

# 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**

Tuesday, January 21, 1969

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

Prayer by the Rev. Mr. Arthur Cotton of Casco.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

The SPEAKER: The Chair is pleased to announce this morning that we have a very distinguished young lady with us. You will recall that there was an order passed last week relative to the Junior Miss of Maine, Miss Belinda Desjardins, the daughter of Mr. and Mrs. Paul Desjardins of Auburn, and she is a Senior at Edward Little High School. She has just recently been crowned the Junior Miss for 1969. Her parents are with us in the balcony this morning, and it gives the Chair a great deal of pleasure to ask the gentleman from Auburn, Mr. Drigotas, to escort Miss Belinda Desjardins to the rostrum to be recognized. The Sergeant-at-Arms will escort these two people to the rostrum for recognition.

Thereupon, the Sergeant-at-Arms escorted Representative Drigotas of Auburn and Miss Belinda Desjardins, Junior Miss for 1969, to the rostrum, amid applause of the House, the members rising.

The SPEAKER: Miss Belinda Desjardins, the Junior Miss of Maine. Would you like to say a few words?

MISS BELINDA DESJARDINS: First of all I would like to thank you all very much for the wonderful reception you have given me this morning. I am very proud and honored to be able to represent our wonderful State in Mobile, Alabama, and I will do my best to bring us all a win. Thank you. (Applause)

**Papers from the Senate**

Bills from the Senate requiring reference were disposed of in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Amend the

Charter of the Fryeburg Water Company by Granting Certain Additional Powers and Ratifying and Confirming Certain Acts of said Corporation" (H. P. 94) (L. D. 103)

which was referred to the Committee on Judiciary in the House on January 9.

Came from the Senate referred to the Committee on Public Utilities in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

**Non-Concurrent Matter**

Bill "An Act to Clarify the Watercraft Registration and Safety Law" (H. P. 118) (L. D. 134) which was referred to the Committee on Inland Fisheries and Game in the House on January 14.

Came from the Senate referred to the Committee on Legal Affairs in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

**Messages and Documents**

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA

January 16, 1969

Honorable Bertha W. Johnson  
Clerk of the House  
104th Legislature  
Augusta, Maine

Dear Madam Clerk:

The President today appointed the following members of the Senate to the Commission on Interstate Cooperation: Senator Albert W. Hoffses of Knox, Senator George H. Barnes of Aroostook, Senator Gerard P. Conley of Cumberland.

Respectfully,

(Signed)

JERROLD B. SPEERS  
Secretary of the Senate

The Communication was read and ordered placed on file.

**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 Committees:

### Highways

Bill "An Act relating to Apportionment of Cost of Construction of State Aid Bridges" (H. P. 188) (Presented by Mr. Benson of Southwest Harbor)

(Ordered Printed)  
Sent up for concurrence.

### Industrial and Recreational Development

Bill "An Act relating to Reports of the Managers of the Maine Industrial Building Authority and the Maine Recreation Authority" (H. P. 189) (Presented by Mr. Benson of Southwest Harbor)

(Ordered Printed)  
Sent up for concurrence.

### Inland Fisheries and Game

Bill "An Act relating to Possession of Firearms in the Southern Hunting Zone" (H. P. 190) (Presented by Mr. Kelley of Southport)

Bill "An Act relating to Night Hunting for Migratory Game Birds" (H. P. 191) (Presented by same gentleman)

Resolve Regulating Ice Fishing on Certain Lakes in Penobscot and Piscataquis Counties (H. P. 192) (Presented by Mr. Crommett of Millinocket)

(Ordered Printed)  
Sent up for concurrence.

### Judiciary

Bill "An Act relating to Jurisdiction of Juvenile Courts over Offenses in Operating Boats" (H. P. 193) (Presented by Mr. Kelley of Southport)

(Ordered Printed)  
Sent up for concurrence.

### Legal Affairs

Bill "An Act to Grant Certain Changes in the Government of the Town of Sanford" (H. P. 194) (Presented by Mr. Gauthier of Sanford)

(Ordered Printed)  
Sent up for concurrence.

### Natural Resources

Bill "An Act relating to Powers of Park and Recreation Commission" (H. P. 195) (Presented by Mr. Benson of Southwest Harbor)

(Ordered Printed)  
Sent up for concurrence.

### Retirements and Pensions

Bill "An Act relating to Benefits for Widows of State Police Officers" (H. P. 196) (Presented by Mr. Benson of Southwest Harbor)

(Ordered Printed)  
Sent up for concurrence.

### State Government

Bill "An Act relating to Approval of Appointment of Assistant County Attorney for Hancock County" (H. P. 197) (Presented by Mr. Benson of Southwest Harbor)

Resolve Authorizing Flowage Rights to Arthur C. Shute and Emma L. Shute of Sebago on State Highway No. 126 in East Sebago (H. P. 198) (Presented by Mr. Durgin of Raymond by request)

(Ordered Printed)  
Sent up for concurrence.

### Taxation

Bill "An Act relating to Poll Taxes Paid to Caswell Plantation" (H. P. 199) (Presented by Mr. Label of Van Buren)

(Ordered Printed)  
Sent up for concurrence.

### Towns and Counties

Bill "An Act relating to Fire Protection for Township 8, S.D." (H. P. 200) (Presented by Mr. Benson of Southwest Harbor)

(Ordered Printed)  
Sent up for concurrence.

The SPEAKER: The Chair would call your attention to Supplement number 1 which has been reproduced and distributed to your desks.

### Appropriations and Financial Affairs

Bill "An Act relating to Overtime Payments to Employees of Augusta State Hospital, Bangor State Hospital, Pineland Hospital and Training Center and Governor Baxter State School for the Deaf." (H. P. 203) (Presented by Mr. Richardson of Cumberland)

(Ordered Printed)  
On request of Mr. Richardson of Cumberland, sent forthwith to the Senate.

### House Reports of Committees Ought to Pass

Printed Bill  
Mr. Thompson from the Com-

mittee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Closed Season on Wild Hares in Lincoln County" (H. P. 17) (L. D. 20)

Report was read and accepted, the Bill read twice and tomorrow assigned.

**Ought to Pass with Committee Amendment**

Mr. Berman from the Committee on Judiciary on Bill "An Act relating to Settlement Status of Persons Residing in Rest Homes and Nursing Homes" (H. P. 36) (L. D. 37) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "A" (H-1) was read by the Clerk and adopted, and the Bill assigned for third reading tomorrow.

**Divided Report**

Majority Report of the Committee on State Government on Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms (H. P. 46) (L. D. 47) reporting same in a new draft (H. P. 202) (L. D. 224) under same title and that it "Ought to pass"

Report was signed by the following members:

- Messrs. WYMAN of Washington
- LETOURNEAU of York
- BELIVEAU of Oxford
- of the Senate.
- Miss WATSON of Bath
- Messrs. STARBIRD of Kingman Township
- D'ALFONSO of Portland
- of the House.

Minority Report of same Committee reporting "Ought not to Pass" on same Resolve.

Report was signed by the following members:

- Messrs. DENNETT of Kittery
- DONAGHY of Lubec
- RIDEOUT of Manchester
- MARSTALLER of Freeport
- of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker, I move that this bill and its two accompanying Reports be indefinitely postponed.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, moves that the Reports and Resolve be indefinitely postponed.

The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: As you can readily see, this report received a six to four recommendation ought to pass in new draft.

The fact that this was brought out two years ago when this same item came up or this same report, that three of the ought to pass signers were members of the other body, as a reason for rejecting it, I don't think are relevant here today. For one thing, at least two of them I have personal knowledge were once a member of this body.

During the last six years or so we have heard much in this Legislature and much nationally on reapportionment. Old ideas and old ways of apportioning our legislatures have been thrown to the winds. Whether this is good or whether it is bad is a matter for each person's private judgment of course. Some have thought that with the advent of the two houses based entirely upon population for apportionment that we should do away entirely with one of these houses and have the unicameral legislature. However, this does not necessarily — is not necessarily true, and I think that although in many cases the two houses are a reflection of each other, I think that the constant passing back and forth of legislation from one to the other gives us time perhaps to cool down from emotionalism that might first come to us over one legislative matter or another and through the process take a calmer look at things.

The Chief Justice Warren himself said in rendering his verdict on the population basis for the Senates of the various states: We do not believe that the concept of bicameralism is rendered anachronistic and meaningless when the predominant basis of

representation in the two State legislative bodies is required to be the same — population. A prime reason for bicameralism, modernly considered, is to insure mature deliberative consideration of, and to prevent precipitate action on, proposed legislative measures. Simply because the controlling criterion for apportioning representation is required to be the same in both Houses does not mean that there will be no differences in the composition and complexion of the two bodies. Different constituencies can be represented in the two houses. One body could be composed of single member districts while the other could have at least some multi - member districts. The length of term of the legislators in the separate bodies could differ. The numerical size of the two bodies could be made to differ, even significantly, and the geographical size of the districts from which legislators are elected could also be made to differ, and apportionment in one house could be arranged so as to balance off minor inequities in the representation of certain areas in the other house. In summary, these and other factors could be, and are presently in many states, utilized to engender differing complexion and collective attitudes in the two bodies of a state legislature although both are apportioned substantially on a population basis.

The Chief Justice has probably summed up in a nutshell many of the arguments for a two-house basis of the legislature under present conditions. One thing we do lack in this state is a length of term. Now in four - year terms taking it in a one, two, three basis for argument, continuity and stability in the Senate insuring a group of experienced persons present at all times. Senators are charged with committee chairmanships. Sometimes a Senator is chairman of more than one committee. This involves to some degree, sometimes to a great degree, more responsibility entrusted to them. A four - year term would better qualify them by giving them greater experience and would create distinctions in the complexion of the two houses and thus

help to give the Maine Legislature more of a check and balance system which is rooted deeply in our American form of government and has so far worked so well.

The United States Government has, since the time of the Constitutional Convention in 1787, had two houses with varying terms. I have a book I am reading presently on that Convention, and at that time a one - house chamber was backed by many of the members of that Convention.

Thirty-seven states now have a four year Senate term and of these seventeen use the staggered system which is presented to you in the redraft offered this morning by the Majority Report, L.D. 224. Michigan and Ohio have changed from two to four years since 1956. Alaska and Hawaii came into the Union with four year terms. Nebraska has changed from two to four years and has a one - House system also.

Lastly, we are not talking about some radical change really, only sixteen or seventeen persons will be holdovers at any one time.

I could go on, but I think my main point is this, that if we retain the bicameral system we should not have the two houses as reflections of each other. At the present time we have one house based on single member districts; the other house is based on some multi - member districts. This provides some variation. The length of term is the same; the length of term I feel should be different. And in summary experience better — more variation between the two houses, more responsibility being required of the Senators who are chairmen of committees, all these add up to one thing. I think it would make for a better Senate and a better legislature in the long run. I thank you.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Dennett.

Mr. DENNETT: Mr. Speaker and Members of the House: Again this morning, we are confronted with this perennial monstrosity. It rises like a grim spectre from the grave to haunt us. We have dealt with this many, many times; the result has always been the same.

Now, a bit of history. Some many years ago, as a matter of fact one hundred and forty - nine, our founding fathers in their wisdom deemed it necessary, when they formed the Maine Legislature, to set forth that there would be two houses, and that both houses would be equal, and each have a negative over the other.

Now this bill would create a degree of inequality which I feel would be very repugnant to the people of the State of Maine. This is an effort apparently to get a foot in the door and break down the equality between the two houses to create a superior body and perhaps an inferior body. This, I believe, is the very antithesis of democracy. We operate here in an equal and a democratic manner and I can see no reason that by our own efforts we should destroy it.

Now it has been brought forth this morning that the governing bodies of the United States are not equal bodies, that the Senate of the United States has six - year terms as opposed to two-year terms for the House of Representatives. This is very true, but we cannot compare, we cannot equate in any manner the manner in which the Federal Government is operated and compare it with the State of Maine. We have fifty sovereign states within the United States, we have thirty - two districts within the State of Maine, Senatorial districts. They are not sovereign districts. The states at least in theory are sovereign states, and the Senate of the United States is not made up in any manner on a population basis. Tiny Delaware and Rhode Island have two Senators as well as the huge states of California and New York. We can't make comparisons with the Federal Government and the State of Maine, they have no bearing whatsoever upon each other.

We have operated now for nearly one hundred and fifty years under an ideal system, a system of equality. I certainly beseech you here this morning, do not destroy the equality and democracy in the State of Maine, and I would hope that you would go along with my motion to indefinitely postpone this

bill and its accompanying reports.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: Like several members who are now serving in this House, I have also served in the other body. Consequently, I have campaigned for that job, and I sincerely agree with the gentleman from Kittery, Mr. Dennett, that they are not superior to us. But even more important than this, ten years ago, as the Floor Leader of this body, I sponsored a Constitutional Amendment changing the tenure of Governor from two to four years. I have admitted many times publicly that in my opinion today that was a mistake. Not only does it take away voter interest, since there are fewer persons on the ballot, but I sincerely believe that the electorate should have a chance to vote for a different candidate every two years if they so desire. And certainly, if we make our Congressmen run every two years, our State Senators should do the same thing, and I wholeheartedly agree with the motion of the gentleman from Kittery, Mr. Dennett, to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. Levesque.

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I didn't think it would be necessary to get in on any debate of this nature this morning, but seeing that Mr. Ross, the gentleman from Bath, this morning brings up a question of whether we did right by instituting a four year term for Governor, and seeing that he thinks maybe his thinking ten years ago might have been wrong, I am wondering if he thinks that the mistake that he thought ten years ago that now he feels very remorseful about would be the fact that probably for a goodly number of years, before ten years ago, it had been predominantly a Republican governor, this would have been good. And now because we have a Democratic governor that he would have some after-

thoughts because it's a four - year term. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: I cannot hope to match the eloquence of Mr. Dennett and probably not even Mr. Ross, in some of his finer moments. However I think that the facts speak for themselves. I think the fact that thirty - seven states already have this, and seventeen of them have found that this staggered system works well, I think we should give it a try in the State of Maine.

We must remember if we passed this bill that the people of the State themselves are the final arbiters whether they want their state senators for two or four years. I am willing to abide by their decision because I feel that if they are properly presented the facts they will vote for four years just as they voted for four years for Governor ten years ago. And Mr. Speaker, would it be possible to have a roll call vote on this?

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: Very briefly I would like to answer the question raised by the Minority Floorleader. I mentioned ten years ago, during those ten years we had a Republican for seven years, and I still thought that I had done wrong.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I feel that I should clear the deck insofar as the comments concerning the four - year term for Governor. That very same session for the fifth time I had the bill that would change the election date and it is common knowledge that when the change of election date failed of enactment by two thirds it was defeated by one vote, and Representative Ross's measure for a four - year term was defeated by maybe one vote or more, that there was a one hour long caucus of both parties, and then for the

first time in a long time I saw the spirit of compromise where we turned around and elected and agreed to put both questions on the ballot. I know that Representative Ross's memory will make him agree to this. Ironically at the very next election the Democratic Party took a horrible clobbering with the November election, and so that a remark was made by an honorable gentleman who used to be part of this body that they should throw the gentleman from Lewiston, Mr. Jalbert, a testimonial for having worked so hard to change the election date.

Two years later when lightning struck and we organized the House and Senate, from a sick bed I sent the same gentleman a wire asking him if the offer for a testimonial still held.

Now as far as this measure is concerned, I have a tremendous amount of respect for Representative Starbird's duties and works on this Committee of State Government as I have for the gentleman from Kittery, Mr. Dennett. But the thought strikes me that what is good for one should be as good for the other. I am one of those who possibly have been blessed by not having served in both bodies, and I say this, if they want four years — I don't see any measure being put in here for anybody to give us four years, and as far as I'm concerned, I would just as soon let it stay as it is. I'm for progress, but I'll have to go along as it is.

The SPEAKER: Is the House ready for the question? The pending question is the motion of the gentleman from Kittery, Mr. Dennett, that the Reports and Resolve Proposing an Amendment to the Constitution Changing the Tenure of Office of Senators to Four-Year Terms, H. P. 202, L. D. 224 be indefinitely postponed.

A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

More than one fifth having



expressed the desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Kittery, Mr. Dennett, that both Reports and Resolve be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes, those opposed will vote no, and the Chair opens the vote.

**Roll Call**

YEA — Allen, Baker, Barnes, Bedard, Benson, Berman, Binnette, Birt, Bragdon, Buckley, Carey, Carrier, Chandler, Chick, Clark, C. H.; Clark, H. G.; Coffey, Corson, Cote, Cottrell, Couture, Crosby, Croteau, Cummings, Dam, Dennett, Donaghy, Drigotas, Dudley, Durgin, Dyar, Evans, Finemore, Foster, Good, Hall, Hanson, Hardy, Haskell, Hawkens, Henley, Heselton, Hichens, Huber, Hunter Immonen, Jalbert, Jameson, Johnston, Kelleher, Kelley, K. F.; Kelley, R. P.; Keyte, Lawry, Lee, LePage, Lewin, Lewis, Lincoln, MacPhail, Marstaller, McTeague, Millett, Moreshead, Mosher, Norris, Noyes, Ouellette, Page, Payson, G. F.; Payson, M. W.; Porter, Pratt, Quimby, Richardson, G. A.; Richardson, H. L.; Rideout, Ross, Sahagian, Scott, C. F.; Scott, G. W.; Shaw, Stillings, Susi, Thompson, Trask, Vincent, Wheeler, White, Wight, Williams, Wood.

NAY — Bernier, Boudreau, Burnham, Carter, Casey, Crommett, Emery, Eustis, Farnham, Fecteau, Fortier, A. J.; Fortier, M.; Fraser, Gaudreau, Giroux, Hewes, Jutras, Kilroy, Lebel, Lund, Marquis, Martin, McKinnon, Mills, Mitchell, Morgan, Nadeau, Rand, Starbird, Tanguay, Temple, Tynedale, Watson, Waxman.

ABSENT — Bourgoin, Brennan, Brown, Bunker, Cox, Curran, Curtis, Cushing, D'Alfonso, Danton, Faucher, Gauthier, Gilbert, Harri-man, Laberge, Leibowitz, Levesque, McNally, Meisner, Rocheleau, Santoro, Sheltra, Snow, Soulas.

Yes, 92; No, 34; Absent, 24.

The SPEAKER: The Chair will announce the vote. Ninety - two having voted in the affirmative and thirty - four having voted in the negative, the Reports and Resolve are indefinitely postponed and sent up for concurrence.

Mr. Starbird of Kingman Township was granted unanimous consent to address the House.

Mr. STARBIRD: I have the roll call on this same question two years ago. At that time it was 108 to 34. Apparently I still have my 34, but there are some more absentees this year. My batting average is holding up.

**Divided Report**

**Tabled and Assigned**

Report "A" of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Notice Requirement under Tenancy at Will by New Owner or Lessee" (H. P. 64) (L. D. 66)

Report was signed by the following members:

Mr. QUINN of Penobscot — of the Senate.

Messrs.DANTON of Old Orchard Beach  
HEWES of Cape Elizabeth  
MORIESHEAD of Augusta  
FOSTER of Mechanic Falls  
— of the House.

Report "B" of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs.MILLS of Franklin  
VIOLETTE of Aroostook  
— of the Senate.

Messrs.HESELTON of Gardiner  
BRENNAN of Portland  
— of the House.

Report "C" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following member:

Mr. BERMAN of Houlton — of the House.

Reports were read.

(On motion of Mr. Berman of Houlton, tabled pending acceptance of any Report and specially assigned for tomorrow.)

**Passed to Be Engrossed**

Bill "An Act Increasing Indebtedness of Baileyville School District" (H. P. 27) (L. D. 28)

Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School

Administrative District No. 47" (H. P. 28) (L. D. 29)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

**Orders of the Day**

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

**HOUSE MAJORITY REPORT**  
(6) — Ought to pass — Committee on State Government on Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems

Necessary (H. P. 21) (L. D. 24)  
— **MINORITY REPORT** (4) —  
Ought not to pass.

Tabled — January 15, by Mr. Rideout of Manchester.

Pending — Acceptance of either Report.

On motion of Mr. Rideout of Manchester, the Majority "Ought to pass" Report was accepted, the Resolve read once and tomorrow assigned.

On motion of Mr. Barnes of Alton,

Adjourned until ten o'clock tomorrow morning.