

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 29, 1969

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

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

Reports of Committees Ought to Pass

Report of the Committee on Highways reporting "Ought to pass" on Bill "An Act Authorizing Application of 1966 Assessed Valuation for Reimbursement to Towns for Snow Removal in Winter Season of 1968-1969" (S. P. 30) (L. D. 88)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the Bill read twice and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act Increasing the Salaries of the Boxing Commission" (H. P. 257) (L. D. 333) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 23.

Came from the Senate referred to the Committee on State Government in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Increasing the Salaries of Justices and Judges of the Supreme, Superior and District Courts" (H. P. 258) (L. D. 334) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 23.

Came from the Senate referred to the Committee on State Government in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act relating to Liability of Landowners to Operators of Snow Traveling Vehicles" (H. P. 285) (L. D. 361) which was referred to the Committee on Legal Affairs in the House on January 23.

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

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

Non-Concurrent Matter

Bill "An Act relating to Tenure of Office of Assistant Director of Legislative Research" (H. P. 42) (L. D. 43) which was passed to be engrossed in the House on January 16.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

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

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolve were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act relating to Definition of Agricultural Societies to Qualify for Stipend" (H. P. 365) (Presented by Mr. Henley of Norway)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Registration and Licensing of Dogs on Indian Reservations" (H. P. 366) (Presented by Mr. Mills of Eastport)

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

On motion of Mr. Mills of Eastport, referred to the Commit-

tee on Legal Affairs, ordered printed and sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to Survey the Boundaries of Passamaquoddy Tribal Lands" (H. P. 367) (Presented by Mr. Mills of Eastport)

Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 370) (Presented by Mr. Ross of Bath)

Bill "An Act Appropriating Moneys for a Prerelease Center for Inmates of Penal Institutions" (H. P. 368) (Presented by Mr. Vincent of Portland)

Bill "An Act Appropriating Moneys for Construction of a Reception Diagnostic Treatment Center for Persons Committed to any Penal Institution" (H. P. 339) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Business Legislation Tabled and Assigned

Bill "An Act relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike" (H. P. 371) (Presented by Mr. Crosby of Kennebunk)

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

Mr. Gauthier of Sanford moved that the Bill be referred to the Committee on Transportation.

Whereupon, on motion of Mr. Bourgoin of Fort Kent, tabled pending the motion of Mr. Gauthier of Sanford and specially assigned for tomorrow.

Education

Bill "An Act relating to the State Valuation that shall be Used in Computing Foundation Program Subsidies for School Administrative Units" (H. P. 372) (Presented by Mr. Chick of Monmouth)

Bill "An Act relating to Secondary School Tuition" (H. P. 373) (Presented by same gentleman)

Bill "An Act to Change the Age Requirements for Compulsory Education" (H. P. 374) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22" (H. P. 375) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Permit the Payment of School Construction Aid upon the Completion of a Project" (H. P. 376) (Presented by Mr. Jalbert of Lewiston)

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

Mr. JALBERT: Mr. Speaker, I move that item 12 be referred to the Committee on Appropriations. I might say, if I may, in substantiating my motion, that this is a companion bill to another measure that has already been referred to the Committee on Appropriations. I think possibly it was an oversight of the Committee.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Education

Bill "An Act Requiring Childhood Education Programs for Five-year-olds" (H. P. 377) (Presented by Mr. Millett of Dixmont)

Bill "An Act Permitting Approval of Early Childhood Education Programs" (H. P. 378) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Permitting the Establishment of an Indian Township Passamaquoddy School Committee" (H. P. 379) (Presented by Mr. Mills of Eastport)

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

On motion of Mr. Dennett of Kittery, referred to the Committee on State Government, ordered printed and sent up for concurrence.

Education

Bill "An Act Establishing an Advisory Committee on the Governor Baxter State School for the Deaf" (H. P. 380) (Presented by Mrs. Payson of Falmouth)

Bill "An Act relating to Tuition Charges for Pupils Attending the Governor Baxter State School for the Deaf" (H. P. 381) (Presented by same member)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Encourage the Use of Electronic Voting Systems by Municipalities" (H. P. 382) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

Highways

Bill "An Act relating to Reimbursement to Towns for Construction of and Snow Removal from Highways" (H. P. 383) (Presented by Mr. McNally of Ellsworth)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Hunting License for Certain Maine Residents in Armed Forces" (H. P. 384) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Funds and Personal Property of Deceased Patients and Inmates of State Institutions" (H. P. 385) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act to Give the Attorney General Authority to Require Certain Telephone Records" (H. P. 386) (Presented by Mrs. Payson of Falmouth)

Resolve Authorizing Maurice and Elizabeth M. Woodside to bring Civil Action Against State of Maine (H. P. 387) (Presented by Mr. Heselton of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Providing that

Revenues Received in Enforcement of Elevator Law shall be Credited to the General Fund" (H. P. 388) (Presented by Mr. Casey of Baileyville)

Bill "An Act relating to Financial Statement Forms for Use in Determining Ability to Pay Support at State Institutions" (H. P. 389) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Enlarging the Territorial Limits of Hampden Water District and Changing the Time of the Election of the Trustees of Hampden Water District" (H. P. 390) (Presented by Mr. Farnham of Hampden)

Bill "An Act relating to Winthrop to Augusta Interlocal Trunk Sewer" (H. P. 391) (Presented by Mr. Rideout of Manchester)

Bill "An Act Extending Water Service of Kennebunk, Kennebunkport and Wells Water District to Town of Arundel" (H. P. 392) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to Police Officers of Indian Tribes" (H. P. 393) (Presented by Mr. Casey of Baileyville)

Bill "An Act to Improve the Management of the Indian Township Forest Resources and Passamaquoddy Trust Funds" (H. P. 394) (Presented by Mr. Mills of Eastport)

Bill "An Act relating to Special Offices for Indian Tribes" (H. P. 395) (Presented by Mr. Rideout of Manchester)

Bill "An Act to Provide for Conversion of Accumulated Sick Leave for State Employees" (H. P. 396) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide Boat Registration Fees in Place of Personal Property Tax" (H. P. 397) (Presented by Mr. Ross of Bath)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Length of Certain Motor Vehicles" (H. P. 398) (Presented by Mr. Payson of Union)

Bill "An Act Permitting Use of Blue Lights on Motor Vehicles Operated by Constables" (H. P. 399) (Presented by Mr. Rideout of Manchester by request)

Bill "An Act relating to Tandem Trailers" (H. P. 400) (Presented by Mr. Wood of Brooks)
(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Clark of Jefferson, it was

ORDERED, that Rev. John Godfrey of Jefferson be invited to officiate as Chaplain of the House on Wednesday, February 5, 1969.

On motion of Mr. Levesque of Madawaska, it was

ORDERED, that Rev. Lionel Chouinard of Lewiston be invited to officiate as Chaplain of the House on Tuesday, February 18, 1969.

House Reports of Committees Leave to Withdraw

Mr. Starbird from the Committee on State Government on Bill "An Act to Provide a Uniform Fiscal Year for Municipalities" (H. P. 98) (L. D. 106) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Covered by Other Legislation

Mr. Dennett from the Committee on State Government on Resolve relating to Conveying by Attorney General of Interest of the State in Certain Lands in Cumberland County (H. P. 11) (L. D. 11) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought Not to Pass Tabled and Assigned

Miss Watson from the Committee on State Government reported "Ought not to pass" on Bill "An

Act to Permit a Teacher to be a Selectman or a City Council Member" (H. P. 124) (L. D. 140)

Report was read.

(On motion of Mr. Martin of Eagle Lake, tabled pending acceptance of the Report and tomorrow assigned.)

Ought to Pass Printed Bills

Mr. Moreshead from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Duty of Receiver of Unsolicited Merchandise" (H. P. 144) (L. D. 170)

Mr. Donaghy from the Committee on State Government reported same on Resolve Authorizing Forest Commissioner to Exchange Land in West Forks, Somerset County (H. P. 99) (L. D. 107)

Mr. Marsteller from same Committee reported same on Bill "An Act Designating Landlocked Salmon as the State of Maine Fish" (H. P. 150) (L. D. 176)

Mr. Wight from the Committee on Towns and Counties reported same on Bill "An Act Providing Public Dump for Albany Township and Milton Township, Oxford County" (H. P. 50) (L. D. 51)

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Determining Position of Names of Candidates on Primary Ballots and Nominees on General Election Ballots" (H. P. 90) (L. D. 99)

Report was signed by the following members:

- Messrs. ANDERSON of Hancock
- LETOURNEAU of York
- of the Senate.
- Messrs. HENLEY of Norway
- MacPHAIL of Owls Head
- PORTER of Lincoln
- Mrs. GIROUX of Waterville
- Mr. CARTER of Winslow
- of the House.

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

Report was signed by the following members:

Mr. KATZ of Kennebec
 — of the Senate.
 Mr. VINCENT of Portland
 Mrs. BOUDREAU of Portland
 — of the House.

Reports were read.

(On motion of Mr. Waxman of Portland, tabled pending acceptance of either Report and specially assigned for Wednesday, February 5.)

Passed to Be Engrossed

Bill "An Act Changing Name of Western M Art Group to Western Maine Art Group" (H. P. 38) (L. D. 39)

Bill "An Act relating to Southern Maine Comprehensive Health Association, Inc." (H. P. 40) (L. D. 41)

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

Amended Bill

Bill "An Act Providing for a Council-Manager Charter for the Town of Winslow" (H. P. 5) (L. D. 5)

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.

By unanimous consent ordered sent forthwith to the Senate.

Orders of the Day

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

Joint Order Relative to Committee of Inquiry to Study Administration of Indian Affairs (S. P. 95) (In Senate, passed)

Tabled—January 28, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Jalbert of Lewiston to indefinitely postpone in non-concurrence.

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

Mr. RICHARDSON: Mr. Speaker and Members of the House: In opposition to the motion to indefinitely postpone this order, let me say that it is the intent of this order to permit a group of legislators together with

representatives of the Indian tribes to meet together in an effort to work out some sort of a solution to the present impasse that we have arrived at where the Indian Affairs Department has again gone over its appropriated funds.

Now there was some objection raised yesterday to the spending of two hundred dollars. I understand that there is no intention to take any trips, and rather than waste the time to amend this, I will state as a fact on the Floor that no money would be spent in carrying out this order. It simply directs this special committee to review the present situation that confronts us. Therefore, I hope you will vote "no" on the motion to indefinitely postpone, and Mr. Speaker, I request a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In speaking on the suggestion as made by the gentleman from Cumberland, Mr. Richardson, let's set one thing straight here, let's not paint some of us who object to this order as anti-Indian or anti-good government or anti this or that. Now I don't mind having a little diarrhea of the mouth, but I mean by the same token, I just like to set the record straight.

The SPEAKER: The Chair would ask the gentleman to be a little more temperate in his language.

Mr. JALBERT: Thank you very kindly, Mr. Speaker, I knew you would knock me down, I was waiting for it to happen; but you know, I'm not going to just stand here, I'm going to go along with toy pigeons, Mr. Speaker, if I may be that intemperate, just to please people as long as it's not going to cost any money, and this is just silliness anyway, and I am going along with it. I am happy to see the price tag has been removed. I now make a motion to withdraw my motion, and then I would make a motion that we pass this silly order.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, requests permission to withdraw his motion of indefinite postponement.

Is there objection? The Chair hears none.

The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, I now move this wonderful order receive passage.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves that this order receive passage in concurrence.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: Now that the hairs have been split and that people seem to be in general understanding that this order may have some merit, although yesterday on the face of the debate that was had yesterday I personally could see absolutely no merit in an order of this nature that would review the problems of the Indians and the difficulties that they have had in the administration of the Indian affairs.

Now it has been known in this House and in the other branch, of which this order originated, and I don't know just how much thought the other branch gave in drafting up this kind of an order, but you have heard many times that somebody has had a dream. Well I think probably they have not had a dream here, but somebody just trying to cross the Kennebec in the middle of the winter and somebody thought that it might have been frozen, but this type of order accomplished in my estimation absolutely nothing. The amount of money that was put on the order yesterday, which the gentleman from Cumberland, Mr. Richardson said would not be required, was absolutely going to do nothing.

Now the problem with the Indians and the Indian affairs and administration two years ago was indicated to the Administrator that he ought to be able to keep his books in proper order. Again this year, he was reminded that his books should be kept in proper order, and I understand that he has even been offered the facility of the Finance Office in trying to help him keep his books in order, and to keep within the bounds of money that has been appropriated to administer the department, so in view of all these ramifications, I'm going to go along with the order saying that the Speaker and the President of the Senate are going to select an extraordinary committee to find out just where the problems are. Now by where the problems are, they may be with the Indians and they may not be with the Indians; so with these few kind words this morning, I will support the order and hope that the select committee that is going to look into these affairs are going to come back to the Legislature in the not too distant future and give us an accurate resume of what is going on, if anything is going on at all, and to make sure that from this day on between the administration and the Indians somebody somewhere will know what's going. Thank you.

The SPEAKER: Is it now the pleasure of the House that this order receive passage in concurrence?

The motion prevailed.

(Off Record Remarks)

On motion of Mr. Bourgoin of Fort Kent,

Adjourned until one-thirty o'clock tomorrow afternoon.