

# 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, January 24, 1968

Senate called to order by the President.

Prayer by Rev. Walter R. Brown of Randolph.

Reading of the Journal of yesterday.

### Paper From The House Non-concurrent Matter

Divided Report from the Committee on Judiciary on Bill, "An Act Relating to Referendum Under Maine Housing Authorities Act." (H. P. 1308) (L. D. 1837). Report "A" Ought to Pass in New Draft (H. P. 1332) (L. D. 1877). Report "B" Ought to Pass in New Draft (H. P. 1333) (L. D. 1878).

In House, January 19 — Report "A" Read and Accepted and New Draft (H. P. 1332) (L. D. 1877) Passed to be Engrossed.

In Senate, January 23 — Report "B" Read and Accepted, Senate Amendment "A" (S-350) Read and Adopted, and New Draft (H. P. 1333) (L. D. 1878) Passed to be Engrossed, As Amended, in non-concurrence.

Now comes from the House, that body having Insisted and asked for a Committee of Conference.

On motion by Mr. Cope of Cumberland, the Senate voted to Insist and join in a Committee of Conference.

The President appointed the following Senators as Conferees on the part of the Senate:

SEWALL of Penobscot  
KATZ of Kennebec  
REED of Sagadahoc

### Communication

STATE OF MAINE  
Office of the Governor  
Augusta, Maine

January 23, 1968

The Honorable Joseph B. Campbell  
President of the Senate  
103rd Maine State Legislature  
Augusta, Maine

Dear President Campbell:

I have the honor of presenting to you for transmittal to the members of the State Senate the following communication in the hope that

the suggested legislation will be enacted:

During the November election the voters of the State of Maine approved a Constitutional amendment proposed by this Legislature in the regular session to permit temporary loans which would be repaid by monies raised by taxation during that fiscal year.

In the view of the Attorney General, we cannot utilize the authority granted in this Constitutional amendment without implementation by statute.

A current study by the Department of Finance and Administration of cash-flow in the State treasury indicates that this Legislature will need to act at this session to implement this Constitutional amendment approved by Maine voters last fall.

The State of Maine, under current law, pays to the cities and towns the State's share of local education costs in two lump sum payments, two-thirds of which is due in August and one-third in December. We do not, however, collect our tax revenues on the same timetable. Revenues come into the treasury over all twelve months of the year.

This Legislature, with my agreement, has acted to further increase the State's participation in local education costs for the next fiscal year over payments for fiscal year 1968. Because the State anticipated some difficulty in meeting the required lump sum payments, a Constitutional amendment was proposed by this Legislature in regular session and approved by the people to authorize temporary loans necessary to meet these unusual state obligations. The loans would be repaid with revenues that would be received during the remainder of that fiscal year. The Constitutional amendment carefully limited this short-term, temporary borrowing authority to an amount not to exceed ten per cent of the general fund and highway fund or one per cent of the State valuation, whichever is less.

The only legislative change that will be necessary to implement this amendment is to establish a procedure authorizing the Treasurer to

borrow under the approved Constitutional amendment.

The State will owe the towns next August \$24,702,000 when we are obligated to pay two-thirds of the year's payment for school subsidies after only one month of receiving revenues in the fiscal year. An additional payment of \$11,916,789 is due in December of 1968.

It should be pointed out that this situation is not the fault of either the Executive branch of government or the Legislative branch. We have all endorsed the forty-two per cent increase in the level of subsidies. But, in so doing, we have authorized expenses that cannot be met in a lump sum without taking advantage of the Constitutional authority to borrow against anticipated tax revenues.

If we take this step, our cities and towns will be assured of receiving all the money that has been authorized by the Legislature in the months of August and December, 1968.

I urge your earnest consideration of this request.

Respectfully,  
KENNETH M. CURTIS  
Governor

KMC-kw

Which was Read and Ordered Placed on File.

**Enactors**

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

Resolve, Providing Moneys for Cerebral Palsy Clinics for Home Care Programs. (H. P. 1251) (L. D. 1757).

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

**Emergency**

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

(On motion by 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, Bill, "An Act

Relating to County Estimates and Finances." (H. P. 1328) (L. D. 1873).

Tabled — January 23, 1968 by Senator Ferguson of Oxford.

Pending — Adoption of Senate Amendment "B". (Filing S-351).

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I am certain an explanation is now in order to give the reason why I indefinitely postponed Senate Amendment "A" in yesterday's session. There were four Senators that objected to the figure of three hundred in the second part of the bill under an award. This bill would be acceptable to them under the two thousand dollar figure which we have complied with, and this is what this new amendment provides for. The first item here on this amendment, which we are talking about, it seems that every business, every branch of government, should have an inventory file. This is a very simple matter, and the first section of the bill deals with inventory of property, which would include typewriters, copying machines, desk chairs, files, filing cabinets, automobiles, trucks, and other things that might be the property of the various counties.

I have talked with the State Audit Department this morning, and this is one part of the amendment they are very much in favor of. I have before me here the reports of the sixteen counties in the state, and there isn't a speck of information in these reports for our constituents that pay the taxes to operate county government. These reports are available to any of the Senators who wish to look them over.

I have before me here a certified copy from the Secretary of State that has one county with sixteen automobiles, the financing statement, charged against one particular county. This is also available to all the Senators in this assembly. This certified copy is dated as of January 12, 1968. Some of this material, some of these cars ran, most of them, since 1965, and some of them in 1966. This is one

reason why I think that certainly an inventory should be a part of Title 30 regarding or dealing with your counties laws.

We will move on to the second part now: the bid awards for contract and other facilities. This would include any part of a building or facilities, baths, toilets, or any built-in cabinets that might be needed by your county government.

I think this is a reasonable figure. I will admit that the figure of three hundred was a little bit low. I put a figure of three hundred in there to get an expression of opinion from the people who are interested in this type of legislation. Two thousand to twenty-five hundred was the figure and they told me that two thousand dollars was acceptable. I am not going to give the honorable Senators' names, but I certainly will be watching them when they will be voting here to see if they are going to go along with what they told me yesterday if I prepared a new amendment.

The next part of the bill is services, supplies, material and equipment. This language was changed a little bit from Senate Amendment "A" to Senate Amendment "B" inasmuch as the language in the original Amendment, Amendment "A", that some of the Senators felt they would not have control over the small items; that the department heads would be buying the items up to one hundred dollars, and that they wouldn't have a say in it. I changed it so now that all such purchases under and over a hundred dollars will be the responsibility of the county commissioners.

I am much concerned about the things that should be done and aren't done in county government that are done on the municipal level and on the State level. I feel, and the municipal officers, I am sure, of the various municipalities throughout the State, and through contacts with the Maine Municipal Association, that they are one hundred per cent in back of this amendment.

Now these people are the people responsible for assessing the taxes, collecting the taxes, and paying it

over to the county commissioners for operations of your county government. Most of the county commissioners that I spoke to say that this is something that is needed. I think we have several members of this Senate here who are going to be candidates for county commissioner. These people claim and told me that this will be some guidance for them; it will relieve the pressure when they are buying automobiles, when they are buying typewriters, when they are buying photographing machines, that this system is the fair and only way to do business.

I understand that a little later on we are going to have another amendment before us, a little later in the day, that we are going to have an amendment that will require the bid system. This is general, you know. Why should the counties be exempt from this thing that is done on the state level, municipal level and in other things? I hope that you people, good people, the Senators here, my colleagues here, will have read the amendment and give it serious consideration. I hope you will go along and accept this Senate Amendment "B".

The PRESIDENT: The pending question is on the motion of the Senator from Oxford, Senator Ferguson, that the Senate accept Senate Amendment "B".

The Chair recognizes the Senator from Lincoln, Senator Sproul.

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I would oppose the motion of the Senator from Oxford for the following reason: this bill, 1873, as it finally came out of committee, represented a compromise of several groups. Ordinarily, hearings before the Towns and Counties Committee are not well attended, but this particular one was, and we had several there, county commissioners from all the counties, and there was opposition to the original bill. But this was one that we, believe me, we worked two weeks on this redraft as it came out, and it has come out as something that we can all live with. In other words, those who don't like county government can live with it, and those who do like

county government, and yet feel some sort of restriction is needed.

I sympathize with Senator Ferguson, and what he is trying to do. He feels an inventory is needed of some kind. Well, that may be, but it will not be acceptable to the members of the Committee, the amendment which he has proposed. Also, his amendment provides that in all purchases of over one hundred dollars there shall be competitive bidding and, as I understand the amendment, this would mean advertising in the newspaper and in the larger papers. I also understand that this would cost about fifteen dollars for each insertion. Also, in another vein, there is purchasing power now available to the counties similar to the bill that we passed in the regular session. I therefore move the indefinite postponement of the amendment.

The PRESIDENT: The Senator from Lincoln, Mrs. Sproul moves that Senate Amendment "B" be indefinitely postponed.

The Chair recognized the Senator from Washington, Senator Beckett.

Mr. BECKETT of Washington: Mr. President and Members of the Senate: I am very unhappy this morning to get up and have to oppose my very good friend, Senator Ferguson of Oxford. I have known of this amendment that he has been preparing for several days; he has talked to me about it. I think you will have to agree that I was quite luke-warm on it. There were some things that I said that would never go. At my suggestion he made some changes in it, and he has gone from \$100 to \$2,000 in one instance. But when the final bill was prepared which was going to be presented to this body today, I studied it all over and thought it all over, and I just couldn't go along with it. I have studied the statutes and I find that, with regard to the inventory, there isn't any mention of the commissioners being required to have an inventory, but from the commissioners that I have known over the many years that I was on the board, statewide and at state meetings, they have all been practical business men or good hard-headed farmers, and I think it is only a

matter of business principle that an inventory is taken. To get your insurance on your personal property, you have got to have an inventory. We have an inventory and review it every once in a while. If we loan out a piece of equipment, which we have done in some instances, to a new group that might be located in the building, such as CD, until they get their equipment in, we had them sign for this piece of equipment, a typewriter or something of that nature, and then we put a big label on it, "Property of the County of Washington." I don't believe we have ever lost a lead pencil. If this had been required, the Department of Audit would certainly require it in the county reports. That is why there isn't any statement that an inventory is carried.

I think you will find that by one method or another, for their insurance purposes, or for their own information, that every county has an inventory of a sort.

The bidding that is proposed, I think, again is a common practice of most boards of county commissioners. We put an addition on our building and put new equipment in, we bought radios for automobiles, and we have always done it by bid. On smaller things we don't; I don't think it is necessary. The commissioners are endowed of the powers, they are the business managers of the counties, and I think they use very good sense in the dispatch of this business. I think that what Senator Ferguson proposes here is now well covered by the statutes, if they follow the statutes. The county commissioners can't run hog-wild, and if they do, there is a malfeasance part of the statutes that takes care of this. So, I don't think that the amendment as suggested by Senator Ferguson is anything more than is now covered by the statutes; it may be limited to dollars and cents. But I think we have ample coverage under the present statutes to take care of all these things. It says under "Buildings," that "the county commissioners shall provide and keep in repair courthouses and suitable rooms, fireproof buildings for the safekeeping of records, county

jails," but it doesn't say how it is going to be done. It says the county commissioners are authorized to do these things. And I think there are plenty provisions in the statutes to see that they do it in a proper manner. I must go along with Senator Sproul's motion for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I didn't expect to get up again, but I do want to have a little rebuttal with my good friend, Senator Beckett from Washington, regarding insurance on property, or equipment I guess he was referring to. I had an occasion to inspect the insurance policies of one county in the State of Maine last winter, and I found that they had insured a barn, that was insured for \$12,500, that was replaced with another building. That barn was torn down a year and a half before that. Now this I can prove. I asked the insurance agent, "What are you doing here having insurance covering this building since the building is no longer there; it has been torn down?" Well, he says "I didn't know anything about it." And I refer you to Oxford County on an antique clock that was in the Norway Municipal Courtroom when the Municipal Court closed, and there was a very valuable clock, they were offered seven hundred and fifty dollars for it — and that clock disappeared. There is no sign of it; we can't put our fingers on it. I think this is protection. This is not working against the county commissioners; this is some protection, particularly the inventory part of it, the bidding part of it. Everything that is contained in this amendment here is good legislation, and I can't see why any county commissioner or group of county commissioners would object to this type of legislation. It is something that is needed. Like I said before, it is protection for them. If they are accused of doing something, if the inventory is there, then they are protected. I certainly hope you will not go along

with the motion of the Senator from Lincoln County, Senator Sproul. I hope you support me in getting this amendment through, and some real good solid legislation on our statutes that will take care of your constituents, and they are the people you are responsible to; not to three county commissioners in each county. Thank you.

The PRESIDENT: The pending question is the motion of the Senator from Lincoln, Mrs. Sproul, that Senate Amendment "B" be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY of York: Mr. President and Members of the Senate: I heartily support the lady Senator from Lincoln County. Back quite a few years ago I was a member of Towns and Counties for three sessions. Senator Ferguson appeared before us a great many times when I was on the committee for his people in Oxford County. I think now that the Senator from Oxford County has a little ill-feeling and wants to place it upon all sixteen counties in the State of Maine. I was one of those that was on the Towns and Counties Committee that helped to abolish the county commissioners the increase on county attorneys, for the simple reason that the Attorney General pays the counties' attorneys; it was his appropriation and it should be him who should submit to us what they are going to raise their county attorneys to. Senator Ferguson, I have to say, had one of the finest treasurers of the State in Oxford County when he came before the Committee. I listened to him, but I never stuck my nose into another county one way or the other. I heartily support the lady Senator from Lincoln County.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I do not propose to discuss the merits of this amendment. As I was reading the bill a question came to my mind and, if it is not out of order, I would like to ask of any member of this Senate

or of the Towns and Counties Committee in reference to Section 5201, which says that the county commissioners shall submit to the State Department of Audit their various proposals on these accounts. My question is: do the county commissioners become subservient to the State Department of Audit in any respect as to their accounts and their monies, other than the annual audit?

Mr. PRESIDENT: The Senator from Knox, Senator Hoffses, has posed a question to any member of the Committee on Towns and Counties, anyone of whom may answer or not, as he or she desires.

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

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: I am not sure if I understand his question, but the bill says that every county should have an order made of its accounts annually covering the last complete fiscal year. So an audit will be made. And as I understand now, from the hearings, every county but one now has the State Department in on its audit anyway. I don't know if that answers the question or not.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Lincoln, Senator Sproul, that Senate Amendment "B" be indefinitely postponed.

As many as are in favor of indefinite postponement of Senate Amendment "B" will say "Yes". Those opposed, "No."

A viva voce vote being taken, the motion prevailed and Senate Amendment "B" was indefinitely postponed.

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

Sent forthwith to the Engrossing Department.

On motion by Mr. Johnson of Somerset,

Recess until the sound of the bell.

**After Recess**

Called to order by the President.

The President laid before the Senate the second tabled and today assigned matter, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (H. P. 1259) (L. D. 1765).

Tabled — January 23, 1968 by Senator Katz of Kennebec.

Pending — Motion to reconsider Engrossment.

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action whereby the bill was passed to be engrossed.

The same Senator then presented Senate Amendment "D" and moved its adoption.

Senate Amendment "D", Filing No. S-360, was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I would apologize for the delay. This is a substantive change in the subsidy law, and it is being put into the Errors and Inconsistencies Bill. Very late in the day we found out that there are two parochial schools closing in Lewiston next year; St. Mary's and St. Peter's. This will put the unexpected load of these students on the burden of the Lewiston Public School System, and there is presently no provision for a State subsidy to be paid to this community until 1971. Earlier this session we had before us a similar situation in the town of Jackman, and at that time we passed and enacted into law a special bill, which took this into consideration and made an additional payment to the town of Jackman. Since then we have found out that this was an improper approach and, inasmuch as there seems to be an indication that parochial schools and public schools may be closed in the State in the coming years, perhaps a change in the general law is in order. What the amendment does, it says that whenever a private or parochial school does close, and the pupils become the responsibility of the town, this change makes the town eligible for a subsidy for these students as if they had been in the school system previously. It has been cleared



with the Attorney General, the Legislative Finance Office and the Department of Education. I move its adoption.

Thereupon, Senate Amendment "D" was adopted.

On motion by Mr. Harding of Aroostook, the Senate voted to reconsider its action whereby it adopted House Amendment "B".

The same Senator then moved that the Senate indefinitely postpone House Amendment "B".

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

Mr. KATZ of Kennebec: Mr. President, I reluctantly oppose the motion. The impact of this is to negate the action we took in the regular session in regard to prohibiting the spouse of a school board member from teaching in the school system. At that time in the regular session I spoke out against adopting this new procedure, this new prohibition, and I felt then, and I feel today, that, although we are all against nepotism, strongly against nepotism, the impact of this procedure is so broad, and its influence in the towns is so difficult to assess, without a public hearing, that I felt we acted unwisely in the regular session.

I realize that there are local problems where you have directors of school administrative districts with wives teaching in the system, and probably vice-versa. But I suggested then, and I suggest again now, that this is the type of area where a public hearing in regular session can turn up valuable information to make the action of the Legislature based more upon knowledge and make the action more meaningful.

The other body has negated the action we took in the regular session and, consequently, I must oppose the motion for indefinite postponement just proposed by the Senator from Aroostook, Senator Harding.

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

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: What I propose to do in this case, if the Senate sustains

my motion for indefinite postponement, is to arrive at what I believe is a very happy and satisfactory compromise of the situation. Under my amendment, if it were to be adopted, the present situation would prevail. In other words, those members who have now been elected to the school committee or to the SAD as a director, they would continue to serve out their terms. In other words, there would be a grandfather clause on it. This would give them the time and opportunity to work out any particular problems insofar as any new directors were concerned. From that point on there would be no restriction as far as substitute teachers are concerned. In other words, a member of the school board of directors, or the SAD, or their respective spouses, could serve as substitute teachers. Also this same exception would apply in respect to part-time help.

Now, you have situations in Maine where all of the directors of a particular town, their spouses are teaching school. I think you will agree that this is not a healthy situation, and it brings into scorn the recommendation which these directors make. We can't have that. As far as I am concerned, we certainly in every town in the State of Maine have people who are willing to serve on these school committees and these boards of directors who are not teaching school and whose respective spouses are not teaching school.

This is a compromise that we have tried to work out so that no one is going to be hurt particularly by it, and we are going to move into an area where I think it will be much more advisable; you will have independent people who will be making these judgments, and no one is going to be hurt any in the meantime. So, I would ask for a division, and I would hope that you will support my motion for indefinite postponement so that this amendment then can be offered.

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the

Senate: I rise to support the motion for indefinite postponement by the Senator from Aroostook, Senator Harding. It is disagreeable for me to have to disagree with my Education Chairman, with whom I have enjoyed our relationship so much during the past months, but when he mentioned that the impact of this change was so broad, this, to me, is the best argument I can think of for having the change made. If indeed nepotism in our school systems, where the public monies are involved, is that broad, then certainly this Legislature should correct it.

The Senator from Kennebec, Senator Katz, also said that there was no public hearing held on this when this went through the regular session. This is true; it went through as an amendment to the Errors and Inconsistencies. There was no public hearing held on House Amendment "D" either. This was submitted as a bill before the Screening Committee and was rejected. So this compromise amendment of Senator Harding's would just change the present law and grandfather in those directors who are now serving, and would take care of substitute teachers and temporary help. I believe it is a reasonable compromise, and I hope the motion to indefinitely postpone House Amendment "B" does prevail.

The PRESIDENT: The pending question is the motion of the Senator from Aroostook, Senator Harding, that House Amendment "B" be indefinitely postponed. The Senator from Aroostook, Senator Harding, has asked that the vote be taken by a division. As many as are in favor of the indefinite postponement of House Amendment "B" will now stand and remain standing in their places until counted. Those opposed?

A division was had. 20 Senators having voted in the affirmative, and six Senators having voted in the negative, the motion prevailed and House Amendment "B" was indefinitely postponed.

Thereupon, Mr. Harding of Aroostook presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C", Filing No. S-353, was Read and Adopted and, under suspension of the rules, the bill, as amended by Committee Amendment "A", House Amendment "D", Senate Amendment "C" and Senate Amendment "D", was Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for concurrence.

The President laid before the Senate the third tabled and today assigned matter, Bill, "An Act Providing Accident and Health Insurance Program for State Employees." (H. P. 1342) (L. D. 1884).

Tabled — January 23, 1968 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

Thereupon, Mr. Katz of Kennebec presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-361 was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This amendment incorporates the misgivings that were expressed here yesterday and makes mandatory, if you will notice — it changes the words "authorized to" and makes it mandatory by inserting the word "shall," the necessity for negotiating the contract for the major medical policy. It does take into consideration the fact that there is presently a policy in being and, notwithstanding the implication of "shall," it retains the authority of the trustees, if they so desire, in the initial phase to transfer the existing policy.

The PRESIDENT: The pending question is on the passage of Senate Amendment "B".

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: I think I understand the amendment, but this word "shall" — so, they will have competitive bidding on the contract, I understand. Am I right? I would like

to have a member of the Education Committee answer that question. Is that what part of the amendment provides?

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

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: To answer the question posed by the Senator from Oxford, Senator Ferguson, yes, this does compel — if they want to transfer the initial policy, the one that is in existence, I mean, until the expiration date of that contract, which is in October of this year, this can be done. But after that date all new policies will be by competitive bidding by inserting this word "shall."

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

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: Thank you very much. We are not very consistent here. A few minutes ago I wanted to have competitive bidding on something that is very, very important and involves the taxpayers' money, and here we pass something that we shall put out to competitive bidding. I just want to mention this to my colleagues in the Senate. Thank you.

Thereupon, Senate Amendment "B" was Adopted and the bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for concurrence.

#### Communications

STATE OF MAINE  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

January 24, 1968

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

Sir:

The Speaker appointed on January 24 the following Committee of Conference on the disagreeing action of the two branches of the Legislature on:

Bill, "An Act relating to Referendum under Maine Housing Authorities Act" (H. P. 1332) (L.

D. 1877), the Bill being new draft "A" of H. P. 1308, L. D. 1877.

Mr. MORRELL of Brunswick  
Mrs. CARSWELL of Portland  
Mr. CONLEY of Portland

Respectfully,

Bertha W. Johnson  
Clerk of the House

Which was Read and Ordered  
Placed on File.

On motion by Mr. Ross of  
Piscataquis,

Recessed until three o'clock this  
afternoon.

#### After Recess

Called to order by the President.

#### Papers From The House

Out of order and under suspension of the rules, the President laid before the Senate the following additional papers from the House:

#### Non-concurrent Matter

Bill, "An Act Relating to Appeals on Questions of Law in Criminal Cases." (H. P. 1331) (L. D. 1876) (New Draft of H. P. 1268 — L. D. 1774).

In Senate, Jan. 22 — Passed to be Engrossed in concurrence.

Comes from the House Passed to be Engrossed As Amended by House Amendment "A" (H-533) in non-concurrence.

Mr. Mills of Franklin moved that the Senate Insist and Request a Committee of Conference.

Thereupon, on motion by Mr. Hildreth of Cumberland, the Senate voted to Recede and Concur.

#### Joint Order

ORDERED, the Senate concurring, that there is appropriated from the Legislative Appropriation a sum sufficient to pay each of the Indian representatives mileage for 3 round trips and compensation for meals, lodging and attendance commensurate with other members of the Legislature for attendance at the Second Special Session of the 103rd Legislature. (H. P. 1344)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

**Non-concurrent matters**

Bill, An Act Relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles. (S. P. 766) (L. D. 1823)

In Senate, January 23, Report "A" Ought to Pass in New Draft Read and Accepted.

Comes from the House, Report "B" — Ought Not to Pass Report Read and Accepted in non-concurrence. Motion to Reconsider lost.

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

Mr. HARDING of Aroostook: Mr. President, I move that the Senate insist and ask for a Committee of Conference.

The PRESIDENT: The Senator from Aroostook, Senator Harding, moves that the Senate insist and request a Committee of Conference. Is this the pleasure of the Senate?

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, I rise to make an inquiry. In reading my calendar, it seems that there are two reports which have both been accepted in the House. If we insist and ask for a Committee of Conference, is this on Report "A" or Report "B"?

The PRESIDENT: The Senate apparently has acted only upon Report "A" and has passed this to be engrossed. As far as I can determine from the calendar, the House has only acted upon Report "B", which Report "B" is "Ought Not to Pass."

The Chair recognizes the Senator from Cumberland, Senator Hildreth.

Mr. HILDRETH of Cumberland: Mr. President, in effect, if we insist and ask for a Committee of Conference, we are insisting upon our action whereby we passed Report "A" to be engrossed?

The PRESIDENT: Yes. This is the intent of the motion, is it not, Senator Harding?

Mr. HARDING of Aroostook: Yes, it is, Mr. President.

The PRESIDENT: The pending question then is on the motion of the Senator from Aroostook, Senator Harding, that we insist and re-

quest a Committee of Conference on the action of the Senate in accepting the "Ought to Pass" Report "A". Is this the pleasure of the Senate?

The motion prevailed.

Sent forthwith to the House for concurrence.

Bill, An Act Establishing Procedures for State Medical Examiners and Creating the Office of Chief Medical Examiner for the State of Maine. (S. P. 759) (L. D. 1816)

In Senate, Jan. 23, Passed to be Engrossed As Amended by Committee Amendment "A" (S-345) and by Senate Amendment "B" (S-354) in non-concurrence.

Now comes from the House, Passed to be Engrossed as amended by Committee Amendment "A" (S-345) and by Senate Amendment "B" (S-354) and by House Amendment "A" (H-536) in non-concurrence.

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

Mr. LUND of Kennebec: Mr. President, in reading House Amendment "A", it is not clear to me what sentence is struck out and replaced. I wonder if we could have read the sentence which is replaced by the sentence in the amendment?

The PRESIDENT: Is the Senator requesting that we read House Amendment "A"? You have that; Filing No. H-536.

Mr. LUND: Mr. President, in the Filing, as it is written here, it is not clear to me what sentence is struck out by the amendment. I would like to inquire if the Secretary could read to us the sentence which is replaced by the sentence set forth in the amendment?

The PRESIDENT: For what purpose does the Senator rise?

Mr. MacLEOD of Penobscot: Mr. President, I believe I have found the fourth sentence in Section 3022.

The PRESIDENT: Will the Senator from Penobscot, Senator MacLeod read the sentence?

Mr. MacLEOD of Penobscot: Mr. President, the fourth sentence of Section 3022 of the bill is: "Any vacancy in the office of the Chief Medical Examiner shall be filled

by appointment by the Governor for a full term of seven years." I think what the amendment does, it looks like it adds "the Council."

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

Mr. LUND of Kennebec: Mr. President, I would thank the good attorney from Penobscot for his assistance. I would move that the Senate recede and concur.

The PRESIDENT: The Senator from Kennebec, Senator Lund, now moves that the Senate recede and concur. Is this the pleasure of the Senate?

The motion prevailed.

#### Report of Committee Senate

Mr. Mills for the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 756) (L. D. 1867) reported that the same Ought to Pass As Amended by Committee Amendment "A" (S-362).

Which was Read and Accepted and the bill Read Once.

Committee Amendment "A" was Read and Adopted.

Mr. Ferguson of Oxford then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-358, was Read.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

The Chair recognizes the Senator from Oxford, Senator Ferguson.

Mr. FERGUSON of Oxford: Mr. President and Members of the Senate: For the benefit of the Senators, I would give a little explanation on this amendment. When we made some amendments to the Highway Bill in the regular session Senator Greeley had a bill in the Legislature that moved the value of special aid for towns from \$400,000 to \$500,000. In completing the bill there was one section of the statute struck out, which was \$500,000, and this should not have been done. It shouldn't have been left at \$400,000, and this is just to correct an error that we missed in amending the laws in the regular session. It doesn't change

the law in any way; it is just a correction.

Thereupon, Senate Amendment "A" was Adopted.

Mr. Mills of Franklin presented Senate Amendment "B" and moved its adoption.

Senate Amendment "B", Filing No. S-366, was Read and Adopted.

Mr. Hildreth of Cumberland then presented Senate Amendment "C" and moved its adoption.

Senate Amendment "C", Filing No. S-367, was Read and Adopted and, under suspension of the rules, the bill, as Amended, was given its Second Reading and Passed to be Engrossed.

Sent forthwith to the House for concurrence.

#### Enactors

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

An Act Creating the State Witness Immunity Act. (H. P. 1269) (L. D. 1775)

"An Act Establishing a State Planning Office." (S. P. 772) (L. D. 1844)

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

"An Act Increasing Hunting and Fishing Licenses." (H. P. 1327) (L. D. 1872)

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

—

"An Act to Allow Research in Irish Moss." (H. P. 1329) (L. D. 1874)

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

Mrs. SPROUL of Lincoln: Mr. President and Members of the Senate: With reference to L. D. 1874, I wish to be recorded in opposition to this bill. I realize it has been fully debated and at this point there is no use in any further debate but I don't favor this. I am against the whole idea of it and, with the amendment, as I understand it, part of it will be off the coast of Lincoln County and,

therefore, I want to be recorded as in opposition to it.

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.

“An Act Relating to Loans on Fishing and Agricultural Projects Under the Maine Industrial Building Act.” (S. P. 811) (L. D. 1882)

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

**Bond Issue**

“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)

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

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Resolve, Providing for a Retirement Allowance for Lois Blackwell Goodwin. (H. P. 1280) (L. D. 1786)

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

The same Senator then presented Senate Amendment “A” and moved its adoption.

Senate Amendment “A”, Filing No. S-365, was Read and Adopted and the Resolve, as Amended, was Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the Special Appropriations Table Bill, “An Act Establishing the Bureau of Mental Retardation.” (H. P. 1312) (L. D. 1841)

On further motion by the same Senator, and under suspension of the rules, the Senate voted to

reconsider its action whereby the Bill was passed to be engrossed.

The same Senator then presented Senate Amendment “A” and moved its adoption.

Senate Amendment “A”, Filing No. S-363, was Read and Adopted and the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent forthwith to the House for concurrence.

On motion by Mr. Ross of Piscataquis,

Recessed until five o'clock this afternoon.

**After Recess**

Called to order by the President.

On the disagreeing action of the two branches of the Legislature on Bill, “An Act Relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles” (S. P. 766) (L. D. 1823) the President appointed the following Conferees on the part of the Senate:

Senators:

- LUND of Kennebec
- MacLEOD of Penobscot
- HARDING of Aroostook

**Papers From The House**

Out of order and under suspension of the rules, the President laid before the Senate the following additional papers from the House:

**Non-concurrent matters**

Bill, An Act to Correct Errors and Inconsistencies in the Education Laws. (H. P. 1259) (L. D. 1765)

In House, Jan. 18, Passed to be Engrossed As Amended by Committee Amendment “A” (H-507) and House Amendments “B” (H-509) and “D” (H-516).

In Senate, January 24, Passed to be Engrossed As Amended by Committee Amendment “A” (H-507) House Amendment “D” (H-516) and Senate Amendments “C” (S-353) and “D” (S-360) in non-concurrence.

Now comes from the House, that body having Insisted and asked for a Committee of Conference.

House Conferees appointed by Speaker:

Mrs. BAKER of Orrington  
Messrs. RICHARDSON  
of Stonington  
HICHENS of Eliot

In Senate, voted to insist and join in a Committee of Conference.

The President appointed the following Conferees on the part of the Senate:

Senators: KATZ of Kennebec  
MacLEOD  
of Penobscot  
BOISVERT  
of Androscoggin

#### Enactors

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

An Act Relating to Hearings Before Water and Air Environmental Improvement Commission. (H. P. 1322) (L. D. 1868)

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

#### Bond Issue

An Act to Authorize Bond Issue in the Amount of \$850,000 for Dormitory Facilities at Maine Maritime Academy and Bond Issue in the Amount of \$955,000 for Self-liquidating Dormitory Facilities at Farmington State College. (H. P. 1314) (L. D. 1857)

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

#### Reports of Committees

##### Senate

#### Ought to Pass in New Draft

Mr. Berry for the Committee on Appropriations and Financial Affairs on Bill "An Act to appropriate and Provide 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. 784) (L. D. 1856)

Reported that the same Ought to pass in New Draft (S. P. 815) (L. D. 1885)

Which report was Read and Accepted and the bill in New Draft Read once. Thereupon, under sus-

pension of the rules, the bill was given its Second Reading and Passed to the Engrossed.

Sent forthwith to the House for concurrence.

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

Mr. MILLS of Franklin: Mr. President, if the document is in the possession of this body, or if it is in order to do so, Mr. President, I should like to move for reconsideration of our earlier action today in regard to the first item on the Supplemental No. 1 Calendar, "An Act Relating to Appeals on questions of Law in Criminal Cases." (H. P. 1331) (L. D. 1876). We did act on that without debate in regard to the non-concurring House action. I am not sure that my motion would be in order, Mr. President, but, if it is, I should like to move for reconsideration.

The PRESIDENT: The Chair will advise the Senator that the action taken was to recede and concur, which involved the passage of the bill to be engrossed. The bill is in fact at the printer in the process of being engrossed.

Mr. MILLS: My question, Mr. President, is: Is a motion to reconsider in order at this time?

The PRESIDENT: No, because the bill is not in the possession of the Senate.

On motion by Mr. Ross of Piscataquis,

Recessed until the sound of the bell.

#### After Recess

Called to order by the President.

#### Papers From The House

Out of order and under suspension of the rules, the President laid before the Senate the following additional papers from the House:

#### Non-concurrent Matter

Bill, "An Act Relating to Tax on Real Estate Transfers." (H. P. 1335) (L. D. 1879)

In Senate, January 23, Passed to be Engrossed As Amended by House Amendment "A" (H-531) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments: "A" (H-531) "B" (H-534) and "C" (H-538) in non-concurrence.

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

**Committee Report**

**Senate**

**Divided Report**

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for State Advances to Municipalities for Pollution Controls." (S. P. 774) (L. D. 1846) reported that the same Ought to Pass in New Draft (S. P. 816) (L. D. 1886).

(Signed)

Senators:

BERRY of Cumberland  
ALBAIR of Aroostook  
DUQUETTE of York

Representatives:

HUMPHREY of Augusta  
SCRIBNER of Portland  
JALBERT of Lewiston  
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 So. Portland  
BRAGDON of Perham

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for Thursday, January 25, pending acceptance of either Committee Report.)

**Non-concurrent Matter**

Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 756) (L. D. 1867)

In Senate, January 24, 1968 — Passed to be Engrossed as Amended by Committee Amendment "A" Senate Amendments "A" "B" and "C".

Comes from the House Passed to be Engrossed As Amended by Committee Amendment "A" and Senate Amendments "A" and "B" in non-concurrence.

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

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