

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 8, 1969

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Arthur Christopher of Augusta.

The journal of yesterday was read and approved.

The SPEAKER: The Chair recognizes the presence in the Hall of the House of the gentleman from Gouldsboro, Mr. Bunker, the gentleman from Lewiston, Mr. Couture, the gentleman from Old Orchard Beach, Mr. Danton and the gentleman from Mexico, Mr. Fraser.

Will the Minority and Majority leaders please escort these gentlemen to the Executive suite to subscribe and take their oaths prior to the performance of their official duties.

Subsequently, Mr. Richardson for the Committee reported the Committee had discharged the duty assigned to it and that the four Representatives had subscribed the oaths necessary to qualify them to enter upon their official duties.

Whereupon, Mr. Bunker of Gouldsboro was assigned to seat number 91, Mr. Couture of Lewiston was assigned to seat number 139, Mr. Danton of Old Orchard Beach was assigned to seat number 16, and Mr. Fraser of Mexico was assigned to seat number 105.

The SPEAKER: The Clerk will correct the roll call of the House members.

The SPEAKER: The Chair has the duty this morning of filling some vacancies on Standing Committees, and under Title 3, Section 201 of Chapter 9, to the Commission on Interstate Cooperation, the Chair appoints the gentleman from Hope, Mr. Hardy; the gentleman from Pittsfield, Mr. Susi and the gentleman from Enfield, Mr. Dudley, are continuing members.

Pursuant to Chapter 188 of the Public and Special Laws of 1965, I hereby appoint Clarence M.

Crosby of Kennebunk, and Leon G. Lebel of Van Buren to the State Commission on Transportation.

Pursuant to Title 21, Section 1399 I now appoint to the Committee on Campaign Reports the gentleman from Orrington, Mrs. Baker, the gentleman from Vassalboro, Mr. Hanson, and the gentleman from Waterville, Mr. Carey.

Papers from the Senate

The following Communication: (S. P. 20)

STATE OF MAINE
LEGISLATIVE RESEARCH
COMMITTEE
AUGUSTA

January 1, 1969
To the Members of the 104th Legislature:

It is my honor to transmit herewith the first volume of studies authorized by the 103rd Legislature for Legislative Research Committee study and determination during this past biennium.

This volume, designated a Legislative Research Committee publication 104-20 (Vol. 1), combines in a single publication the findings and recommendations developed in ten specific areas of study which are individually reported in committee publications numbered 104-1 through 104-10.

The Members of the Committee wish to express their appreciation for being chosen to participate in these assignments and sincerely hope the reports contained herein will prove of benefit to the Members of the Legislature and the people of the State of Maine.

Respectfully submitted,

(Signed)

Kenneth P. MacLeod, Chairman
Legislative Research Committee
Came from the Senate read and with accompanying Report ordered placed on file.

In the House, the Communication was read and with accompanying Report ordered placed on file.

The following Communication: (S. P. 21)

STATE OF MAINE
BUREAU OF PUBLIC
IMPROVEMENTS
AUGUSTA

January 2, 1969
To the Senate and House of
Representatives of the One-
Hundred and Fourth Legislature

In accordance with the provisions
of Title 5, Section 1742, Maine Re-
vised Statutes Annotated, we are
submitting herewith the Status of
Capital Improvement Projects
including cash expenditures
through June 30, 1968.

Respectfully,
(Signed)

NIRAN C. BATES

Niran C. Bates, Director

Came from the Senate read and
with accompanying papers ordered
placed on file.

In the House, the Communication
was read and with accompanying
papers ordered placed on file.

The SPEAKER: The Chair is
pleased this morning to recognize
in the rear of the Hall of the House
Staff Sergeant Winfield R. Ray-
mond of Bath, who has just re-
turned from a year's service in
Vietnam. He is the special guest
this morning of Representative
Rodney Ross of Bath. Will the Ser-
geant step to the entrance to the
Hall of the House to be recognized?
Staff Sergeant Winfield R. Ray-
mond. (Prolonged Applause, the
members rising)

The members of the House are
very pleased to recognize this
gentleman, and we are extremely
happy that he has returned safely
from the area of combat.

The following Communication:
(S. P. 19)

STATE OF MAINE
DEPARTMENT OF THE
ATTORNEY GENERAL
AUGUSTA

January 2, 1969

To the Honorable Senate and House
of Representatives of the 104th
Legislature:

Pursuant to Article V, Part 4,
Section 2, of the Constitution, I am
transmitting herewith two bonds of
the Honorable NORMAN K.
FERGUSON, Treasurer of State,
each in the amount of \$250,000, one
written by Seaboard Surety Com-
pany of Portland, Maine, bearing
date of December 19, 1968 and the
other written by Maine Bonding

and Casualty Company of Portland,
Maine, bearing date of December
18, 1968, each being payable to the
State of Maine.

These bonds bear my approval
as to form.

Respectfully,
(Signed)

JAMES S. ERWIN

James S. Erwin

Attorney General

Came from the Senate read and
with accompanying bonds ordered
placed on file with the State
Auditor.

In the House, the Communication
was read and with accompanying
bonds ordered placed on file with
the State Auditor in concurrence.

From the Senate: The following
Orders:

ORDERED, the House con-
curring, that the two bonds of the
Honorable NORMAN K.
FERGUSON, Treasurer of State,
totalling \$500,000, one written by
the Seaboard Surety Company of
Portland, Maine in the amount of
\$250,000, and one written by the
Maine Bonding and Casualty Com-
pany of Portland, Maine in the
amount of \$250,000, payable to the
State of Maine and each bearing
the certificate of approval of the
Attorney General, be and hereby
are approved (S. P. 22)

ORDERED, the House con-
curring, that the Chairman of the
Joint Standing Committee on
Education be authorized to hire a
staff for the Committee, the ex-
pense of which is not to exceed
\$3,000 (for the regular legislative
session of the 104th Legislature),
the same to be paid from the
payroll of the Joint Standing
Committee on Education (S. P. 23)

Came from the Senate read and
passed.

In the House, the Orders were
read and passed in concurrence.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves
were received and, upon
recommendation of the Committee
on Reference of Bills, were
referred to the following Commit-
tees:

Agriculture

Bill "An Act Clarifying Certain Milk and Milk Products Laws" (H. P. 52) (Presented by Mr. Chick of Monmouth)

Bill "An Act relating to Tree and Shrub Seeds Under the Maine Seed Law" (H. P. 53) (Presented by Mr. Page of Fryeburg)
(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Reactivating the Governor's Committee on Children and Youth" (H. P. 54) (Presented by Mrs. Kilroy of Portland)

Bill "An Act Providing Funds for the Official Observance of the 150th Anniversary of the Formation of the State of Maine" (H. P. 83) (Presented by Mr. Birt of East Millinocket)
(Ordered Printed)
Sent up for concurrence.

Claims

Resolve Reimbursing Richard Strong of York for Well Damage (H. P. 55) (Presented by Mrs. Brown of York)

Resolve to Reimburse Bernard J. Kinney of Winthrop for Well Damage by Highway Maintenance (H. P. 56) (Presented by Mr. Chick of Monmouth)

Resolve in Favor of Dan S. Webb of Wilton (H. P. 57) (Presented by Mr. Scott of Wilton)
(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 54 (H. P. 58) (Presented by Mr. Dam of Skowhegan)

Bill "An Act relating to Permitting Certain Programs on Educational Television (H. P. 59) (Presented by Mr. Lund of Augusta)
(Ordered Printed)
Sent up for concurrence.

Highways

Bill "An Act relating to the Authority to Regulate Motor

Vehicle Speeds" (H. P. 60) (Presented by Mr. Snow of Caribou)
(Ordered Printed)
Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to the Wearing of Fluorescent Clothing When Hunting" (H. P. 61) (Presented by Mr. Gaudreau of Lewiston)

Bill "An Act relating to Open Season on Muskrat on Portion of East Machias River, Washington County" (H. P. 62) (Presented by Mr. Mills of Eastport)

Bill "An Act relating to Power Boats on Certain Waters in Washington County" (H. P. 63) (Presented by same gentleman)
(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act relating to Notice Requirement Under Tenancy at Will by New Owner or Lessee" (H. P. 64) (Presented by Mr. Vincent of Portland)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Providing for a Council-Manager Form of Government for the Town of Millinocket (H. P. 65) (Presented by Mr. Crommett of Millinocket)

Bill "An Act to Grant a Charter to the Town of South Berwick" (H. P. 66) (Presented by Mr. Hichens of Eliot)

Bill "An Act relating to Obedience to Police Officers in Controlling Traffic" (H. P. 67) (Presented by Mr. Lund of Augusta)
(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act relating to Application of Wetlands Law to Inland Waters" (H. P. 68) (Presented by Mr. Mills of Eastport)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Remove Debt

Limit of Jay Village Water District" (H. P. 69) (Presented by Mr. Scott of Wilton)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Membership and Expenses of Maine Recreation Authority" (H. P. 70) (Presented by Mr. Lewin of Augusta)

Bill "An Act relating to United States Property and Fiscal Officer Under Military Law" (H. P. 71) (Presented by same gentleman)

Bill "An Act relating to Expenditures from Aeronautical Fund" (H. P. 72) (Presented by Mr. Rideout of Manchester)

Bill "An Act Increasing Compensation of Members of the Legislature" (H. P. 73) (Presented by same gentleman)

Bill "An Act Dividing the State of Maine into Presidential Election Districts" (H. P. 74) (Presented by Mr. Starbird of Kingman Township)

Resolve Proposing an Amendment to the Constitution to Provide for Election of Members of Executive Council (H. P. 75) (Presented by Mr. Carey of Waterville)

Resolve Proposing an Amendment to the Constitution Increasing Number of Executive Councillors from Seven to Eight (H. P. 76) (Presented by same gentleman)

Resolve Proposing an Amendment to the Constitution to Reduce the Voting Age to Nineteen Years (H. P. 77) (Presented by Mr. Corson of Madison)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Poll Taxes Paid to Prentiss Plantation" (H. P. 78) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act relating to Records of Federal or State Monies Participated in by Political Divisions" (H. P. 79) (Presented by

Mr. Carey of Waterville by Request)

Bill "An Act to Change the Name of Butler Island, Kennebec County, to Paradise Island" (H. P. 80) (Presented by Mr. Chick of Monmouth)

Bill "An Act Increasing Salary of Clerk of Courts of Sagadahoc County" (H. P. 81) (Presented by Miss Watson of Bath)

Bill "An Act Increasing Salary of Judge of Probate of Sagadahoc County" (H. P. 82) (Presented by same member)

(Ordered Printed)

Sent up for concurrence.

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter:

HOUSE JOINT ORDER re Joint Rule 17-B, Ought not to pass referrals. (H. P. 84)

Tabled — January 7, by Mr. Rideout of Manchester.

Pending — Passage under the rules.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker, I would like to move passage under the rules and speak to my motion.

The SPEAKER: The gentleman may proceed.

Mr. RIDEOUT: Mr. Speaker and Members of the House: The 103rd Legislature charged the Legislative Research Committee to make a study and report on procedural changes that would make the Legislature a more workable body, and in doing so, perhaps save some time, and I will read the gist of the charge: To determine any changes or improvements that might be made in the mechanics of legislative procedure to make them conform more closely to the requirements, necessities and practicalities of increased legislative work loads.

In the special session of the 103rd this Committee did report back to the special session under publication 103-17 some rule changes that it thought would accomplish this fact. One of these is the rule we are talking about today that was

withdrawn because there was some opposition to it.

Now since that time, some of the people that were opposed to it have seen some merit in it, and the Committee voted to resubmit it to the 104th for consideration.

Now if you will note, this bill changes the procedure whereby a unanimous Ought Not to Pass committee report would go to the Reference of Bills Committee, and could be taken out of the Reference of Bills Committee by a petition of discharge. It also has the safety valve of the unanimous Ought Not to Pass referral.

Now this rule alone probably in itself will not save a great deal of time, but with the others coupled in a group would save a significant amount of legislative time in the Committee's opinion. Where it costs about \$10,000 a day for this august legislature to meet, plus the fact that spring comes early, it would behoove us I think to save as much time and make this as workable and businesslike an organization as we can.

I would suggest why not try it and see if it is workable. If it isn't workable, change it. But in other states, particularly Connecticut, where this has been used, it has worked to great advantage. Thus, I move its passage, Mr. Speaker.

The SPEAKER: Is it the pleasure of the House that this Order receive passage?

The Chair recognizes the gentleman from Millinocket, Mr. Crommett.

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to go on record as opposing this order. The legislative procedure, the affairs of state government in a committee where they rule unanimously on a bill Ought Not to Pass is handing to the committee of ten to sit in judgment on a piece of legislation that might be of vital interest to the entire State and to the members of this Legislature. It is true that the meetings are open to the public, but various members of the Legislature may and they may not have time to attend these meetings, and I would say that for democracy in action, that the bill

under discussion should be referred to this Legislature where every member would have a right to talk for or against that measure.

The SPEAKER: Is the House ready for the question? The pending question is the passage of item 1, House Joint Order regarding Rule 17-B Ought Not to Pass referrals. There has been objection posed. The Chair will order a vote. All those in favor of the passage of this order will vote yes, those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 76 having voted in the affirmative and 43 having voted in the negative, the Order received passage and was sent up for concurrence.

The Chair laid before the House the second tabled and today assigned matter:

HOUSE ORDER re House Rule 27-A, relative to debate.

Tabled — January 7, by Mr. Rideout of Manchester.

Pending — Passage under the rules.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would like to thank the gentleman from Manchester, Mr. Rideout, for allowing me the privilege to speak on this order.

This is a very fine order. This is nothing that the Speaker could not do if he so chose. It's been my thinking over the years that the Speaker has bent over backwards on several occasions. It doesn't necessarily mean that if we get off the beaten path that we would be gavelled down. This would only give the Speaker the prerogative that he has anyway if he wanted to use it, to use his own discretion. I think it would probably also avert some embarrassing moments sometimes when deep personalities get involved, and I certainly wholeheartedly go along with this order, and I move its passage.

The SPEAKER: Is it the pleasure of the House that this Order receive passage?

The motion prevailed.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker and Ladies and Gentlemen of the House: This is pursuant to the distribution of the material on your desks.

First, I would like to take this opportunity, for the record, to wish each and every one of you a most healthy and wonderful new year. This may be a long and, at times, stormy session, but I know from a few years of experience that, all in all, it will be a productive one.

I also want to begin this new year and this session with a welcome to Maine to Dr. Donald McNeil, the new Chancellor of our new University of Maine Complex. Along with the rest of the citizens of Maine, I wish him well as he administers the affairs of our growing statewide educational institution. Dr. McNeil has addressed himself to his new assignment. He did so at a press conference in the middle of last month. Some of his comments were most noteworthy. They gave an insight into some of the goals he hopes to achieve.

Yet, some gave me at least pause to reflect. In fact, this morning I would like to offer some slight assistance to Dr. McNeil in the form of some good old-fashioned Yankee advice. Reading the remarks of our new Chancellor in the newspaper, I was somewhat taken aback when he stated that Massachusetts and Connecticut have made vigorous progress in providing quality higher education and then he added, "and now it is Maine's turn."

Certainly, the record will show that I have supported education programs and I want to continue to do so, but I would be remiss in my duty and loyalty to past legislative sessions if I didn't bring some attention to the great accomplishments brought about by the efforts of previous legislative sessions. Knowing somewhat to what extent this Legislature and our educational leaders have centered attention, thought and finances on education in Maine, I felt that maybe someone should

point this out to the good Dr. McNeil.

In the first place, we all know up here in Maine that we cannot compare Massachusetts and Connecticut with our own State. Connecticut, for example, has the highest per capita income in the entire nation. And Massachusetts is a wealthy state and is certainly far from being a poor state. I say, given the economy and income of either state, proportionately we would have far exceeded them in educational advances.

Let's look at the record and figures for just a minute. The 102nd and 103rd Sessions provided record appropriations for education. In fact, whereas the 100th Session provided about \$60 million in this very important area, the 102nd came up with a total of almost \$118 million and the 103rd followed with a whopping \$156-and-a-half millions of dollars. Ladies and gentlemen, I know that you, too, have heard considerable comment of the huge sums that are and have been channelled to education in Maine these past few years. I am not saying that we have done wrong. In many respects, I think we should have done more, but many of our people openly are saying that maybe we are getting to be slightly education-dizzy.

Yes, Dr. McNeil, there is much to be done in the broad field of education — far greater research, more in the areas of the vocational-technical training, continued and greater use of federal grants, and so forth. But I would suggest that some credit and acknowledgement be given to the strides that have been taken by the previous legislatures especially these past four years. It isn't always wise to give the answers before hearing the questions. To my chagrin I have learned this axiom over the years right here in this House. So if the good Dr. McNeil will do a little more asking and a little more listening as he enters into his new career in Maine, it might serve him a little better in the future.

So, Dr. McNeil, I too think that we have a terrific opportunity in

our State, and I sincerely wish him well as our new administrator and innovator. But we have not neglected our children and our people to the extent that some educators may argue. Nor will we in the future. Working together, all of us can wisely continue our progress.

I wish to thank, very warmly, Mr. William Garside and the Legislative Finance Office for the great deal of work and time spent in working out the usually accurate figure computation in this report. This would indicate that this department is accomplishing their purpose.

I have prepared, for your perusal, a fact sheet of programs as started and as implemented into law in the last four sessions of the Legislature. It indicates that in the last eight years Maine has spent a grand total of \$413,981,128 on education. It indicates briefly that insofar as some cities and towns are concerned we have gone from a figure of \$59 million to \$197 million in the last eight years. It indicates that in teachers' retirement programs we have gone from \$6 million 6 to a total of \$37 million 365 thousand.

It would indicate that we have gone, in the programs of Operating and Capital Improvements at the University of Maine Complex itself, from \$10 million to a figure now of 90 millions of dollars. It would indicate that in other programs of Vocational Education we have gone from \$10 million to 83 millions of dollars. It would indicate that from the Maine Maritime Academy appropriation for Operating and Construction we have gone from \$900,000 to \$5,185,000.

In the area of state owned Vocational-Technical schools we have had significant progress in the last few years. We started out with a southern Maine Vocational school, we now have four in operation, at Presque Isle, Bangor, and the Androscoggin County-central Maine program. The 103rd authorized the establishment of another school in the area of Washington County.

This would indicate, as your fact sheet shows, that we have gone into fifty-seven new building facilities in the last eight years;

seventeen of them, incidentally, going into the University of Maine programming both at Orono and at Portland. Certainly the last session of the Legislature did a great deal toward our use insofar as loans are concerned. \$5,000,000 was borrowed for our use. We are now hoping with federal help to go into the area of \$60,000,000 in the foreseeable future. Certainly this indicates that Maine enjoys as fine a program as there is in the country.

I say that people are concerned, and I say that we should be concerned, and I thought possibly these facts might be of some value. And because we in this Legislature enjoy the privilege of immunity, I notify the very good Dr. McNeil or any other educator who might wish to take issue with my comments or who might wish to bring about their case to this Floor and for the record, I have indicated to them that I would be more than happy to read their side into the record.

I think that we in this Legislature and past Legislatures have done a great deal for education, and I think we want to do it and I think we deserve some sort of credit somewhere along the line. Thank you very much.

The SPEAKER: The House is proceeding under orders of the Day, Under Orders of the Day the Chair at this time would like to speak particularly to the new Members of the House. Prior to the last session, the rule of the House was that we would have no smoking and that was Rule 25. But, as the session went along, one of our gracious ladies of the House would move that Rule 25 be suspended. This was done for many, many sessions, so that the gentlemen could enjoy the privilege of smoking in the Hall of the House.

We abolished Rule 25 just about a session ago. I am asking you gentlemen and ladies if you would extend your courtesy and consideration, and refrain from smoking until after the opening exercises, after the prayer, after the salute of the flag. You may

smoke because the rule has been repealed.

Also, I would ask your cooperation and consideration when we have distinguished guests to refrain from smoking at least until the formalities of introduction have gone by. I know that if we have a speaker that speaks a long time, I don't think it is discourteous if you want to light up, but at least extend to these dignitaries the courtesy of refraining from smoking during that period of introduction, and as I mentioned before, during the opening exercises of this body. It would be greatly appreciated by your senior members and the leadership of both parties, be-

cause this is a House that we are proud of; it has National recognition as to decorum and dignity and we all, I am sure, want to keep this reputation of good decorum and dignity in this Maine Legislature.

The SPEAKER: The House is proceeding under Orders of the Day.

(Off Record Remarks)

On motion of Mr. Curran of Bangor,

Adjourned until ten o'clock tomorrow morning.