senate—As Amended

Bill "An Act to Conform the Statutes with the Amendments to the Rules of Civil Procedure." (S. P. 428) (L. D. 1082)

Resolve Proposing a Constitutional Amendment Repealing the Offices of Judges and Registers of Probate as Constitutional Officers. (S. P. 238) (L. D. 563)

Which were 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:

An Act Creating County Commissioner Districts. (H. P. 457) (L. D. 631)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for Monday, June 19, pending Enactment.)

An Act Relating to Qualification of Witnesses. (H. P. 510) (L. D. 723)

An Act Relating to Mortgage Insurance Fund Under Maine Industrial Building Authority Act. (S. P. 471) (L. D. 1163)

An Act Relating to Certain Expenses in the District Court. (S. P. 474) (L. D. 1166)

An Act Relating to Salaries of Jury Commissioners and County Officers in the Several Counties of the State and Court Messenger of Cumberland County. (H. P. 1197) (L. D. 1700)

An Act Relating to Comprehensive Water Resource and Related Land Use Plan. (H. P. 1199) (L. D. 1706)

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

An Act Creating the Maine Higher Education Development Authority (S. P. 495) (L. D. 1257)

(On motion by Mr. Johnson of Somerset, tabled, unassigned, pending Enactment.)

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

Emergency

An Act to Extend the Life of the State Transportation Commission. (S. P. 672) (L. D. 1703)

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

(After Recess)

Called to order by the President.

The PRESIDENT: With reference to Senate Paper 500, Legislative Document 1215, "An Act to Preserve and Enhance Scenic Values in the State of Maine," both Houses having agreed on a Committee of Conference, the Chair wishes to name to the Conference Committee on the part of the Senate:

Senators:

BERRY of Cumberland
BECKETT of Washington
HILDRETH

of Cumberland

House Paper

Out of order, the Senate voted to take up an Additional Paper from the House:

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

An Act to Appropriate and Provided Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1968, and June 30, 1969. (S. P. 597) (L. D. 1575)

Comes from the House, having Failed of Enactment.

The PRESIDENT: The pending question is on the passage of the bill to be enacted. This bill having had its three several readings in the House, its two several readings in the Senate, having been passed to be engrossed, and having been reported by the Committee on Engrossed Bills as truly and strictly engrossed, having failed of enactment in the House, is it now the pleasure of the Senate that the Bill be Passed to be Enacted?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: This bill has been debated both in this branch and in the other branch, it has been debated in the corridors and in the press, and it is not my proposal to debate it further here. I think, however, that the issue should be stated as we see it. This is a question of whether or not Maine is going to face a back-to-back major tax increase. By that, I mean a major tax increase this year, and another one in 1969.

I would mention, and I would quote the Majority Leader from the other branch — when the vote on the Governor's tax proposal reached a total of 87 there, the Majority Leader mentioned that "the measure was dead." It is a major legislative defeat. The vote which this measure got in the other branch, with the proposals tied to it for increased subsidies, with the whole tax package tacked to it, the votes were less than that, only 85.

I would hope today we might be merciful and let this die here so that we could get on with a package that could be passed. So, when the vote is taken, Mr. President, I would ask that it be taken by

the yeas and the nays, and I would hope that the Senate would vote "Nay."

The PRESIDENT: The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the yeas and nays. In order for the Chair to entertain the yeas and nays vote there must be the expressed desire of at least one-fifth of the members present. Those in favor of the vote being taken by the yeas and nays will stand and remain standing until counted.

Obviously, a sufficient number having arisen, a roll call is ordered. Is it now the pleasure of the Senate that the bill be passed to be enacted? Those in favor of enactment will answer "Yes" when their names are called; those opposed to enactment will answer "No." The Secretary will call the roll.

ROLL CALL

YEAS: Senators: Albair, Anderson, Barnes, Beckett, Berry, Brewer, Curtis, Ferguson, Good, Greeley, Hildreth, Hoffses, Johnson, Katz, Lund, MacLeod, Mills, Ross, Sewall, Sproul, Viles, Wyman, Young, and President Campbell.

NAYS: Senators: Boisvert, Couturier, Duquette, Farley, Girard, Harding, Norris, Reny, and Snow.

ABSENT: Senator Stern.

A roll call was had. 24 Senators having voted in the affirmative, and nine Senators having voted in the negative, 24 being more than two-thirds of the entire elected membership of the Senate, the Bill was Passed to be Enacted in concurrence.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I move we reconsider our action whereby we passed this bill to be enacted.

Thereupon, on further motion by the same Senator, tabled and specially assigned for Monday, June 19, pending the motion for reconsideration.

ORDERS OF THE DAY

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, out of order, I would like to move for technical reasons for reconsideration of Item 7-1 on Page 5, Bill "An Act to Conform the Statutes with the Amendments to the Rules of Civil Procedure," (S. P. 428) (L. D. 1082). If I am successful in getting that reconsidered, I would then ask to have it tabled until Tuesday, June 20, in order to prepare a corrective amendment regarding the effective date of the bill. I would so move for reconsideration, Mr. President.

Thereupon, the Senate voted to reconsider its action whereby the Bill was Passed to be Engrossed and, on further motion by Mr. Mills of Franklin, tabled and specially assigned for Tuesday, June 20, pending Passage to be Engrossed.

The President laid before the Senate the first tabled and today assigned matter, (H. P. 559) (L. D. 791) Bill, "An Act Decreasing Annual Expenditure for Economic and Recreational Development in Oxford County."

Tabled — June 13, 1967 by Senator Norris of Oxford.

Pending—First Reading.

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

Mr. NORRIS of Oxford: Mr. President, I yield to the Senator from Oxford, Senator Ferguson.

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I feel that we accepted the wrong report of the Committee, that is, Senator Norris and myself, after discussing this matter with our constituents, so at this time I move that we reconsider our action whereby we accepted the Majority Report of the Committee, Report "A".

Thereupon, the Senate voted to reconsider its action whereby it accepted Report "A" Ought to Pass.

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

Mr. FERGUSON of Oxford: Mr. President, I now move that we accept the Minority Report of the Committee, Report "B" which in effect is L. D. 1708.

The PRESIDENT: The same Senator now moves that we accept the Minority Ought to Pass, in New Draft, Report of the Committee.

The Chair recognizes the Senator from Androscoggin, Senator Couturier.

Mr. COUTURIER of Androscoggin: Mr. President, Senator Sproul, and Members of the Senate: I rise only to say a few words about the Committee action on this bill. There were two reports from the Committee on Towns and Counties on this legislative document. One was to decrease the annual expenditure of the Department of Economic and Recreational Development for Oxford County from \$35,000 to \$20,000, and the second report was to do away with this department entirely by repealing the law which created it.

I signed the report to decrease the annual expenditures because there seems to be quite a bit of mixed feelings, so to speak, by members of the Oxford County delegation regarding the existence of this department, and I was under the impression that the majority felt that they would prefer to try this program for an extra two years to decide whether they would then want to keep it or not.

The PRESIDENT: The pending question is the motion of the Senator from Oxford, Senator Ferguson, that the Senate now accept the Minority Report, Ought to Pass in New Draft.

The Chair recognizes the Senator from Lincoln, Mrs. Sproul.

Mrs. SPROUL of Lincoln: Mr. President, I, like Senator Couturier, would just like to say that we have had both sides of this problem presented to the Towns and Counties Committee repeatedly, and I thought that possibly until everyone was sure, it might be better to go along with the \$20,000. It now appears that there isn't too much sentiment for keeping the

program another year and so, therefore, I would go along with the Minority Report.

The PRESIDENT: Is it now the pleasure of the Senate to Accept the Minority Report, Ought to Pass in New Draft?

Thereupon, the Senate voted to accept the Minority Report, Ought to Pass in New Draft, of the Committee, and the Bill, in New Draft, was Read Once, and tomorrow assigned for Second Reading.

The President laid before the Senate the second tabled and today assigned matter, (S. P. 263) (L. D. 644) Bill "An Act Adopting the Uniform Arbitration Act."

Tabled—June 14, 1967 by Senator Hildreth of Cumberland.

Pending—Enactment.

On motion by Mr. Hildreth of Cumberland, retabled and specially assigned for Monday, June 19, pending Enactment.

The President laid before the Senate the third tabled and today assigned matter, (S. P. 497) (L. D. 1256) Bill "An Act Relating to Public Higher Education."

Tabled—June 15, 1967 by Senator Katz of Kennebec.

Pending — Passage to be Engrossed.

Mr. MacLeod of Penobscot presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing S-274, was read by the Secretary as follows:

SENATE AMENDMENT "B" to S. P. 497, L. D. 1256, "An Act Relating to Public Higher Education."

Amend said Bill by inserting after section 18 a new section 18-A, to read as follows:

'Sec. 18-A. R. S., T. 20, §2253, amended. Section 2253 of Title 20 of the Revised Statutes is amended by inserting after the 2nd sentence, a new sentence to read as follows:

Gifts, bequests or devises established prior to the effective date of this Act by donors for the benefit of either the University of Maine, the individual state colleges, the individual state vocational institutions or the individual schools of practical nursing shall be utilized according to the terms of the gifts, bequests or devises for the individual beneficiaries, thereby preserving their separate identities for use of such gifts, bequests or devises; and any gifts, bequests or devises established after the effective date of this Act by donors for the benefit of any of the individual facilities of the University of the State of Maine shall be used in accordance with the terms specified in the gift, bequest or devise.

Senate Amendment "B" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Hildreth of Cumberland, the Senate voted to reconsider its action whereby it Passed to be Engrossed Bill, "An Act to Amend the Maine Recreational Authority Law" (S. P. 682) (L. D. 1715).

On further motion by the same Senator, tabled and specially assigned for Monday, June 19, pending Passage to be Engrossed.

The Adjournment Order having been received from the House, on motion by Mr. Ross of Piscataquis, Adjourned until Monday, June 19, at one o'clock in the afternoon.