

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

Wednesday, June 28, 1967

Senate called to order by the President.

Prayer by Rev. Vernon T. Holmes of Gardiner.

Reading of the Journal of yesterday.

House Papers Joint Orders

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study in depth the adequacy of the Physical plant and dormitory facilities at Stevens Training Center; and be it further

ORDERED, that a report of such study, together with any recommendations deemed necessary, be made at the next special or regular session of the Legislature. (H. P. 1235)

Comes from the House, Read and Passed.

(On motion by Mr. Johnson of Somerset, placed on the Special Legislative Research Table.)

ORDERED, the Senate concurring, that the Clerk of the House, in her capacity as Executive Officer of the Legislature when the Legislature is not in session, be and hereby is authorized with the approval of the Speaker of the House to employ whatever members of her staff may be necessary to complete the records of the House and conduct the business of the Clerk's office and payment for same to be approved by the Clerk and the Speaker. (H. P. 1234)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Committee Reports House

Report of Conference Committee

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Make Allocations from the General Highway Fund for the Fiscal Years Ending June 30, 1968 and June 30, 1969." (H. P. 1173) (L. D. 1672)

Ask leave to report that the Senate Recede and Concur with the House in Passing the Bill to be Engrossed As Amended by House Amendment "A".

(Signed)

STANLEY G. WALTZ
JOHN E. GILL
THEODORE TRUMAN

Committee on part of House.

NORMAN K. FERGUSON
HARVEY JOHNSON
PAUL RENEY

Committee on part of Senate.

Comes from the House, Read and Accepted.

Which was Read and Accepted in concurrence.

Thereupon, the Senate voted to Recede and Concur with the House in Passing the Bill to be Engrossed, As Amended by House Amendment "A".

Enactor

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

An Act Creating the University of the State of Maine. (S. P. 496) (L. D. 1258)

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for later in today's session.)

Orders of the Day

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table S. P. 328, L. D. 983, "An Act Appropriating Matching Funds Under Title 6 of the Federal Higher Education Act for Maine Maritime Academy."

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

Mr. BERRY of Cumberland: Mr. President, it is necessary for the procurement of matching funds that this item be passed at this time and, accordingly, I would move that this Act be passed to be enacted.

The PRESIDENT: The pending question is on the passage of this Bill to be enacted.

Thereupon, the Bill was passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the Special Highway Appropriations Table the following:

Resolve to Reimburse James Robinson of Palmyra for Property and Well Damage by Highway Construction (H. P. 94) (L. D. 122)

Resolve in Favor of Oxford County for Snow Removal in Unorganized Territory (H. P. 140) (L. D. 204)

Resolve to Reimburse L. D. Durgin of Limington for Well Damage Resulting from Highway Construction (H. P. 401) (L. D. 567)

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

Resolve to Reimburse Raymond Goodwin of Kittery for Well Damage Resulting from Highway Construction (H. P. 441) (L. D. 616)

Resolve to Reimburse Mrs. Hazel Carson of Milford for Well Damage (H. P. 475) (L. D. 688)

Resolve in Favor of George Herring of Knox, Waldo County (H. P. 705) (L. D. 1000)

Resolve to Reimburse Elmer Hannigan of Portland for Property Damage by Highway Construction (H. P. 734) (L. D. 1057)

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

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the Special Highway Appropriations Table An Act to Authorize the Reconstruction and Elimination of Hazardous Locations on Portions of State Route 6 (H. P. 404) (L. D. 570)

This, being a Bond Issue and having received the affirmative vote of 27 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.

On motion by Mr. Ferguson of Oxford, the Senate voted to take from the Special Highway Appropriations Table the following:

An Act Providing for a Cost Estimate Study of an East-West

Multi-purpose Highway Through Maine (H. P. 833) (L. D. 1241)

An Act Providing for Area Directional Signs for Route 6 and Maritime Provinces (H. P. 831) (L. D. 1239)

An Act Authorizing State Highway Commission to Study Desirability of Bridge Between Bath and Phippsburg (H. P. 791) (L. D. 1169)

An Act Relating to Reimbursement to Towns for Construction of and Snow Removal from Highways (S. P. 360) (L. D. 957)

An Act to Allow the Use of Certain Government Bonds in Place of Retention of Payments Due Contractor in State Contracts (H. P. 631) (L. D. 887)

An Act Eliminating Tolls from Bridge Across Jonesport Reach (S. P. 335) (L. D. 868)

An Act Relating to State Aid for Construction of Highways (H. P. 604) (L. D. 848)

An Act Relating to Appeals from Land Damage Board (S. P. 231) (L. D. 556)

An Act Removing Tolls from Augusta Memorial Bridge (H. P. 349) (L. D. 497)

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

On motion by Mr. Ross of Piscataquis,

Recessed until four o'clock this afternoon.

After Recess

Senate called to order by the President.

The President laid before the Senate Item 8-1, (S. P. 496) (L. D. 1258) An Act Creating the University of the State of Maine. Tabled earlier in today's session by the Senator from Somerset, Senator Johnson, pending enactment.

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

Out of Order

Under Suspension of the Rules the Senate voted to take up the following additional papers from the House:

Communication
State of Maine
House of Representatives
Office of the Clerk

June 28, 1967

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

Sir:

The Governor of the State having returned to the House:

“An Act Creating County Commissioner Districts.”

(H. P. 457) (L. D. 631)

With his objections to the same, the House proceeded to vote on the question,

“Shall the Bill become a law notwithstanding the objections of the Governor?”

A yea and nay vote was taken; 50 members voted in the affirmative and 78 in the negative, and accordingly the Bill failed to become a law and the veto was sustained.

Respectfully,
 BERTHA W. JOHNSON
 Clerk of the House

Which was read and Ordered Placed on File.

Committee Reports
House

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, “An Act to Authorize Bond Issue in the Amount of Four Hundred and Fifteen Thousand Dollars for Construction of a Multi-purpose Building at Fort Kent State College. (H. P. 1232) (L. D. 1739)

Reported that the same Ought to Pass.

(Signed)

Senators:

BERRY of Cumberland
 ALBAIR of Aroostook
 DUQUETTE of York

Representatives:

JALBERT of Lewiston
 BRAGDON of Perham
 HUMPHREY of Augusta
 SCRIBNER of Portland
 BIRT of E. Millinocket

The Minority of the same Committee on the same subject

matter reported that the same Ought Not to Pass.

(Signed)

Representatives:

DUNN of Denmark
 HINDS of S. Portland

Comes from the House, Majority-Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed.

In Senate: Majority Ought to Pass Report of the Committee Read and Accepted, and the Bill Read Once. Under suspension of the rules the Bill was Read a Second Time, and Passed to be Engrossed in concurrence.

Senate

Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, An Act Relating to Fixing Salaries of Certain State Officials. (S. P. 697) (L. D. 1733) Ask leave to report that the Senate recede and concur with the House in passing this bill to be engrossed.

(Signed)

J. HOLLIS WYMAN
 JON LUND
 EDWARD STERN

—on the part of the Senate
 WILLIAM E. DENNETT
 WILBUR W. PHILBROOK
 S. GLENN STARBIRD Jr.

—on the part of the House.

Which Conference Committee Report was Read and Accepted.

Thereupon, the Senate voted to Recede and Concur with the House and the Bill was Passed to be Engrossed in concurrence.

Enactors

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

An Act Relating to Economic and Recreational Development in Oxford County. (H. P. 559) (L. D. 791)

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

An Act Relating to Public Higher Education. (S. P. 497) (L. D. 1256)

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

An Act to Amend the Maine Recreation Authority Law. (S. P. 682) (L. D. 1715)

(On motion by Mr. Harding of Aroostook, set aside.)

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

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I rise in opposition to this particular measure. I believe that it is very unduly restrictive insofar as the Maine Recreation Authority is concerned.

I have not been able to detect any support from any of the members of the Board of the Maine Recreation Authority for this. What this law does is that it makes it impossible to make a Maine Recreation Authority Loan to anyone of less than \$100,000. There are some people who could very conceivably have some very worthy projects which would amount to less than that amount. This law, I think, would be well served to serve the little fellow as well as the big fellow.

Also it is quite restrictive — it has been amended now, but it requires a 25 percent equity before a person would be eligible for a loan under this law.

The purpose of the law, as I had understood it to be, why we passed it in the first place, is to encourage recreational development. If a person had the 25 percent equity he very well could go to the bank, and this would be unnecessary.

Also this restricts the amount of a loan. It is 20 percent of the amount set forth in the Constitution which, under the present situation, would be \$2,000,000. And if the bond issue which has been proposed goes through, it would be \$3,500,000. It might very well be that in the good judgment of the Board who, I think, are very capable, very capable of passing upon this matter, that there would be a project of in excess of that amount which

the people of Maine might very well wish to be developed.

I think that this is a very unfortunate bill, and I would move that it be indefinitely postponed.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that this bill be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President and Members of the Senate: I rise in opposition to the motion made by the Senator from Aroostook, Senator Harding. This bill has been debated once before here in the Senate. The reasons for the various clauses in the bill have been explained at some length.

The Senator suggests that there is no support on the Maine Recreation Authority Board. This is not true. Members of my Committee have spoken to several members of the Board about this bill and — I will agree there is a split of opinion — it is by no means opposed by the Authority itself.

He suggests that the minimum amount for each individual project is too high. Under the present law the minimum amount was \$50,000. We suggested, and have written into the bill, that this minimum be increased to \$100,000, because of our feeling that in this area of recreational loans there are so many projects coming along, there are so many of these different projects in a field which is growing very fast in the State of Maine, and in a field which is inherently far more risky than an industrial type of project which the M.I.B.A. finances, we felt that it would be wise to increase it to \$100,000, so that this Authority could concentrate on more substantial projects.

He seems to take issue with the requirement that an applicant for a loan financed by the M.R.A. be required to put up 25 percent equity. When the bill originally came out it required 34 percent equity on the part of the applicant. After conversations with members of the Authority, and with other experts in this field around the State of Maine, we agreed to put in an amendment in the House,

which was put in when the bill passed and was enacted in the House, reducing this amount to 25 percent. Now, he suggests that anybody who could raise 25 percent equity for a recreational project could go to a bank or some other source of funds and very easily get the financing and, therefore, obviate the necessity for the Maine Recreation Authority. This simply is not true. There are very, very few projects on which you could possibly find bank or other institutional financing when you only put up 25 percent equity. I think it is worthwhile and sensible for the State of Maine to require — if it is going to guaranty a loan to a recreational project, which by its very nature has got to be somewhat riskier than industrial projects — to require that the applicant put up at least 25 percent of his own money; to put his money where his mouth is.

The reason for the limitation of 20 per cent of the guaranteeable total amount is quite obvious. We have seen the spectacle of this Authority given \$10,000,000 to work with early in the game take 80 per cent of that amount and earmark it for a particular project which still has not been able to meet the very minimum requirements set forth by the Maine Recreation Authority. A result of this has been to hold up two, three or four other projects which are ready, willing and able to start; one of them being the Evergreen Project, which finally was so frustrated by the acts of the Maine Recreation Authority that they were forced to bring a writ of mandamus against the Authority, and just two days ago were granted an order to show cause why the Authority should not go ahead and loan the money to the Evergreen outfit.

For these reasons, and because of the fact that the Committee did approve a bill, a constitutional resolve, increasing the guaranteeable amount from \$10,000,000 to \$17,000,000, we thought it would be very sensible to put in some minimum requirements in a law which we thought was fairly poorly drafted.

The PRESIDENT: The pending

question is on the motion of the Senator from Aroostook, Senator Harding, that this item, 8-4, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I hope that it will be possible to work out a solution to this problem and, of course, this must be done quite promptly. We are feeling our way in a new field here, and I would echo the concern of Senator Hildreth that we grant increased lending authority to the extent of \$7,000,000 if we do not have some set of guidelines in addition to those that are in the present law. It is imperative that these loans be made on a business-like basis or the State is going to have to sell some of its bonds to pay off the guaranteed amount. I certainly would not quibble over the going back to the existing law from \$100,000 to \$50,000 if that would interest the Senator from Aroostook, Senator Harding. I would ask him what he would suggest, other than that, which would make this bill palatable to him.

I feel this is an extremely sensitive situation and I feel it is important. I, for one, would vote against the enactment of the increase in the guaranteed credit of \$7,000,000 if we are not able to work out some solution to this problem.

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

Mr. HARDING of Aroostook: Mr. President, I move that this item lie upon the table until the next legislative day.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that this item, 8-4, lay upon the table until the next legislative day.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I would request a division on the tabling motion.

The PRESIDENT: The Senator from Somerset, Senator Johnson, has requested a division on the motion to table. As many as are in favor of the motion to table

this bill will stand and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 19 Senators having voted in the negative, the tabling motion did not prevail.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session.

The President laid before the Senate the eighth tabled and unassigned matter (S. P. 543) (L. D. 1444) Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." Tabled June 27 by Senator Johnson of Somerset pending Passage to be Engrossed.

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

Mrs. SPROUL of Lincoln: Mr. President, I present an amendment and move its adoption.

Senate Amendment "B", Filing S-306, was read by the Secretary as follows:

SENATE AMENDMENT "B" to S. P. 543, L. D. 1444, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws."

Amend said Bill by inserting after section 23 the following new sections:

'Sec. 23-F. R. S., T. 30, § 2, amended. That part of the 16th paragraph of section 2 of Title 30 of the Revised Statutes, which relates to the salary of the county commissioners of Washington County, is amended to read as follows:

County commissioners, \$1,800; chairman, \$2,100;

Sec. 23-G. Effective date. Sections 23-E and 23-F shall be effective January 2, 1968.'

Senate Amendment "B" was Adopted, and the Bill, As Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

(Senate at Ease)

The President laid before the Senate Item 8-4 (S. P. 682) (L. D. 1715) An Act to Amend the Maine Recreation Authority Law, tabled earlier in today's session by the Senator from Cumberland,

Senator Berry, pending the motion of the Senator from Aroostook, Senator Harding, that the bill be indefinitely postponed.

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

Mr. HILDRETH of Cumberland: Mr. President, I move that this Item be Passed to be Enacted.

The PRESIDENT: The pending motion is the motion of the Senator from Aroostook, Senator Harding, that the bill be indefinitely postponed.

Mr. HILDRETH of Cumberland: Then, I hope that the motion is defeated.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President; I would move that the vote be taken by a division.

The PRESIDENT: The pending question is the motion of the Senator from Aroostook, Senator Harding, that this bill be indefinitely postponed.

As many as are in favor of indefinite postponement will stand and remain standing until counted. Those opposed will stand and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and 25 Senators having voted in the negative, the motion to indefinitely postpone did not prevail.

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table L. D. 112, An Act to Allocate Money for the Administrative Expenses for the State Liquor Commission for the Fiscal Years Ending June 30, 1968 and June 30, 1969.

On further motion by the same Senators and under suspension of the rules, the Senate voted to reconsider its action whereby this bill was passed to be engrossed.

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

Mr. BARNES of Aroostook; Mr. President, I offer Senate Amendment "B" under Filing Number 305 and move its adoption.

Senate Amendment "B", Filing S-305, was read by the Secretary as follows:

SENATE AMENDMENT "B" to H. P. 82, L. D. 112, 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."

Amend said Bill by adding after section 3, a new section, as follows:

'Sec. 4 R. S., T. 28, § 52, amended. Section 52 of Title 28 of the Revised Statutes is amended by add-

ing at the end, a new sentence, as follows:

Neither the commission, nor any employee, shall accept directly or indirectly any samples, gratuities, favors or anything of value from a manufacturer, seller, brewer or licensee or any representative of the same.'

Senate Amendment "B" was adopted, and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Ross of Piscataquis,

Adjourned until ten o'clock tomorrow morning.