

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

Volume III

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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 26, 1968

Called to order by the President.
Prayer by Mr. Richard N. Berry,
Senator from Cumberland.

Reading of the Journal of yesterday.

Papers from the House Conference Committee Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act Establishing a State Employees Appeals Board. (S. P. 771) (L. D. 1843) have had the same under consideration, and ask leave to report that the Senate Recede and Concur with the House.

(Signed)

Representatives:

MARTIN
EWER
BEDARD

Senators:

JOHNSON
ROSS
ALBAIR

Comes from the House, Read and Accepted.

Which report was Read.

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

Mr. GOOD of Cumberland: Mr. President and Members of the Senate: This is Legislative Document 1843—sometimes you wonder what the document is before the Senate—An Act Establishing a State Employees Appeals Board. This will give the State employees an opportunity to have their grievance or dispute heard by an appeals board, and gives them a chance to have it finally settled by an impartial hearing.

This bill has been supported by the Maine State Employees Association, by the Federated Labor Unions of Maine, and by the Personnel Board. It is a good bill, a necessary piece of legislation, and one supported by the State employees of this State. Therefore, I move that the Senate accept the Conference Committee Report.

The PRESIDENT: Is it the pleasure of the Senate to accept the Conference Committee Report?

The motion prevailed.

Thereupon, the Senate voted to Recede and Concur with the House. The bill was then Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act Reactivating the Governor's Committee on Children and Youth. (H. P. 1300) (L. D. 1829) have had the same under consideration, and ask leave to report: that the Senate Recede and Concur with the House.

(Signed)

Representatives:

KILROY
LEVESQUE
HARVEY

Senators:

ALBAIR
YOUNG
VILES

Comes from the House, Read and Accepted.

Which report was Read.

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

Mr. ALBAIR of Aroostook: Mr. President, I move the Senate accept the Conference Committee Report.

The PRESIDENT: The Senator from Aroostook, Senator Albair, moves that the Senate accept the Conference Committee Report.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I realize this is not the time for lengthy speeches, and I will be very brief. As a member of the Governor's Committee on Children and Youth, representing the Senate, I have been very much interested in this bill. The bill has been amended down on its price tag so that it now has only an \$1,800 fee. I am quite conscious of the fact that many worthy bills have had to go by the board, but I feel quite pleased, and I know that the members of the 103rd Legislature can feel pleased and justified, and go home with confi-

dence that they have done a great deal for the youth of the State of Maine, not only in education, which has been a tremendous measure of accomplishment in this Legislature, but also the aid of those young people who are less fortunate.

I believe, ladies and gentlemen of the Senate, that this being the last measure, I am indeed pleased and happy that we can recede and concur with the House and go to our several homes with a great deal of pride and accomplishment in the legislation which we have enacted this time, and I second the motion of the good Senator from Aroostook, Senator Albair, that we recede and concur with the House.

The PRESIDENT: Is it the pleasure of the Senate to accept the report of the Committee?

The motion prevailed.

Thereupon the Senate voted to Recede and Concur with the House. The bill was then Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders

On motion by Mr. Harding of Aroostook:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be directed to report out a Bill which will restore the Student Scholarship Administration to the amount and intent specified in Legislative Document 1856. (S. P. 820)

The PRESIDENT: Is it the pleasure of the Senate that this order receive passage?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President, I move the order be indefinitely postponed and request a division.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that the order be indefinitely postponed and requests a division.

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: As a result of the action which we took here yesterday in not refunding the increased amount to the cigarette dealers, we did gain \$47,000 in money and, with the appropriation at this time of some \$240,000,000 for the biennium, it is clear in my mind, from my experience on the Appropriations Committee last year, that there is money available to fund these scholarships.

This Legislature spoke in regard to the scholarships in relation to the bill which was presented to repeal them, and that bill, as you will recall, was defeated. Now we have the statute on the books but we have not appropriated the money to fund it.

Now, I understand that there are over a thousand young boys and girls throughout Maine who have made application for the benefit of this scholarship and, under the appropriation act as passed, only those students who are currently enrolled will be funded, and it will be impossible for any of these 1,000 students to secure the benefits of this act.

I would hope that in these waning hours—this is not going to take a lot of time, because it will only involve a small amendment to the general appropriations act—and we have the money, so it is only a question now of whether or not we will fund this program or whether we would leave it on the books unfunded. I would hope that we might do this one last thing, and 151 young boys and girls in Maine would receive the benefit of it.

I would ask that you vote against the motion for indefinite postponement, and when the vote is taken I would ask that it be taken by the "Yeas" and the "Nays."

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Regretfully, I support the motion for indefinite postponement. This session of the Legislature has done more to increase educational opportunities for our young people than any other legis-

lature in history. Today we can look any Maine youngster firmly in the eye and say, "If you have got the ability, and if you have got enough motivation, you can continue your education after high school in a State supported institution." We can say this: that the youngster will have the financial ability to attend school, without regard to his parents' income or without regard to a State sponsored scholarship program.

The passage of a student loan program by the 103rd gives Maine as fine a loan program as you can find in any state in the United States. We have created a twelve and a half million dollar loan fund for the benefit of our children. We have passed historic legislation which joins together, for the first time, the University of Maine and the five State Colleges with a single board of trustees. We have taken a most significant step in putting Maine's higher educational house in order so that we can confidently expect the number of our young people involved in post high school education to jump from the present figure of 25,000 to a tripled figure of 75,000 by 1975.

I hope you all, Republicans and Democrats alike, share with me my personal pride in some of the things we have done. The 103rd has appropriated almost \$30,000,000 more to the Department of Education than did the previous Legislature. This is a whacking 44% increase. Although our desire to do more is very well known, we can take deep pride in that which we have already accomplished.

I have a personal feeling of pride on behalf of the people of the central part of this State in the fact that, for the first time, we will now have a University facility in an area that previously had no educational opportunities. Of course, I mean the University of Maine in Augusta.

The 103rd Legislature has authorized the expenditure of almost \$6,000,000 for capital programs for our State Colleges and Vocational Technical Schools. This represents a 75% increase over and above what was done by the previous Legislature.

We have made significant strides in the improvement of educational opportunities for our Indian children. We have made progress through appropriations for such widely diverse programs as Teachers for the Mentally Retarded, the Education of Orphans of our Veterans, for the Education of our Island Children, and in many, many more areas. We have given generous support to regional, technical and vocational centers, and we have joined the Education Commission of the States. Our general purpose subsidies have never been bigger, although we are the first to admit that they are not big enough.

Mr. President and Members of the Senate: As we go home, let's all take pride in the fact that no Legislature in the history of the State of Maine has shown such an awareness of the needs of our young people. No other Legislature in history has made a greater contribution to assure the future success of our greatest asset, our youngsters. I hope that this order is indefinitely postponed.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator MacLeod.

Mr. MacLEOD of Penobscot: Mr. President and Members of the Senate: It is perhaps redundant of me to stand up here this morning to try and add to the excellent summary which the Senator from Kennebec, Senator Katz, has given you about the accomplishments in education that this session of the Legislature has taken. But there are a couple of other areas in which we have not been niggardly. There are a couple of other areas in which we have been very generous. For example, the appropriations to the University of Maine, a \$7,666,000 increase over the previous biennium, a 50% increase in appropriations. To the Maine Maritime Academy, an increased appropriation of \$260,000 in the 103rd compared to the 102nd, which is a 37% increase. A capital expenditure for the Maine Maritime of \$850,000, which is over a 100% increase. This is not be-

ing niggardly and this is not neglecting our young people.

When we talk about scholarships let us not forget that we have had on the books for several years a scholarship fund administered through the State Board of Education. These are outright grants made to students that are needy that are attending our State Colleges. This is \$100,000 for the biennium and, with a maximum amount of \$300, it allows 167 Maine young people who are pursuing a teaching career to get an education. This program, coupled with the scholarship loan fund of twelve and a half million dollars, truly, I think, is significant help to our young people.

The Senator from Aroostook, Senator Harding, mentioned the cigarette tax and that we now have \$47,000 additional money to spend.

Ten years ago the State of Maine was building all of its buildings from surplus. Revenues to the general fund were estimated on a conservative basis on purpose so that there would be a surplus fund available for bricks and mortar. Now we are up to nearly a quarter of a billion dollars in a biennial current services budget, and the Senator from Aroostook is talking about a \$47,000 fund that is available now that we can now spend.

The Senator from Aroostook, Senator Harding, had an amendment prepared yesterday that said this: that the Act, which was the Blind Children's Resources Center, would be given the \$200,000 if on June 30, 1969 there was an extra \$200,000 in the general fund surplus. How times have really changed when we feel we can't leave here not only without spending every nickle that there is in the big inflated revenue estimates, but also we are going to spend money a year and a half from now if the revenue estimates, that have been increased, there might be another \$200,000 in there, we are going to spend that now, eighteen months ahead. If the State of Maine continues to pursue this type of fiscal policy, then I say God help us all, and God help the poor people in the State of Maine.

We can take pride in what we have done during this session, both in the regular, the first special, and the second special session for education. The Senator from Kennebec, Senator Katz, has outlined many areas and I have tried to add a couple of others. I think we have a remarkable record of progress in this session for education that is unparalleled in any previous Legislature, and I would hope that the motion to indefinitely postpone this order prevails.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING or Aroostook: Mr. President and Members of the Senate: I will be very brief in my rebuttal. I do note with interest that the good Senator from Kennebec, Senator Katz, and the Senator from Penobscot, Senator MacLeod, both voted against the repeal of the Scholarship Act, being members of the Education Committee. I believe this was a unanimous report. All I am saying now is that we put our money where our mouth is and, insofar as all these millions of dollars which we have spent, of course, this is wise, but we are talking about now \$70,000, and not \$240,000,000.

So, on this issue here, we do have the money; there is no question about that. The question is whether we are going to fund the program which the Education Committee voted unanimously ought to stay on the books. If we do renege on this, we will be the first state that has had a scholarship program and then has voted not to fund it or to repeal it. Now, there is a difference between a loan fund and a scholarship. The scholarship tends to reward excellence, and this is something which we need to award, excellence in the field of education. So, the issue today is whether or not you are in favor of helping these 151 kids, who have achieved a degree of excellence, to be rewarded by it. We are talking about \$70,000. The money is in the till. We are not talking about \$240,000,000.

I have heard these very same arguments before. I remember at the 102nd Legislature people said "Well, we have spent ourselves dry; there will not be another dime left in the till." As you will recall, we had a \$9,000,000 surplus. I supported the programs and at that time we were, I felt, conservative. I feel this time that, in view of what is ahead for us economically and so on, the programs which we have approved and we have funded, I think they have been done wisely and that this State is not going to be in the red in the next two years; we are going to end up with a surplus. So, I would hope that you would vote "No" when the vote is taken.

The PRESIDENT: The pending question is the motion of the Senator from Somerset, Senator Johnson, that this order be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I want to make it very clear that the accomplishments which I enumerated were the accomplishments of Republicans and Democrats working together. I would like to point out, and perhaps I do have a partisan feeling in this respect, that the problem we are faced with here today had its roots in the fact that the 102nd Legislature, which created this program, didn't put up a nickle to fund it, and this is the basic reason for our problem here today.

I think, indeed, Senator MacLeod and I, signers of the unanimous report, stand here today with mixed feelings and with some misgivings, but I think both of us share the feeling, and perhaps many of you do too, that, although it is unfortunate that we cannot do more at this time for the 151 youngsters, we can take deep satisfaction in what we have done for countless thousands of youngsters who will be coming along in the days ahead.

The PRESIDENT: Is the Senate ready for the question? The pending question is the motion of the Senator from Somerset, Senator Johnson, that this order be indefinitely

postponed. The Senator from Aroostook, Senator Harding, has requested that the vote be taken by the "Yeas" and "Nays." In order for the "Yeas" and "Nays" to be entertained there must be the expressed desire of at least one-fifth of the members present. As many as are in favor of taking the vote by the "Yeas" and "Nays" will now stand and remain standing until counted. Obviously a sufficient number having arisen, the roll call is ordered. The Secretary will call the roll. Those in favor of the motion to indefinitely postpone will answer "Yes" when their name is called. Those opposed to the motion will answer "No."

Roll Call

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

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

A roll call was had. 24 Senators having voted in the affirmative, and ten Senators having voted in the negative, the motion prevailed and the order was Indefinitely Postponed.

On motion by Mr. Johnson of Somerset,

ORDERED, that a message be sent to the House of Representatives informing that body that the Senate has transacted all the business before it and is ready to adjourn without day.

Which was Read and Passed.

The President appointed the Secretary to deliver the message.

Subsequently the Secretary returned and reported that he had delivered the message with which he was charged.

A message was received from the House of Representatives through Mr. Richardson, Majority Floor Leader in the House, that the House had transacted all business before it and was ready to adjourn without day.

On motion by Mr. Ross of Piscataquis,

ORDERED, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any further communication he may be pleased to make. (S-819).

Which was Read and Passed.

The President appointed as Senate members of such committee Senator Sproul of Lincoln, Senator Mills of Franklin, and Senator Boisvert of Androscoggin.

Sent forthwith to the House for concurrence.

Subsequently the order was returned from the House, Read and Passed in concurrence.

Subsequently the committee returned and reported that the committee had attended to the duties assigned to it and the Governor was pleased to say that he would attend the session forthwith.

At this time His Excellency, Governor Kenneth M. Curtis, entered the Senate Chambers and addressed the Senate as follows:

GOVERNOR KENNETH M. CURTIS: Mr. President and Members of the Senate:

For the third time I am honored to address you as you prepare to adjourn.

Much credit for the results of this special session is owed to those members of both parties who have cooperated so well to make this session productive.

Justice William J. Brennan, Jr., of the United States Supreme Court once wrote: "The law is not an end in itself, nor does it provide ends. It is preeminently a means to serve what we think is right." I believe your deliberations of this session have been largely conducted in the spirit of Justice Brennan's statement.

I would like to mention in quick review some important accomplishments of this session. Although this session was brief, several historic actions were taken.

Through direct appropriations and the submission of a bond issue we have made possible additional improvements in the educational and living facilities for our fellow citizens on our three Indian Reservations.

Much has been done to supplement the existing opportunities at our institutions of higher education.

Thirty-two positions have been established at our State Colleges and fifteen at our Vocational Technical Institutes.

A bond issue has been referred to the people to improve housing at the Maine Maritime Academy and Farmington State College.

The University of Maine has received \$1,850,255 which, with previous appropriations, funds 98% of the University's biennium request and 46.4% more State assistance than was provided during the last biennium.

A State College Loan Program has been created to make available \$12.5 million for student loans.

The State Scholarship Program has been continued on a limited basis for those presently in college. I sincerely hope that both loans and scholarships will be widely used to aid Maine students. It is most important to the youth of this State that the State Scholarship Program be expanded and fully funded by the 104th Legislature.

A monumental step has been taken to improve higher education opportunities for future generations. The State Colleges and the University have been unified with the promise of improved quality through a better coordinated higher education system. During the ensuing months a strong, well-balanced board of trustees will be selected, and they will begin their important search for a chancellor. They will face the enormous challenge of building a system of higher education that meets the needs of this State.

At this session both money and legislation have been provided to assure a more centralized information and planning system at the State level. I intend to see that these modern tools of man-

agement which you have given me are actively and properly used.

Advancement of the federal share of pollution abatement projects should accelerate the willingness of municipalities to fulfill this obligation and will mean a rapid acceleration of the construction of a number of local sewerage disposal systems.

Our State effort to assure quality mental health care has been enhanced through increased appropriations, the creation without funding of a bureau of mental retardation, and a bond issue for residential facilities in northern Maine.

We are, of course, all concerned with our increasing highway fatalities. As a partial answer to this problem, this session funded thirteen additional State Police and adopted legislation to remove certain restrictions on the use of devices for measuring speed. Driving while impaired has been established as a criminal offense.

I do regret your decision not to create the Maine Planning Committee on Criminal Law Administration. This Committee would have enabled us to conduct professional research in order to review and propose improvements in the laws and administration affecting criminal justice.

Another innovation of this session was the establishment, for the first time, of a salary plan for most executives in the State service. This procedure was long overdue and will assist the Governor and Council in recruiting and retaining capable agency heads within salary limits established by the Legislature.

There are other advances that could be cited, and there were worthy projects left undone. But, having come to what is very likely the last meeting of the 103rd Legislature, I wish to express my thoughts about the January, 1969 session that will soon occupy the attention of the next Legislature and those of you who will be returning.

It is my sincere hope that we can turn greater attention to the needs of our mental health and correctional institutions, as well as more effectively deal with the

problems of the poor. There will be no abatement of demands for services by local and State governments. To finance these necessary services during the next Legislature will tax our ingenuity as well as our resources.

I suggested in my opening message to this special session that this Legislature might want to increase the subsidy formula for 1969 to allow school officials to more adequately plan their budget requests to municipalities. Although I believe that subsidies will need to be increased in 1969, I concur with this Legislature's decision to defer consideration of funding additional subsidies to the 104th Legislative Session.

This State Legislature did not choose to change the formula. However, the present statutes express the intent of the Legislature to revise the subsidy formula each biennium consistent with educational expenditures in the towns.

Title 20, Subsection 3722 of the Revised Statutes requires the Commissioner of Education to recommend amendments to the Governor by October 1, as a basis for budgetary requests to the 104th Legislature. I am confident that this process can be used to evaluate local education costs and to propose necessary increases in State assistance for both the 1969 and 1970 school years along with recommendations to correct inequities that may be in the present subsidy formula.

Preliminary projections by the Department of Education and the University of Maine indicate that their combined requests for the next two-year budget period will be \$55 million in excess of this biennium's appropriations. Most of these additional costs will be required by school subsidy programs and the demand for student admission to institutions of higher education.

I anticipate a general fund budget in January of 1969 of approximately \$300 million. The leaders of both parties apparently concur with this estimate. Neither the economy of this State nor our tax system will expand rapidly enough to meet this anticipated \$300 million budget. Your best thinking,

as well as that of our Citizen Task Forces and State Department Officials will be needed to design a better tax system to yield the revenue that the State of Maine and its municipalities need. To meet this challenge is the most important task facing both the Legislature and the Executive Branch. To fail in this responsibility will mean a substantial loss of the momentum that has improved State services during the past few years.

With this expression of both hope and concern for the future, I respectfully extend to you my best personal wishes for 1968. Thank you.

Governor Curtis retired from the Chambers amid the applause of the Senate, the members rising.

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

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: Perhaps I am too sentimental, but I have never liked the word "Goodbye." To me it has a ring of finality that is very depressing. To paraphrase the words of that immortal bard, Shakespeare, "Parting is such sweet sorrow," so I am simply going to say, in all reverence, in all sincerity, Godspeed and God bless you all.

Mr. President, I move we adjourn sine die.

Thereupon, at 1:08 P.M. on Friday, January 26, 1968 the Honorable Joseph B. Campbell, President of the Senate, declared the Senate of the 103rd Legislature adjourned without day.