

# 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 28, 1969

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

Prayer by the Rev. Mr. John Wriglesworth of Albion.

The members stood at attention during the playing of the National Anthem by the Cony High School Band of Augusta.

The journal of the previous session was read and approved.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Southwest Harbor, Mr. Benson, to the rostrum to serve as Speaker pro tem.

Thereupon, Mr. Benson of Southwest Harbor assumed the Chair as Speaker pro tem and Speaker Kennedy retired from the Hall.

**Papers from the Senate  
Tabled and Assigned**

From the Senate: The following Order:

WHEREAS, the Department of Indian Affairs established by the 102nd Legislature was assigned "the duties and powers heretofore given the Commissioner of Health and Welfare relating to Indians, except their education" and was "created to exercise general supervision over the Indian Tribes;" and

WHEREAS, the department is experiencing increasing difficulty in performing said duties and exercising said supervision, largely involving health and welfare services, as a small department with a single appropriation and limited staff; now, therefore, be it

ORDERED, the House concurring, that a Committee of Inquiry be appointed to study the administration of Indian affairs as presently carried out, through consultation with appropriate state agencies and the tribal officials, and to report to the 104th Legislature its recommendations relating to the above-mentioned difficulty; and be it further

ORDERED, that said Committee shall consist of 2 members of the Senate appointed by the President of the Senate and 3 members of the House appointed by the

Speaker of the House of Representatives and of the two Tribal Representatives at the Legislature; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$200 to carry out the purposes of this order. (S. P. 95)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. JALBERT: Mr. Speaker, within this legislative procedure, all matters generally as pertain to Indian Affairs are channeled through the State Governmental Committee which is made up of seven members of this branch and three members of the unmentionable body. The matters that pertain themselves to the financial affairs are channeled through another committee, the Appropriations and Financial Affairs Committee made up of seven members of this body and three members of the unmentionable branch.

I think that this problem is being carefully looked into. I know that it is at least by one committee, because I humbly am a servant on that committee. I am sure that looking over the list of the membership of the State Government Committee, the programs will have their closest and fair scrutiny.

I speak not only as a friend of the Indians, as I have proven on many occasions in the past, and I shall continue to do so; I speak also, regardless of my commentary concerning the Commissioner of Indian Affairs, I speak of him as a friend, even though I discussed with him this morning the possibility that we might well look more closely going to the rules.

This committee would merely, in my opinion, clutter up the situation very, very badly. The thought of appropriating \$200 to carry out the purposes of this order would not even allow the committee to make proper visitations and, in my opinion, in that visitations are fine, you do not get the full impact of the picture until you delve into the

programs individually, and there are committees that have been named by the members, the leaders of both branches, to do this.

In my very humble opinion, this is a useless effort. I move its indefinite postponement.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of the order.

The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker and Ladies and Gentlemen: In support of the order which comes from the other body, having been adopted, I would like to point out to you that while I agree with the gentleman from Lewiston, Mr. Jalbert, that the Committee on Appropriations and Financial Affairs is justly concerned with the present operating deficit in the Indian Affairs account there does not exist a committee now which includes on its membership the tribal representatives.

Now this committee that we are adopting or setting up by this order for one specific occasion is certainly consistent with legislative tradition. We have in the past had occasion to set up a separate committee to look into a specific problem, and we did this in the last session on Indian Affairs.

In support of the order, let me say that it is felt that by including in its membership the tribal representatives who are not now included within any legislative committee, we can perhaps best get to grips with the real basic issue here, and that is whether or not our Indian Affairs program is working, and working well. I hope you will vote against the motion to indefinitely postpone, and Mr. Speaker, when the vote is taken, I request a division.

Whereupon, on motion of Mr. Levesque of Madawaska, the Order was tabled pending the motion of Mr. Jalbert of Lewiston to indefinitely postpone in non-concurrence, and specially assigned for tomorrow.

Bills and Resolves from the Senate requiring reference were

disposed of in concurrence, with the following exception:

From the Senate:

Bill "An Act Appropriating Moneys for Vocational and Technical Institute in Waterville" (S. P. 83) (L. D. 280)

Came from the Senate referred to the Committee on Education.

In the House: On motion of Mr. Richardson of Cumberland, referred to the Committee on Appropriations and Financial Affairs in non-concurrence and sent up for 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 Committees:

#### Agriculture

Bill "An Act Creating the Maine Meat Inspection Act" (H. P. 306) (Presented by Mr. Hunter of Durham)

(Ordered Printed)

Sent up for concurrence.

#### Appropriations and Financial Affairs

Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 308) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Authorize Bond Issue in the Amount of \$1,900,000 for the Development, Expansion and Improvement of State Park and Forestry Facilities and for the Completion of the State's Marine Research Laboratory" (H. P. 309) (Presented by Mr. Fortier of Waterville)

Bill "An Act to Provide for the Construction and Improvement of Airports throughout the State; for a Tourist Information Building at Kittery; a State Office Building; the Repair and Improvement of Certain State-owned Buildings; and Provide for other Essential Improvements to Facilities for the Departments of Adjutant General, Finance and Administration, Civil Defense and Public Safety, Health and Welfare, Veterans Services and the Maine Port Authority by

Issuing Bonds in the Amount of \$11,140,000" (H. P. 307) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service" (H. P. 310) (Presented by Mr. MacPhail of Owls Head)

Bill "An Act to Authorize Bond Issue in the Amount of \$9,370,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded, and the Youthful and Adult Offender at our Mental Health and Corrections Institutions" (H. P. 311) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act to Authorize Bond Issue in the Amount of \$655,000 for the Construction of Educational, Recreational, and Water and Sewage Facilities at the Indian Reservations" (H. P. 312) (Presented by Mr. Mills of Eastport)

(Ordered Printed)  
Sent up for concurrence.

**Business Legislation**

Bill "An Act Providing the Maine Insurance Code" (H. P. 201) (Presented by Mr. Scott of Wilton)  
Sent up for concurrence.

Bill "An Act relating to the Retention of Trading Stamps on Retail Purchases" (H. P. 313) (Presented by Mr. Fortier of Waterville by request)

Bill "An Act Revising the Savings and Loan Laws" (H. P. 314) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act relating to Report of Insurance Companies of Fire Loss Adjustments to Insurance Commissioner" (H. P. 315) (Presented by same gentleman)

Bill "An Act relating to Construction Permits from Insurance Commissioner" (H. P. 316) (Presented by same gentleman)

(Ordered Printed)  
Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Authorize Bond Issue in the Amount of \$5,430,000 for the Construction and Improvement of Vocational Education

Facilities at Northern, Southern, Eastern and Central Maine Vocational-Technical Institutes, and for the Construction and Improvement of Education Facilities at Maine Maritime Academy and the Unorganized Territory Schools" (H. P. 317) (Presented by Mr. Cox of Bangor)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Education and printing.

On motion of Mr. Birt of East Millinocket, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

**Education**

Bill "An Act Increasing Compensation of School Directors of School Administrative Districts" (H. P. 318) (Presented by Mr. Fraser of Mexico)

(Ordered Printed)  
Sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Authorize Bond Issue in the Amount of \$22,855,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (H. P. 319) (Presented by Mr. Martin of Eagle Lake)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Education and printing.

On motion of Mr. Birt of East Millinocket, referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

**Education**

Bill "An Act relating to Location of Office of Chancellor of the University of Maine" (H. P. 320) (Presented by Mr. Richardson of Stonington)

Bill "An Act relating to the Education of Blind Children" (H. P. 321) (Presented by Miss Watson of Bath)

Bill "An Act relating to the Borrowing Capacity of School Administrative District No. 70" (H.

P. 322) (Presented by Mr. Williams of Hodgdon)  
(Ordered Printed)  
Sent up for concurrence.

#### Election Laws

Bill "An Act relating to Filing Campaign Reports" (H. P. 323) (Presented by Mr. Benson of Southwest Harbor)  
(Ordered Printed)  
Sent up for concurrence.

#### Health and Institutional Services

Bill "An Act relating to Minor Children Committed to State Custody" (H. P. 324) (Presented by Mr. Binnette of Old Town)

Bill "An Act Increasing Amount of State Grants for Community Mental Health Service" (H. P. 325) (Presented by Mrs. Brown of York)  
(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act Increasing Certain Motor Vehicle Registration Fees" (H. P. 326) (Presented by Mr. Susi of Pittsfield)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Highways and printing.

On motion of Mr. Crosby of Kennebunk, referred to the Committee on Taxation, ordered printed and sent up for concurrence.

#### Industrial and

#### Recreational Development

Bill "An Act relating to Definition of Industrial Project under Industrial Building Authority Act" (H. P. 327) (Presented by Mr. Huber of Rockland)  
(Ordered Printed)  
Sent up for concurrence.

#### Inland Fisheries and Game

Bill "An Act relating to Bag Limit on Bears" (H. P. 328) (Presented by Mr. Lewin of Augusta)  
Bill "An Act Repealing Ganeston Park Game Preserve" (H. P. 329) (Presented by Mr. Lund of Augusta)

Bill "An Act relating to Open Season on Partridge or Grouse and Pheasant" (H. P. 330) (Presented

by Mr. Marstaller of Freeport)  
(Ordered Printed)  
Sent up for concurrence.

#### Judiciary

Bill "An Act Prohibiting the Acceptance of Payment for Material Supplied when Title not Merchantable or Check in Full" (H. P. 331) (Presented by Mr. Fortier of Waterville by request)

Bill "An Act relating to Petition for Subpoena to Clerk of Courts" (H. P. 332) (Presented by Miss Watson of Bath)  
(Ordered Printed)  
Sent up for concurrence.

#### Labor

Bill "An Act relating to the Second Injury Fund" (H. P. 333) (Presented by Mr. Bedard of Saco)  
Bill "An Act relating to the Application of the Occupational Safety Law and the Reporting Requirements" (H. P. 334) (Presented by Mr. Huber of Rockland)

Bill "An Act Revising the Construction Safety Law Enforcement" (H. P. 335) (Presented by same gentleman)

Bill "An Act to Provide that Labor Unions shall File Certain Statements and Reports with the Commissioner of Labor and Industry and Supply Certain Information to its Members" (H. P. 336) (Presented by same gentleman)

Bill "An Act Amending the Application of the Occupational Safety Law and the Reporting Requirements" (H. P. 337) (Presented by Mr. McTeague of Brunswick)

Bill "An Act Establishing an Occupational Safety Rules and Regulations Board" (H. P. 338) (Presented by same gentleman)  
(Ordered Printed)  
Sent up for concurrence.

#### Legal Affairs

Bill "An Act to Grant a Council - Manager Charter to the Town of Orono" (H. P. 340) (Presented by Mr. Chandler of Orono)

Bill "An Act Permitting Transfer of Property to Monument Lodge Association" (H. P. 341) (Presented by Mr. Haskell of Houlton)

Bill "An Act relating to Issuance of Temporary Notes by Hospital

Administrative District No. 1 in Penobscot County" (H. P. 342) (Presented by Mr. Porter of Lincoln)

Resolve Proposing an Amendment to the Constitution to Provide for Municipal Home Rule (H. P. 343) (Presented by Mr. Sahagian of Belgrade)

(Ordered Printed)  
Sent up for concurrence.

#### Natural Resources

Bill "An Act Providing for the Conservation and Rehabilitation of Land Affected in Connection with Mining" (H. P. 344) (Presented by Mr. Lund of Augusta)

Bill "An Act to Control and Protect Maine's Natural Resources from Strip Mining" (H. P. 345) (Presented by Mr. Mosher of Gorham)

Bill "An Act Revising the Maine Mining Law" (H. P. 339) (Presented by Mr. Rideout of Manchester)

(Ordered Printed)  
Sent up for concurrence.

#### Public Utilities

Bill "An Act relating to the Capital Stock of Oakland Water Company" (H. P. 346) (Presented by Mr. Sahagian of Belgrade)

(Ordered Printed)  
Sent up for concurrence.

#### Retirements and Pensions

Bill "An Act relating to Service Retirement of Law Enforcement Officers in Department of Sea and Shore Fisheries" (H. P. 347) (Presented by Mr. Gaudreau of Lewiston)

Bill "An Act relating to Service Retirement of Inland Fisheries and Game Wardens" (H. P. 348) (Presented by same gentleman)

Bill "An Act to Permit Two Retired Persons on Board of Trustees of Maine State Retirement System" (H. P. 349) (Presented by Mrs. Lincoln of Bethel)

(Ordered Printed)  
Sent up for concurrence.

#### Sea and Shore Fisheries

Bill "An Act Limiting Number of Lobster Traps per Person" (H. P. 350) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)  
Sent up for concurrence.

#### State Government

Bill "An Act Increasing Salaries of Members of Harness Racing Commission" (H. P. 351) (Presented by Mr. Hall of Windham)

(Ordered Printed)  
Sent up for concurrence.

#### Labor

Bill "An Act relating to the Chairman of the State Apprenticeship Council" (H. P. 352) (Presented by Mr. Huber of Rockland)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on State Government and printing.

On motion of Mr. Huber of Rockland, referred to the Committee on Labor, ordered printed and sent up for concurrence.

#### State Government

Bill "An Act Changing Name of State Soil and Water Conservation Committee" (H. P. 353) (Presented by Mr. Martin of Eagle Lake)

Bill "An Act relating to Legislative Finance Office as Secretariat for Commission on Intergovernmental Relations" (H. P. 354) (Presented by Mr. Sahagian of Belgrade)

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor (H. P. 355) (Presented by Mr. Binnette of Old Town)

Resolve Proposing an Amendment to the Constitution Regulating the size of the House of Representatives (H. P. 356) (Presented by Mr. Huber of Rockland)

Resolve Proposing an Amendment to the Constitution Providing for the Appointment of the Secretary of State by the Governor (H. P. 357) (Presented by Miss Watson of Bath)

(Ordered Printed)  
Sent up for concurrence.

#### Taxation

Bill "An Act to Exempt Certain Paraplegic Veterans from Property

Taxation" (H. P. 358) (Presented by Mr. Fortier of Waterville)

Bill "An Act Increasing the Gasoline Tax" (H. P. 359) (Presented by Mr. Susi of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

**Towns and Counties**

Bill "An Act relating to Payment of Percentage of Taxes from Town of West Bath to Birch Point Village Corporation" (H. P. 360) (Presented by Mr. Curtis of Bowdoinham)

Bill "An Act relating to Time of Sessions of Board of County Commissioners of Washington County" (H. P. 361) (Presented by Mr. Kelley of Machias)

Bill "An Act Increasing Salaries of Certain County Officials of Washington County" (H. P. 362) (Presented by same gentleman)

Bill "An Act relating to Appointment of Town Clerk of Jay" (H. P. 363) (Presented by Mr. Scott of Wilton)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Kennedy returned to the rostrum.

**SPEAKER KENNEDY:** The Chair thanks the gentleman from Southwest Harbor, Mr. Benson, for serving as Speaker pro tem and the magnificent job and performance that he gives you.

Thereupon, the Sergeant - At - Arms escorted Mr. Benson to his seat on the Floor, amid the applause of the House, and Speaker Kennedy resumed the Chair.

**Orders**

Mrs. White of Guilford presented the following Joint Order and moved its passage:

WHEREAS, the Maine Legislature has set off and established for the public benefit and good order of the people of this State, a vast area known as the Allagash Wilderness Waterway; and

WHEREAS, the Great Northern Paper Company, by act of great generosity, has donated 770 acres of scenic lake and river frontage to expand this wondrous wilderness park; and

WHEREAS, the magnitude of this gift exemplifies the company's longstanding interest in preserving one of Maine's greatest treasures for countless generations to come; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 104th Maine Legislature, by this joint order, do hereby make this public tribute to the Great Northern Paper Company in grateful appreciation for their invaluable and lasting contributions to the Allagash Wilderness Waterway and public interest of this State; and be it further

ORDERED, that the Secretary of the Senate cause a certified copy of this Joint Order to be presented to the Great Northern Paper Company in token of our gratitude. (H. P. 364)

The Order received passage and was sent up for concurrence.

On motion of Mr. Lawry of Fairfield, it was

ORDERED, that Rev. George Broadbent of Fairfield be invited to officiate as Chaplain of the House on Tuesday, February 11, 1969.

On motion of Mr. Carey of Waterville, it was

ORDERED, that the members of the House of Representatives, extend their sympathy to Mr. Fortier of Waterville, in the recent loss of his father.

**House Reports of Committees Ought to Pass Printed Bills**

Mr. Cote from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Southern Maine Comprehensive Health Association, Inc." (H. P. 40) (L. D. 41)

Mrs. Wheeler from same Committee reported same on Bill "An Act Changing Name of Western M Art Group to Western Maine Art Group" (H. P. 38) (L. D. 39)

Reports were read and accepted, the Bills read twice and tomorrow assigned.



**Ought to Pass  
with Committee Amendment  
Passed to Be Engrossed**

Mr. Norris from the Committee on Legal Affairs on Bill "An Act Providing for a Council - Manager Form of Government for the Town of Millinocket" (H. P. 65) (L. D. 84) 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-7) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its third reading, passed to be engrossed as amended, and by unanimous consent sent forthwith to the Senate.

Mr. Shaw from the Committee on Legal Affairs on Bill "An Act Providing for a Council - Manager Charter for the Town of Winslow" (H. P. 5) (L. D. 5) 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-6) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

**Passed to Be Engrossed**

Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 54" (H. P. 58) (L. D. 60)

Bill "An Act relating to Poll Taxes Paid to Prentiss Plantation" (H. P. 78) (L. D. 78)

Bill "An Act relating to Enforcement of Real Estate Taxes in Unorganized Territory" (H. P. 103) (L. D. 111)

Bill "An Act relating to Poll Tax Agents of the State Tax Assessor" (H. P. 104) (L. D. 112)

Bill "An Act relating to Confiscated Cigarettes" (H. P. 106) (L. D. 114)

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) (L. D. 227)

Resolve Designating a Certain Highway in York County as Harold L. Dow Highway (H. P. 33) (L. D. 34)

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

**Amended Bill**

Bill "An Act relating to Taxation of Railroad Located Right - of - Way" (H. P. 107) (L. D. 115)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

**Passed to Be Enacted  
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

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)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Orders of the Day**

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I would like to call to your

attention the first item under today's Notices relative to name tags. Of course we do not require, nor even request, that the members wear these. However, many of us feel that they are very valuable. They serve several purposes. They help us learn each other's name; they identify legislators as opposed to persons like lobbyists. As a matter of fact, if I had my way, I would request that lobbyists also wear name tags of a different color. But more important of all, they are an unofficial badge of our office. They are a real help when you go over into the big office building on official business with the myriad of workers they have there now, these identify us immediately.

They have other uses, even when we are not in session. For instance, if you attend meetings, and most of us do, they often have organizational labels that persons have to wear, and the names are typed in. Now those of us who are getting a little older and have to wear glasses, we can't even read the names, but our tags are made so it is possible to stick them through and use them in conjunction. You would be amazed at the favorable comments I've received from persons all over the country.

As an example, I have on my desk a picture of me making a presentation to Jim Lonborg on behalf of the National Society for Crippled Children. I mention this only because it shows how our Maine Legislative name tag can be used with a National society identification emblem.

Four years ago, we all bought name tags for a dollar apiece. Two years ago, the Legislature furnished name tags with the initials only. Now, in the sense of economy this year, those of us who want them may buy them again for a dollar apiece. You can either order your initials or you can have your full name. Personally, I like to have available two name tags in case I lose one, break one or forget to wear it. In any event, I, for one, feel that this is a very good investment, and you can sign up by going to see Mrs. Hand, who is the Clerk in the Majority Leader's office. Thank you very much.

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(Off Record Remarks)

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On motion of Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.