

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, January 19, 1968

Senate called to order by the President.

Prayer by Rev. Ondon P. Stairs of Augusta.

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, January 22, at 2 o'clock in the afternoon. (S. P. 810)

Which was Read and Passed.

Sent forthwith to the House for concurrence.

Reports of Committees

House

Leave to Withdraw

The Committee on Business Legislation on Bill, "An Act Relating to Uniform Maturities on Consumer Loans." (H. P. 1252) (L. D. 1758)

Reported that the same should be granted Leave to Withdraw.

Comes from the House, report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass as Amended

The Committee on Appropriations and Financial Affairs on 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. 1302) (L. D. 1831)

Reported that the same Ought to Pass As Amended by Committee Amendment "A".

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-520), as Amended by House Amendment "A" thereto (H-525).

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

Committee Amendment "A" was Read and House Amendment "A" to Committee Amendment "A" was Read and Adopted. Then Committee Amendment "A", as amended by House Amendment "A" was Adopted and, under suspension of the rules, the bill, as amended, was given its Second Reading and Passed to be Engrossed in concurrence.

The Committee on Business Legislation on Bill, "An Act to Clarify the Law Relating to Truth-in-Lending and Disclosure of Interest and Finance Charges in Retail Sales." (H. P. 1316) (L. D. 1859)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-524)

Comes from the House, report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted and the bill Read Once. Committee Amendment "A" was Read and Adopted and, under suspension of the rules, the bill, as amended, was given its Second Reading and Passed to be Engrossed in concurrence.

Divided Report

The Majority of the Committee on Towns and Counties on Bill, "An Act Increasing Fees for Copies in Office of Register of Probate." (H. P. 1298) (L. D. 1804)

Reported that the same Ought to Pass.

(Signed)

Senator:

SPROUL of Lincoln

Representatives:

FARRINGTON of China

WIGHT of Presque Isle

CROMMETT

of Millinocket

MEISNER

of Dover-Foxcroft

SNOWE of Auburn

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

(Signed)

Senator:

MILLS of Franklin

Representatives:

ROBERTSON of Brewer
NADEAU of Sanford

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

Which reports were Read.

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

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I would move that the Majority Ought to Pass Report be accepted, and I would like to state the reason why I signed it as I did.

The Judge of Probate in Kennebec County appeared before the Committee and stated that the Registry of Deeds charges a dollar for the first page and so much thereafter, and that the person seeking a photostatic copy in the Registry of Probate office would pay just that much less. As he explained it to us, the cost of help is rising in the Probate office, and the way he interprets the statute he does not think that he can make photostatic copies of the wills, therefore, they all have to be typed, and that the money must be made up in a different direction. He spoke strongly for the bill. The Chairman of the County Commissioners, Arthur Charles, also spoke for the bill.

I thought I would check with my own county, and they seemed to favor it, although not feeling as strongly as the Judge of Probate did in Kennebec.

There seems to be a difference in the interpretation of the statute as to whether the wills may be typed copies or not. Anyway, the feeling was strongly that in order to charge the person who should pay for his services that the price of the first page should go up, and so much thereafter. I would, therefore, move the Majority Report be accepted.

The PRESIDENT: The Senator from Lincoln, Mrs. Sproul, moves that the Senate now accept the Majority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't stand too strongly for my position here, but I feel that once in a while, rather than equalize things between the Registry of Probate and the Registry of Deeds, that they be brought down to the taxpayers' advantage rather than to be brought up to the bureaucratic standards of the higher price. But that is contending with the tide, that is trying to reverse the tide, I think, and it is a very difficult position to maintain. I think that because there is a differential it shouldn't necessarily be evened out in favor of the higher price.

When these copies only cost ten cents to make on the automatic machines that are available very readily to everyone, it is too bad that the taxpayers going in to get these copies have to pay so much more. But, as I said, I am in the minority position, and I will acquiesce in the position of the majority.

The PRESIDENT: The pending question is the motion of the Senator from Lincoln, Mrs. Sproul, that we accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I must oppose the motion of the Senator from Lincoln, Senator Sproul inasmuch as I think that the clerks in the Registry of Probate's office have got very little to do. You have a Register of Probate and generally a clerk-typist, and certainly I think it would take up some of the idle time that they have and it would give the taxpayers a break on something of this sort.

Also, there is certainly what the Senator from Franklin, Senator Mills, has said about the copying machines. I received a copy of several wills just a short while ago and they were put through a copying machine. I certainly hope that the motion of the Senator from Lincoln, Senator Sproul, does not prevail.

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

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: There seems to be great concern for the taxpayer here but, as I understand it, the Probate offices are now operating at a loss in many cases and, therefore, the burden is ultimately borne by the taxpayer now. So, I don't see where we are favoring the taxpayer by taking the position of the other two gentlemen.

I would ask for a division when the vote is taken.

The PRESIDENT: The Senator from Lincoln, Mrs. Sproul, has asked that the vote be taken by a division. As many as are in favor of accepting the Majority Ought to Pass Report will stand and remain standing until counted. Those opposed?

A division was had. 21 Senators having voted in the affirmative, and five Senators having voted in the negative, the motion prevailed and the Majority Ought to Pass Report of the Committee was Accepted.

Thereupon, the bill was Read Once and, under suspension of the rules, given its Second Reading and Passed to be Engrossed in concurrence.

Second Reader

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

Bill, "An Act to Provide Funds for Blind Children's Education, Inc." (H. P. 1299) (L. D. 1828)

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

Enactors

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

An Act Reactivating the Governor's Committee on Children and Youth. (H. P. 1300) (L. D. 1829)

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

An Act Relating to Housing and Meal Expenses for Legislators. (H. P. 1326) (L. D. 1871)

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

Emergency

An Act Relating to Loans for Maine Students in Higher Education. (S. P. 779) (L. D. 1851)

This being an emergency measure and having received the affirmative vote of 28 Senators, was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and today assigned matter, House Report — Ought Not to Pass from the Committee on Appropriations and Financial Affairs on Bill, "An Act to Authorize Bond Issue in the Amount of \$384,000 for Development of Education, Sewage and Water Facilities at Indian Reservations." (H. P. 1315) (L. D. 1858)

Tabled — January 18, 1968 by Senator Beckett of Washington.

Pending — Acceptance of Report.

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

Mr. BECKETT of Washington: Mr. President, I move we substitute the bill for the report, and I would like to speak briefly, if I may.

The PRESIDENT: The Senator from Washington, Senator Beckett, moves that we now substitute the bill for the Ought Not to Pass Report of the Committee. The Senator may proceed.

Mr. BECKETT: Mr. President and Members of the Senate: This L. D. 1858, deals with two subjects; one is sanitation and the other is schools, school buildings. I would like to speak briefly, keeping them separate.

The proposed sewerage and water facilities are for Peter Dana Point in Princeton. As many of you may not be acquainted with this set-up at Peter Dana Point, there is a reservation which is on the shore of Big Lake, but on the strip, so-called, which is also a part of this reservation, maybe

some four or five miles from it—this strip is exactly what the name implies, a small strip of land, on one side of which is Highway No. 1 and on the other the shore of Big Lake—there are about 25 buildings on this strip. I think about 18 or 19 of them are houses, and they house about 100 tribal members of the reservation. To say that these are substandard is not the word at all. There are about two houses that have toilet facilities, bathrooms. There are about five houses that possibly, with some rebuilding and renovation, could be used. The others are not much more than tar paper shacks. They have no sewerage, they have no water, they have no toilet facilities. This, in my impression, this particular part of the reservation, is the showplace of the Maine Indian Reservations. The impression that the tourists get on this heavily traveled No. 1 Highway is that this is what the people of Maine are doing for their Indians, and I am sure that the impression they get must be a very poor one.

Their drinking water comes from a hydrant, which can't be used all the time because of seepage of gasoline which goes into it from a nearby filling station. Their wash water is taken from the lake.

I think, if we are going to claim that we want to do something, that this is a must. This is an impression that the people are getting, that we don't give a rap about the Indians, that we don't want to do anything for them, because we certainly are putting this picture up to them when they drive by this most deplorable situation at Peter Dana Point on the strip. This is just over the town line of Princeton, just across the bridge in the Indian Township.

These people that live there have lived there all their lives. They live there because they work in Princeton at the mill. They work at the Georgia Pacific in nearby Baileyville. Some of them are guides for hunting and fishing parties in that very prime hunting and fishing area. Some of the women who live in these houses, which are only ten or fifteen feet off Highway No.

1, sell baskets in the summertime to the tourists and realize a little income. But the picture that these people get, the tourists, must be very, very bad.

As Chairman of the Indian Affairs Committee, I had stacks of letters. They didn't really concern the Committee because there was nothing we could do about it. They were from college groups, church groups, individuals, but primarily from womens' clubs from one end of the State to the other. As a result of the meetings of these womens' clubs they instructed their secretaries to write the Chairman of the Indian Affairs Committee. That isn't where the letters should have gone but I did receive them. These various clubs said that they had memberships of ten and twelve to nearly a hundred people, and these were actually from almost every town in the State. They all urge that we do something for the Indians. This is the most vital thing, I think, that we can do, if we are going to claim we are doing something for the Indians, improve this showplace.

It is proposed that the sewerage disposal system be built north of the present location. Maybe the five repairable houses would remain there, and they could go north on the other side of No. 1 and build some new houses. This sewerage disposal system would be placed so it could serve both the five houses and the new houses. I believe I am correct in that the building of the new houses at some future time would be all federal expense.

I might also add that this was recommended in the Governor's address to the joint convention, that this bond issue be permitted to go to the people.

With regard to the schools, it takes in the school conditions on all the reservations. The first one is the Penobscot Reservation, which I am not too familiar with. They request up there \$73,000, to add one classroom and one multipurpose room that can be used for adult education, and gives more room for crowded conditions, and a kindergarten and kitchen and cafeteria facilities. This is an expenditure of \$73,000.

On the Indian Township Reservation, which is Peter Dana Point, they have a grant of \$19,000. now to add a school. But in the opinion of the Department of Education the present school is not in suitable condition to expend any more money on or add to. It is an old wooden structure, 80-odd years old. They haven't been able to hold school during this last two weeks of extreme cold weather because they couldn't heat it. It leaks when it rains. The building is practically falling apart. So they request \$73,000. to go along with the \$19,000. to build a completely new schoolhouse with the facilities that are needed there.

The biggest population of school children is at the Pleasant Point Reservation. They have a very large attendance there at that school and they are in a very crowded condition. It is practically one room. They need an additional classroom and this multi-purpose room, which has been suggested, this would give them a chance to have better kitchen-cafeteria facilities, adult education, to spread the children over a bigger area in the school rooms, and also to have a kindergarten.

I think we don't realize that when the ordinary child goes into the first grade he has had some home training in spelling "cat" and "dog", one thing and another. But these children when they go into the first grade don't even speak English, except what they have picked up from some of the kids who might be in school. So, therefore, they are being penalized by not being able to even start off by speaking the language. The Sisters who teach them have to spend part of their time, when they should be giving them their three R's, teaching them the English language. This gives them a slow start, and when they get through the grades in the reservation schools and go into the high schools of Eastport, Princeton or Old Town they are not adequately prepared as are the students who have come up through the grades in these towns. Therefore, they have a hard time and there are many drop-outs.

I think the education of the Indian is what we all feel will improve their lot. The building of these classrooms and this multi-purpose room, which could be used for kindergarten purposes, I think, would be a great help in furthering their education. You can imagine when these children come in on the first morning of school, the teacher says "Good morning, children," and they are apt to say "Box we nox seelum," which I think means "What did you say?" They don't understand the English language and they are at a disadvantage to start with.

The Governor, as I say, spoke at the joint convention in favor of this, and in this morning's paper he had another release in favor of this. It was hidden a little bit among some other things, so many might not have read it. It is very brief and, if I may take just a moment, I would like to read it. This is a release for January 18th, and it was in the paper this morning:

"Governor Kenneth M. Curtis urged today that the Legislature pass the \$384,000. bond issue to improved education, sewage and water facilities at our Indian Reservations.

" 'The State of Maine,' said Curtis, 'has the prime responsibility for improving the living conditions of our fellow citizens residing on reservations.'

" 'Of special concern,' said Curtis, 'is the failure of the Appropriations Committee and the House of Representatives to accept his request for \$249,000. of improved educational facilities for the three Indian Reservations. Only favorable action by the Maine Senate can keep the bill alive.'

"Curtis continued: 'These educational facilities are vitally needed as present buildings are overcrowded, unsafe, unsanitary, and generally unsuitable to house children of school age.'

"According to Commissioner of Education William T. Logan, Jr., the Reservation schools are among the poorest school facilities in the entire State.'

"Curtis concluded by saying, 'I hope that all Maine legislators and

citizens will use their voices and their votes to meet our responsibility to our Indian children. This Legislature has appropriated over \$95,000,000. to the Department of Education and over \$23,000,000. to the University of Maine. It is clear to me that the people of Maine are willing to provide the small sum of \$249,000 to improve education on the Indian Reservations.' ”

I had placed on your desk this morning a report from Commissioner Logan, and also a report on the sanitary conditions by the Commissioner of Indian Affairs, Mr. Hinckley. I trust that the members of this Senate realize the seriousness of this and will go along with me on my motion to substitute the bill for the report.

The PRESIDENT: The pending question is the motion of the Senator from Washington, Senator Beckett, that we now substitute the bill for the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: It is a pleasure to once again find myself allied with my good friend from Washington County, Senator Beckett, and I support his motion. However, certainly the Senate and the people of the State of Maine are fully entitled to all the facts, and perhaps here and now is the place to say it.

Let me speak first on the actual L. D. we are considering. The information which Senator Beckett has provided from Commissioner Logan was not presented at the hearing, and your committee, acting upon the information which was presented, or lack of it, and keeping in mind the financial stringencies which we face, felt that the approval of the money requested was entirely unwarranted and undocumented, hence, the report. This problem, however, still persists, namely, the lack of money, but I think that the legislation should be moved along and perhaps something can be worked out. I am sure I speak for the other members of the committee in that we support this viewpoint.

The Indians have been somewhat of a special case, shall we say,

through the regular and the two special sessions of this Legislature. To be factual about it, it has been difficult and at times unpopular, and I would invite your attention to some figures. The members of the 103rd Legislature can take special pride in what they have done for the Indians. The 102nd Legislature appropriated for the first year of the biennium \$103,000. for the Indians, and for the second year of the biennium \$237,000. for the Indians. This session of the Legislature, if everything goes through, not including this bill, we will have appropriated for the Indians three-quarters of a million dollars. This is quite a jump.

The people of the State of Maine are concerned about the Indian problem and, if money can solve it, we certainly are trying to solve it. I personally think that money will not go all the way.

Your Appropriations Committee has been very concerned in the manner in which the Indian Affairs Department has been managed from a fiscal standpoint. Public notice must be taken of the fact that the Department, over a month ago, had spent \$18,000. more than it was allocated. This is incredible. In some other states I think there might be some legal action taken. Where is the Budget Bureau? Where is the Executive? Department heads are not supposed to run rampant over allocations made by the Legislature.

These facts are perhaps not too germane to the issue at hand, but I do feel that there has been so much public clamor on the subject that, first, the legislators can be very proud of what they have done, and they must continue to be very careful in their exercise of supervision over departments. Here is a prime example. I do hope that the responsible agency will take this in hand. I was approached with the incredible proposal recently, “What are you going to do about our deficit for the coming year?” Well, I hope something is done about the deficit for the coming year.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: In my opinion the humane aspect of this measure should prompt us to favor this bill. Certainly if any race has been discriminated against it has been the Indian. I favor the motion of the Senator from Washington County.

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

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I rise today to speak with you on the issue now before us, L. D. 1858. As a life-long resident of Washington County, I have followed the plight of our Indians who reside on the two Indian Reservations at Princeton and Pleasant Point, and am quite familiar with their conditions at Old Town.

This proposed bond issue would provide classrooms, an all-purpose library and cafeteria, sewage and water facilities.

I can personally attest to the intolerable conditions which now exist and under which these people are forced to live. Further than this, their children, which again has been stated, are forced to attend schools which are completely inadequate even by minimum standards.

You and I, I believe, have both a moral and legal responsibility to provide the minimum amounts requested in this bond issue. We must not, now or ever, in our actions as citizens or legislators, neglect to provide a bare minimum of living and educational facilities for underprivileged citizens in our State.

This issue, to me, is an important issue and not to be taken lightly. As an employer of some four or five hundred Indians during the blueberry picking season, I have had an opportunity to observe them closely. To be sure, these are Canadian Indians, mostly from Nova Scotia. There are bums and no-goods among them, but there are also fine families, honest, hard-working and church-going. But there are also all kinds of white people. As I see the Indians, a cross section of them, it is much like a cross section of our own white people.

What we do here today will have a great influence on the lives of these Indian Children. You will agree, I think, that if we are to have these Indian children become self-supporting and productive citizens we must in this day and age provide them with an education. Approximately two-thirds of this money is for schools. You and I know the millions we are spending for education. As stated here this morning, some 95 million dollars. In the small towns comprising SAD 37, the School Administrative District in which Milbridge is situated, we are spending more than one million dollars for a school house. Certainly we should be able to provide this small amount for these underprivileged citizens, and I hope you will vote with me this morning in favor of this bond issue.

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

Mr. CURTIS of Penobscot: Mr. President and Members of the Senate: I rise in support of Senator Beckett's motion. I think we should at least face up and meet the standards of safety and sanitation, and the assistance in education to give the children a start in their life's endeavors.

You might be interested to know that less than 48 hours ago a group of us were approached and asked to meet with some Bates College students. They said they wanted to assist in the State in some endeavor and they had in mind that they would like to assist in any way possible with the problem of the Indians. They spent over two hours in this hall and talked this situation over with us and went back to the college.

The President of a State institution of higher learning in this State during the regular session approached my desk and said he too wished he could help with the Indian situation.

There is a lot of interest, but I think we must meet the requirements of the laws of this State for health and sanitation, and I rise in support of this motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: In this special session there are quite a few of us that haven't got through the smoke yet and probably don't realize where we are. In the last regular session I took a stand, along with the Senator from Cumberland County, for a change in the referendum on the bonding situations in the State of Maine. I still think that we should have the courage in some session to do that.

It seems to be thought, from what you hear here and there, that if this bill goes out to the ballot on a bond it might disturb some other bond issues that are going through. I think we should realize that this is about the only chance that the Indian Reservations in Washington County will be able to get really what they need down there. It is true, they have been coming here for years. They have been coming here since I was here in 1949, and they don't seem to get anywhere. I am going to vote with the Senator from Washington County, and let's let the Indians have an opportunity to have a bond issue out there with the rest of them.

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

Mr. BECKETT of Washington: Mr. President and Members of the Senate: This is going to a bond issue. It isn't wholly the responsibility of this Legislature to pass this. The people are going to be asked to vote on it on a bond issue. I believe this is answering the many hundreds of letters that I received from these different organizations requesting that we do something for them. It now gives them a chance to voice their opinions at the polls, and I think that this should be allowed. In the voting I would ask for a division.

The PRESIDENT: The Senator from Washington, Senator Beckett, has asked that the vote be taken by a division. As many as are in favor of the motion of the Senator from Washington, Senator Beckett,

that we substitute the bill for the Ought Not to Pass Report of the Committee will stand and remain standing in their places until counted. Those opposed?

A division was had. 29 Senators having voted in the affirmative, and none having voted in the negative, the motion prevailed.

Thereupon, the bill was Read Once and, under suspension of the rules, was given its Second Reading and Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and today assigned matter, House Report — Ought to Pass as Amended by Committee Amendment "A" — Filing H-507 from the Committee on Education on Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 1259) (L. D. 1765)

Tabled — January 18, 1968 by Senator MacLeod of Penobscot.

Pending — Acceptance of Report. Which report was Read and Accepted and the bill Read Once. Committee Amendment "A" was Read and Adopted. House Amendment "B", Filing No. H-509, was Read and Adopted. House Amendment "D", filing No. H-516, was Read and Adopted and, under suspension of the rules, the bill, as amended, was given its Second Reading and Passed to be Engrossed in concurrence.

Mr. Barnes of Aroostook was granted unanimous consent to briefly address the Senate off the record.

On motion by Mr. Johnson of Somerset,

Recessed pending the sound of the bell.

After Recess

Called to order by the President.

The adjournment Order having been received from the House, on motion by Mr. Ross of Piscataquis, adjourned until Monday, January 22, at two o'clock in the afternoon.