

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, February 25, 1969

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

Prayer by the Rev. Mr. Claude J. Wivell of Augusta.

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

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 290)

WHEREAS, the Members of the One Hundred and Fourth Legislature have learned with sorrow of the sudden death of United States Aquanaut Berry L. Cannon, a member of the Sealab three diving team; and

WHEREAS, only men of unusual courage dare pass the fringes of warm sunlight into the lower blue-gray hues of depth to feel the numbing cold and pressures of the uninviting world of inner space; and

WHEREAS, his passing brings to an untimely end the courageous life of a patriotic American citizen who dedicated himself and his life to the service of our great Nation in a pioneering effort far beyond man's conception; and

WHEREAS, this Nation now pauses in its exploration of the last abundant frontier on earth, to mourn the loss of this valiant man; now, therefore, be it

RESOLVED: That the members of the Senate and House of Representatives of the One Hundred and Fourth Legislature of the State of Maine, now assembled, stand united in expressions of profound sorrow due to the loss of this brave young man and through the foregoing resolution voice the deep sense of loss so widespread over this State and the Nation and acknowledge the profound sympathy and condolences so genuinely expressed; and be it further

RESOLVED: That an engrossed copy of these resolutions be forwarded by the Secretary of State to the bereaved family of Aquanaut Berry L. Cannon.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

Whereupon, the Members stood for a moment of silence.

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

Senate Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Provide for a Statistician in the Department of Agriculture" (S. P. 37) (L. D. 120)

Report of the Committee on State Government reporting same on Bill "An Act to Eliminate Moose River from the Maine Forestry District" (S. P. 113) (L. D. 323)

Came from the Senate read and accepted.

In the House, Reports were read and accepted in concurrence.

Ought to Pass

Report of the Committee on Election Laws reporting "Ought to pass" on Bill "An Act relating to Ballots Cast by Presidential Electors" (S. P. 99) (L. D. 309)

Report of the Committee on Legal Affairs reporting same on Bill "An Act Ratifying Easement Conveyed by the State of Maine to the Bangor Water District" (S. P. 146) (L. D. 427)

Report of same Committee reporting same on Resolve Authorizing Conveyance of State Land to the City of Bangor (S. P. 147) (L. D. 428)

Report of the Committee on Liquor Control reporting same on Bill "An Act relating to Jurisdiction of Administrative Hearing Commissioner of Violations of Liquor Laws" (S. P. 213) (L. D. 621)

Report of the Committee on Transportation reporting same on Bill "An Act relating to Application for New Motor Vehicle Registration Plates and Issuance of Temporary Facsimile Plates" (S. P. 154) (L. D. 437)

Came from the Senate with the Reports read and accepted and the

Bills and Resolve passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice, the Resolve read once, and tomorrow assigned.

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:

Appropriations and Financial Affairs

Bill "An Act Providing a Bond Issue in the Amount of One Hundred and Twenty Thousand Dollars for Constructing a Community Mental Health Facility in Bangor for Service to Eastern Maine" (H. P. 756) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Closing the Military and Naval Children's Home and Disposing of the Property" (H. P. 757) (Presented by Mr. Lund of Augusta)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Regulate Home Solicitation Sales" (H. P. 758) (Presented by Mrs. Boudreau of Portland)

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

On motion of Mrs. Boudreau of Portland, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Education

Bill "An Act relating to Sick Leave for Teachers" (H. P. 759) (Presented by Mr. Millett of Dixmont)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Concerning the Adoption of State Wards" (H. P. 760) (Presented by Mr. Cottrell of Portland)

Bill "An Act Amending Funeral Directors' Law" (H. P. 761) (Pre-

sented by Mr. Wight of Presque Isle)

Resolve Reimbursing Town of Orono for Support of Nonsettled Cases (H. P. 762) (Presented by Mr. Chandler of Orono)

(Ordered Printed)

Sent up for concurrence.

Inland Fisheries and Game

Bill "An Act relating to Fall Trapping by Indians" (H. P. 763) (Presented by Mr. Birt of East Millinocket)

Bill "An Act relating to Amount Retained by Town Clerks from Fish and Game License Fees" (H. P. 764) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Providing for Complimentary Fishing Licenses for Blind Persons" (H. P. 765) (Presented by Mr. Stillings of Berwick)

Resolve relating to Ice Fishing on Cross Lake, Aroostook County (H. P. 766) (Presented by Mr. Martin of Eagle Lake)

Resolve relating to Fishing in Robbins Pond, Aroostook County (H. P. 767) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Create Traffic Violations Bureaus in the District Courts" (H. P. 768) (Presented by Mr. Dennett of Kittery)

Bill "An Act to Provide for the Interception of Wire and Oral Communications" (H. P. 769) (Presented by Mrs. Payson of Falmouth)

Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (H. P. 770) (Presented by same member)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Special Stores to Sell Liquor" (H. P. 771) (Presented by Mr. Chandler of Orono)

Bill "An Act to Provide Controlled Sale of Alcoholic Beverages by Catering at Events and Gatherings beyond the Capacity of Area Licensee Facilities" (H. P. 772) (Presented by same gentleman)

Bill "An Act to Revise the Liquor Laws" (H. P. 773) (Presented by Mr. Dennett of Kittery)

Bill "An Act relating to Accepting Gratuities by Liquor Commission Members and Employees" (H. P. 774) (Presented by Mr. Leibowitz of Portland)

Bill "An Act relating to Sunday Sale of Liquor if January 1st Falls on Sunday or Monday" (H. P. 775) (Presented by Mr. Tanguay of Lewiston)

Bill "An Act relating to Minors on Liquor Licensed Premises after 8 P.M." (H. P. 776) (Presented by same gentleman)

Bill "An Act relating to Notice to Liquor Licensees when License to be Delayed for Cause" (H. P. 777) (Presented by same gentleman)

Bill "An Act Providing for Fines in Lieu of Suspensions under Liquor Laws" (H. P. 778) (Presented by same gentleman)

Bill "An Act Permitting Attendance Promotions by Liquor Licensees" (H. P. 779) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act relating to Penalties for Violations of the For-Hire Carrier Statute" (H. P. 780) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Retirements and Pensions

Resolve Making a Retroactive Adjustment in the Retirement Pension of Charles Hulbert (H. P. 781) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act relating to Membership and Salary of State Liquor Commission" (H. P. 782) (Presented by Mr. Chandler of Orono)

Bill "An Act to Create the Department of Banking and Insurance" (H. P. 783) (Presented by Mr. Dennett of Kittery)

Bill "An Act relating to Passamaquoddy Trust Funds" (H. P. 784) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act relating to Refund for Malt Liquor Excise Taxes" (H. P. 785) (Presented by Mr. LePage of Scarborough)

(Ordered Printed)

Sent up for concurrence.

Towns and Counties

Bill "An Act Increasing Salary of Clerk of Courts and Providing for Deputy Clerk of Courts of Somerset County" (H. P. 786) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Increasing Salaries of County Officials of Somerset County" (H. P. 787) (Presented by same gentleman)

Bill "An Act Increasing Salaries of Clerks of Court" (H. P. 788) (Presented by Mr. Heselton of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning the Riding of Bicycles" (H. P. 789) (Presented by Mrs. Payson of Falmouth)

Bill "An Act Regulating the Use of Winterized Tires on Motor Vehicles" (H. P. 790) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. HARRIMAN of Hollis be excused from attendance due to a death in the family.

On motion of Mr. Norris of Brewster, it was

ORDERED, that Walter Dyar and Thomas Dyar be appointed to serve as Honorary Pages for today.

On motion of Mr. Shaw of Chelsea, it was

ORDERED, that Mrs. BROWN of York be excused from attendance due to a death in the family.

Mr. Noyes of Limestone presented the following Joint Order and moved its passage:

WHEREAS, the year 1969 marks the 100th anniversary of the incorporation of the Town of Limestone, County of Aroostook; and

WHEREAS, this historic event in Limestone emerged from the once wilderness Township of Letter E, Range 1, through the industrious endeavors of the Honorable Mark Trafton and other original stalwart settlers of this community; and

WHEREAS, the enduring fortitude of such inhabitants shaped this rough forest tract into a proud and prosperous community surrounded by smooth fertile fields which harvest abundantly; and

WHEREAS, Loring Air Force Base at Limestone has come to occupy a place of strategic importance to the security of our State and Nation; and

WHEREAS, the inhabitants of Limestone now take note of this rich heritage and to commemorate the close of a century of continuing progressive development in the life at their community; now, therefore, be it

ORDERED, the Senate concurring, that the Senate and House of Representatives of the 104th Legislature of the State of Maine unite in congratulating the Town of Limestone for its excellent record of achievement on this its 100th anniversary and offer their continued support and encouragement for the future; and be it further

ORDERED, that the Secretary of the Senate be directed to immediately transmit to the citizens of the Town of Limestone, through its Legislative Representative, duly authenticated copies of this order honoring the occasion. (H. P. 791)

The Joint Order received passage and was sent up for concurrence.

Mr. Lund of Augusta presented the following Joint Order and moved its passage:

WHEREAS, the Department of Mental Health and Corrections has determined that continuation of the Augusta State Hospital Farm may not be in the best interests of the mental health program at said institution; and

WHEREAS, termination of the said farm program makes it unnecessary to continue in-state ownership portions of the land lying east of Hospital Street in Augusta; and

WHEREAS, the State of Maine is desirous of acquiring for future State House area expansion the land owned by the City of Augusta known as the Capitol Park Athletic Field; and

WHEREAS, the City of Augusta has been losing tax revenue through the continued expansion of the State House area and would welcome the addition of any unneeded land to its tax rolls; now, therefore, be it

ORDERED, the Senate concurring, that the Bureau of Public Improvements is directed to study the status of the state-owned land lying east of said Hospital Street, to consult with appropriate state departments and agencies to determine what portion of said land should be set aside for future state use, to consult with the mayor and council of the City of Augusta and planning commission of said city and recommend a plan to the Legislature for the orderly disposal of so much of said land as may not be needed by the State in the foreseeable future together with a draft of implementing legislation, including such restrictions as may be appropriate in the use of said land, said plan and draft to be submitted to the Legislature not later than May 1, 1969. (H. P. 792)

The Joint Order received passage and was sent up for concurrence.

House Reports of Committees Leave to Withdraw

Mr. Porter from the Committee on Inland Fisheries and Game on Resolve Regulating Ice Fishing on Rocky Lake, Washington County (H. P. 411) (L. D. 522) reported Leave to Withdraw.

Mr. Durgin from the Committee on Labor reported same on Bill "An Act relating to the Application of the Occupational Safety Law and the Reporting Requirements" (H. P. 334) (L. D. 443)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass
Printed Bills**

Mr. Chick from the Committee on Education reported "Ought to pass" on Bill "An Act to Permit Reapportionment of School Directors in a School Administrative District by Request" (H. P. 425) (L. D. 549)

Mrs. Cummings from same Committee reported same on Bill "An Act relating to Membership of Joint School Committee when Administrative Units have No Approved Secondary School" (H. P. 266) (L. D. 342)

Same member from same Committee reported same on Bill "An Act Creating the Town of Franklin School District" (H. P. 271) (L. D. 347)

Mrs. Kilroy from same Committee reported same on Bill "An Act to Incorporate the Town of Dresden School District" (H. P. 220) (L. D. 270)

Mr. Richardson from same Committee reported same on Bill "An Act Creating the Town of Sullivan School District" (H. P. 272) (L. D. 348)

Mr. Lewin from the Committee on Inland Fisheries and Game reported same on Bill "An Act Repealing Ganeston Park Game Preserve" (H. P. 329) (L. D. 438)

Mr. Bedard from the Committee on Labor reported same on Bill "An Act relating to the Second Injury Fund" (H. P. 333) (L. D. 442)

Mrs. Brown from the Committee on Natural Resources reported same on Bill "An Act Reclassifying Taylor Brook in Auburn" (H. P. 281) (L. D. 357)

Mr. Bunker from the Committee on Sea and Shore Fisheries reported same on Bill "An Act relating to Taking of Alewives in Dyer River, Town of Jefferson, Lincoln County" (H. P. 243) (L. D. 298)

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

Order out of Order

On motion of Mr. Soulas of Bangor, it was

ORDERED, that Laurel Grant of Hampden and John Martin of Bangor be appointed to serve as Honorary Pages for today.

**Ought to Pass with
Committee Amendment**

Mr. Evans from the Committee on Agriculture on Bill "An Act relating to Duties of Sheriffs in Enforcement of Dog Laws" (H. P. 204) (L. D. 254) reported "Ought to pass" as amended by Committee Amendment "A" (H-52) submitted therewith.

Mr. Gilbert from same Committee on Bill "An Act relating to Age of Dogs for Licensing Purposes" (H. P. 206) (L. D. 256) reported "Ought to pass" as amended by Committee Amendment "A" (H-53) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Indefinitely Postponed

Mr. Lund from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Moneys to Provide Uniforms for Employees of Maine State Ferry Service" (H. P. 310) (L. D. 397) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Lund.

Mr. LUND: Mr. Speaker and Members of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Southwest Harbor, Mr. Benson.

Mr. BENSON: Mr. Speaker and Members of the House: I think an explanation is in order. The Appropriations Committee has reported this bill out and you saw a member of the Appropriations Committee stand up and indefinitely postpone it. The gentleman from Owls Head, Mr. MacPhail, put this bill in in good faith and it was an attempt to provide monies to purchase uniforms for members of the State Ferry Service meeting the public so that they could be easily identified.

The Appropriations Committee gave this consideration and re-

duced the amount requested by a substantial amount, and we found out only this morning that there is a sum of money in the budget, the Maine Port Authority budget, providing for uniforms. So this is the reason for this rather unorthodox procedure. Thank you.

Thereupon, the Report and Bill were indefinitely postponed and sent up for concurrence.

Mrs. Cummings from the Committee on Education on Bill "An Act relating to Amortization Requirements of Bond Issue for Women's Dormitory at Farmington State College of the University of Maine" (H. P. 115) (L. D. 131) reported "Ought to pass" as amended by Committee Amendment "A" (H-54) submitted therewith.

Mr. Waxman from same Committee on Bill "An Act to Incorporate the Town of Palermo School District" (H. P. 218) (L. D. 268) reported "Ought to pass" as amended by Committee Amendment "A" (H-55) submitted therewith.

Mr. Williams from the Committee on Public Utilities on Bill "An Act relating to Winthrop to Augusta Interlocal Trunk Sewer" (H. P. 391) (L. D. 501) reported "Ought to pass" as amended by Committee Amendment "A" (H-56) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Divided Report

Majority Report of the Committee on Labor reporting "Ought not to pass" on Bill "An Act relating to Definition of Employer Under Employment Security Law" (H. P. 4) (L. D. 4)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
PEABODY of Aroostook
— of the Senate.
Messrs. GOOD of Westfield
HUBER of Rockland
DURGIN of Raymond
HASKELL of Houlton
— of the House.

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

Report was signed by the following members:

Mr. BELIVEAU of Oxford
— of the Senate.
Messrs. BEDARD of Saco
CASEY of Baileyville
McTEAGUE of Brunswick
— of the House.

Reports were read.

On motion of Mr. Huber of Rockland, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

(Later reconsidered and tabled)

Divided Report Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to pass" on Bill "An Act Revising the Construction Safety Law Enforcement" (H. P. 335) (L. D. 444)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
PEABODY of Aroostook
BELIVEAU of Oxford
— of the Senate.
Messrs. McTEAGUE of Brunswick
HUBER of Rockland
BEDARD of Saco
CASEY of Baileyville
GOOD of Westfield
— of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. HASKELL of Houlton
DURGIN of Raymond
— of the House.

Reports were read.

Mr. Huber of Rockland moved that the House accept the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Richardson of Cumberland, tabled pending the motion of Mr. Huber of Rockland and specially assigned for tomorrow.

On motion of Mr. Farnham of Hampden, the House reconsidered on a viva voce vote its action of earlier in the day whereby it accepted the Majority "Ought not to pass" Report of the Committee on Labor on Bill "An Act relating to Definition of Employer under

Employment Security Law" (H. P. 4) (L. D. 4).

On further motion of the same gentleman, tabled pending acceptance of the Majority "Ought not to pass" Report and specially assigned for Thursday, February 27.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Tenure of Moderators of Town Meetings" (H. P. 19) (L. D. 22)

Report was signed by the following members:

- Messrs. CONLEY of Cumberland
- KELLAM of Cumberland
- TANOUS of Penobscot
- of the Senate.
- Messrs. SHAW of Chelsea
- COTE of Lewiston
- CUSHING of Bucksport
- Mrs. WHEELER of Portland
- Mrs. BAKER of Orrington
- Mr. COX of Bangor
- of the House.

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

Report was signed by the following member:

- Mr. NORRIS of Brewer
- of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker and Members of the House: I move the acceptance of the Minority "Ought to pass" Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves that the House accept the Minority "Ought to pass" Report. The gentleman may proceed.

Mr. CROSBY: Mr. Speaker and Ladies and Gentlemen of the House: There seems to be some confusion about the election of a moderator for town meetings. Some towns are electing them for a year, others are not.

I will admit that this was brought up due to a situation that exists in our own home town where we have had several town meetings in the course of a year brought on by voting for a school

district, appropriation of money—I think we have had five so far. It was the feeling that if a moderator could be elected at the annual town meeting to serve for the ensuing year it would expedite matters, would save the town a lot of money. They would not have to hire clerks, ballot clerks, at each town meeting, call a special town meeting, and the meeting could proceed on time. We have had situations where it has taken three hours to elect a moderator. I realize that this is unusual, but it certainly could be very beneficial to some of the smaller towns, I am sure.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I would call attention of the members of the House to the report nine to one and simply say that we had quite a bit of trouble with the wording of this bill and we had an amendment prepared by the Attorney General's office, and we still did not feel that we could go along with that. It is a rather delicate matter, the election of a moderator, and many matters hinge on it. One would be the assessment of taxes.

So therefore I move for a division at this time.

The SPEAKER: Is the House ready for the question? The pending question is on the motion of the gentleman from Kennebunk, Mr. Crosby that the House accept the Minority "Ought to pass" Report. All those in favor of accepting the Minority Report will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken. 40 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act relating to the Sale of Fireworks" (H. P. 284) (L. D. 360)

Report was signed by the following members:

Messrs. CONLEY of Cumberland
TANOUS of Penobscot
—of the Senate.
Mr. CUSHING of Bucksport
Mrs. BAKER of Orrington
Messrs. SHAW of Chelsea
NORRIS of Brewer
COTE of Lewiston
COX of Bangor

—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Mr. KELLAM of Cumberland
—of the Senate.
Mrs. WHEELER of Portland
—of the House.

Reports were read.

On motion of Mr. Corson of Madison, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned for third reading.

Passed to Be Engrossed

Bill "An Act relating to Fulfillment of Contracts by Teachers about to Retire" (S. P. 98) (L. D. 308)

Bill "An Act Appropriating Funds for Health Education" (S. P. 121) (L. D. 383)

Bill "An Act relating to Expenditures from Aeronautical Fund" (H. P. 72) (L. D. 72)

Bill "An Act Providing for Annual Revision of State Valuation" (H. P. 100) (L. D. 108)

Bill "An Act relating to Payment to Commissioner of Agriculture of Dog License Fees" (H. P. 253) (L. D. 329)

Bill "An Act relating to the Borrowing Capacity of School Administrative District No. 70" (H. P. 322) (L. D. 409)

Bill "An Act relating to the Capital Stock of Oakland Water Company" (H. P. 346) (L. D. 453)

Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22" (H. P. 375) (L. D. 484)

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) (L. D. 500)

Bill "An Act Extending Water Service of Kennebunk, Kennebunkport and Wells Water District to Town of Arundel" (H. P. 392) (L. D. 502)

Bill "An Act relating to Safety Devices for Railroad Utilities" (H. P. 440) (L. D. 564)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Mental Illness as a Ground for Divorce" (H. P. 471) (L. D. 625)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Richardson of Cumberland, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Third Reader

Tabled and Assigned

Bill "An Act relating to the Borrowing Power of Maine Maritime Academy" (H. P. 484) (L. D. 638)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Benson of Southwest Harbor, tabled pending passage to be engrossed and specially assigned for Thursday, February 27.)

Bill "An Act to Provide that Motor Vehicle Operators' Licenses be Issued on a Staggered Basis of Odd and Even Birth Years" (H. P. 754) (L. D. 886)

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

Third Reader

Tabled and Assigned

Bill "An Act relating to Presidential Electors at Large and From Districts" (H. P. 755) (L. D. 887)

Was reported by the Committee on Bills in the Third Reading and read the third time.

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for tomorrow.)

Third Reader

Tabled and Assigned

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority (S. P. 97) (L. D. 307)

Was reported by the Committee on Bills in the Third Reading and read the second time.

(On motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and specially assigned for Tuesday, March 4.)

Resolve Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 113) (L. D. 129)

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

Third Reader

Tabled and Assigned

Resolve Proposing an Amendment to the Constitution Regulating the Size of the House of Representatives (H. P. 356) (L. D. 464)

Was reported by the Committee on Bills in the Third Reading and read the second time.

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: I am not going to join one of those who table things this morning. I present to this bill House Amendment "A" under Filing H-58, move its adoption, and will speak to it.

House Amendment "A" (H-58) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Basically, some of you heard in my non-debate remarks last Thursday that I favor the size of the House the way it is. However, there are some persons who are really serious about cutting it. They maintain it would give more equal representation; that it would be a cost saving; that it would be a chance to

increase salaries to where perhaps they should be; there would be an opportunity to provide for proper legislative staff, that it would be more efficient. Most of these things I do not believe.

However, for the benefit of those who do, I say let's go one step further. Several of us have had experience in the other body at the end of the corridor. They do a very fine job down there with thirty-two members. I believe that perhaps we could do just as good a job, and so let's legislate ourselves their equal.

The SPEAKER: The pending question is the adoption of House Amendment "A." The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: When I thought I was of voting age, the way that we would attack a unanimous report in order to defeat it was by saying, present an amendment excepting our individual counties from the measure. This is a boy's version, and I move the indefinite postponement of this amendment because I would like to hear debate on the bill itself as it was reported out of the Committee unanimously.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: I would like to move for indefinite postponement of the whole bill and I would like to speak on it.

The SPEAKER: The Chair would advise the gentleman that the only matter before the House now is House Amendment "A," and the gentleman may proceed if he wishes to debate House Amendment "A."

The pending question is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. Is the House ready for the question? All those in favor of the indefinite postponement of House Amendment "A" will say yes, those opposed, say no.

A viva voce vote being taken, the motion did prevail.

Mr. Stillings of Berwick offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-59) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: I noted as I read and listened to some of the comments on this bill last week the statement was made that this proposal to reduce the size of our House of Representatives would bring us closer to "average".

Now I don't think there is anything wonderful about this — being average simply makes you the best of the worst and the worst of the best.

I see nothing wrong with the size of the House remaining at its present strength of 151 members. This number brings us close to the people and makes us more responsive to them, and our State does cover a large geographic area; if we want to change our size, let's do it in keeping with the motto of our great State — I Lead!

Our neighbor to the west, New Hampshire, now enjoys the distinction of having the largest lower branch of any of our state legislatures. It also has no sales tax. They refuse to even think about an income tax. Until recently it was the only state with a lottery. Sunday sales of spirits are allowed. And I am told that our people go there in great numbers to purchase liquor and cigarettes at a lower price.

I think it is now time for Maine to do something to get an edge on New Hampshire. Since their lower house has 400 members, I propose that the size of this house be increased to 401, which will mean that not only will we have surpassed our sister state in this regard, but Maine will have the signal honor of leading the nation with the largest lower house of any state legislature.

On motion of Mr. Jalbert of Lewiston, House Amendment "B" (H-59) was indefinitely postponed on a viva voce vote.

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

Mr. ROSS: Mr. Speaker, now we get to the crux of the matter,

Twelve years ago I was the House Chairman of the State Government Committee. I had a great deal of respect for that Committee then and I do now. The Chairman, Mr. Dennett, is astute, capable and conscientious, but aside from these qualities, he is one of our most eloquent orators. He is truly a satirical rhetorician, whose verbosity emits the ultimate in exuberance. I hold in esteem the rest of the members of this august group. One is my seatmate from across the aisle, the competent and knowledgeable gentleman from Manchester, Mr. Rideout. One is even a colleague and friend of mine who lives only a few houses from me on the same street in that famous place which is steeped in antiquity, the delightful City of Bath, Miss Watson.

Yes, normally I would trust a unanimous committee report from this august group. However, this time, I believe that they had a slight lapse of memory. Our 151 member House is neither excessive nor ungainly. We, although we are the largest state in the New England states by far, our House is smaller than all of the others by an average of 100 persons. No one has proved that this House is hard to control. As a matter of fact, we have a national reputation of having one of the best run Houses with the highest degree of decorum in the entire Country, and of this we should be justifiably proud.

Any cut would be depriving our citizens the true representation to which they surely are entitled. In my opinion, changes like this are not progressive, but just making change for change sake.

I now move that this bill and all its accompanying papers be indefinitely postponed and request a division.

The SPEAKER: The gentleman from Bath, Mr. Ross, now moves that L. D. 464 be indefinitely postponed.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I think this morning you have one of the more unique pieces

of legislation coming before this branch that has been recommended not necessarily the same number represented in this group, but as a cross section of our country. For at least the last ten years National Legislative Research groups throughout the country have recommended in a lot of instances the reduction of branches of the Legislature because of a better system of being able to operate with; and I can also remember in the last six years the National Leadership Conferences have predominantly recommended that the branches of the Legislature, both the House and the Senate, reduce to a workable size so that as the gentleman from Bath, Mr. Ross has pointed out, better staff, better equipment, better groups to work with, and also a more equitable working salary.

I think if for no other reason other than that, as the theme that was used in the not too distant future, or not too distant past, and it might be used again in the future I might add, I think it is very well time for a change not only for the sake of changing but for the sake of better government to our own people. And I think by reducing the number of House — as a matter of fact I have a bill in Mr. Slosberg's office to reduce the House to a seventy-five membership and to the other branch twenty-five, which would be a two-thirds comparison, but I am willing to drop that bill in the Research Department if we can agree that this number ninety-six will be favorable by both branches of the Legislature. I think ninety-six will be a good working group and I hope that each member of this House here will take this, the recommendation of the National Research Council, the National Leadership Conferences who for years have been advocating the reduction of legislative groups.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I share with the gentleman from Bath, the same feelings that he has, although on not such eloquence of vocabu-

lary toward the gentleman from Kittery, Mr. Dennett.

Also, this as I stated before, was the unanimous report of the committee and certainly we should hear from the people who are on that committee. However, I would like mostly to hear from the gentleman from Kittery, Mr. Dennett. Also, this is a very important piece of legislation, and for that reason, noting that the gentleman is not present, certainly because of the storm, I would hope that some member would table this measure until tomorrow.

Thereupon, on motion of Mr. Rideout of Manchester, tabled pending the motion of Mr. Ross of Bath to indefinitely postpone the Resolve, and specially assigned for tomorrow.

Amended Bills

Bill "An Act relating to Privileges and Appurtenances in Short Form Deeds" (H. P. 37) (L. D. 38)

Bill "An Act relating to Date of Town Meeting of Town of Fort Fairfield" (H. P. 140) (L. D. 162)

Bill "An Act to Clarify Certain Motor Vehicle Laws" (H. P. 246) (L. D. 301)

Bill "An Act relating to Filing Campaign Reports" (H. P. 323) (L. D. 410)

Were 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.

Order out of Order

Mr. Levesque of Madawaska presented the following Joint Order and moved its passage:

WHEREAS, by Act of the Legislature, the Town of Madawaska was incorporated on February 24, 1869; and

WHEREAS, the Town of Madawaska is now having its centennial celebration; and

WHEREAS, the Madawaska Centennial Committee has commemorated the town's anniversary through the publication of an impressive memorial booklet detailing the cultural background and history of the town, and particu-

larly its French Acadian heritage; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 104th Legislature commend the Centennial Committee of the Town of Madawaska and especially, Mrs. Julie Albert, editor of the magnificent memorial publication; and be it further

ORDERED, that the members send their greetings and congratulations to the Town of Madawaska on the occasion of its 100th birthday; and be it further

ORDERED, that duly authenticated copies of this Joint Order be immediately transmitted to Mrs. Julie Albert, to the chairman of the Centennial Committee, and to the citizens of the Town of Madawaska through the Town Manager. (H. P. 793)

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LEVESQUE: Mr. Speaker and Ladies of Gentlemen of the House: Thank you for allowing me to take these few minutes of your time this morning to show you or indicate to the members of this House the Centennial booklet that the Town of Madawaska has compiled and put into circulation. I was able to work with the Chamber of Commerce in getting sufficient copies to be distributed to the members of the House and the Senate, and of course I extend my most sincere thanks to the Chamber of Commerce and Mr. Delmar Doody, its President, for giving me this number of booklets to be distributed here in the State Capitol.

Now I think this circulation is unique in its printing, and I hope that every member of the House and the Senate will have a chance to briefly look through it. It is unique in this way, that the expressions used have been a carry-over for at least a hundred years.

Now in the book might be indicated the first settlers in the area and also how they got there through Grand Falls, New Brunswick, Canada, because of their thought that they may not be pushed any further because of the means of communication and trav-

el was by water, and the falls was a natural obstacle.

Now I think probably a brief explanation of what's on the title of the book, the expression of the lady on the cover which you see in the newspaper "Deja cent ans!" is unique in expression on the face of the lady, which means already a hundred years. Now under that the explanation of the wording is: To better know the past, is to better live the future. Now there are other unique expressions in the book that I hope you will enjoy, and certainly the Town of Madawaska since its incorporation February 24, 1869, is promoting the Town, is promoting its history and of which we are very proud of. The indication in the book of the historical background and in some instances some of Longfellow's poem, the Evangeline's quotes have been taken, very well compiled, and I think probably with very sincere appreciation by the community to Mrs. Julie Albert who compiled the information, certainly stands to be commended for her work.

Now as indicated also in the book, the community is ninety-two per cent French Catholic or French Acadian, and I would assume that—and this is a note that I had jotted down here, from a would-be member of the other branch, that ninety-two per cent of the population also voted of one political party, of which I will not mention, although the voter registration indicates otherwise. So we hope from Madawaska that you people will have a moment to briefly review the book and look at it. We think it is a very unique booklet and that the information will be beneficial to one and all. Thank you.

Thereupon, the Joint Order received passage and was sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act to Clarify the Law Relating to Measuring Devices of Speed of Motor Vehicles (S. P. 130) (L. D. 392)

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, 109 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Nonlapsing Funds for Armory Construction (H. P. 2) (L.D. 2)

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. 109 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Appropriating Funds to Office of Chief Medical Examiner (H. P. 403) (L. D. 514)

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. 111 voted in favor of same and 1 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed
Emergency Measure**

Resolve Appropriating Funds for Ramp and Docking Facilities at Long Island Plantation (H. P. 589) (L. D. 731)

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. 104 voted in favor of same and 8 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Delegation of Authority to Director of Bureau of Corrections under New England Interstate Corrections Compact (S. P. 125) (L. D. 387)

An Act relating to Definition of Valuation in Reimbursement to Towns for Snow Removal (S. P. 126) (L. D. 388)

An Act relating to Appointment of Clerk Pro Tempore of the Judicial Court (S. P. 139) (L. D. 421)

An Act relating to Trial Terms of the Superior Court (S. P. 143) (L. D. 425)

An Act relating to Cooperative Agreements by the Public Utilities Commission (H. P. 175) (L. D. 214)

An Act relating to Appointment General and Assistant Attorneys and Duties of Deputy Attorneys General (H. P. 180) (L. D. 219)

An Act relating to the Registration of Interstate Motor Carriers (H. P. 184) (L. D. 223)

An Act relating to Jurisdiction of Juvenile Courts over Offenses in Operating Boats (H. P. 193) (L. D. 233)

An Act to Clarify Absentee Voting under the Charter of the Town of Kittery (H. P. 276) (L. D. 352)

An Act relating to Voting Residence of Spouse of Member of Armed Forces (H. P. 279) (L. D. 355)

An Act Providing for Clinical Treatment and Rehabilitation of Alcoholics (H. P. 280) (L.D. 356)

Finally Passed

Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line (S. P. 29) (L.D. 87)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

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

An Act Requiring Reconstructed Public Buildings be Made Accessible to the Physically Handicapped (S. P. 100) (L. D. 310)

Tabled—February 19, by Mr. Birt of East Millinocket.

Pending—Passage to be enacted. On motion of the same gentleman, retabled pending passage to be enacted and specially assigned for Thursday, February 27.

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

SENATE REPORT — Ought to pass as amended by Committee Amendment "A" (S-6)—Committee on Judiciary on Bill "An Act relating to Notice of Suspension or Revocation of Motor Vehicle Operators' Licenses" (S. P. 57) (L. D. 165) In Senate, Bill passed to be engrossed as amended by Senate Amendment "A" (S-12)

Tabled—February 20, by Mr. Berman of Houlton.

Pending—Acceptance in concurrence.

Report was accepted in concurrence and the Bill read twice.

Committee Amendment "A" was read by the Clerk and adopted in non-concurrence.

Senate Amendment "A" was read by the Clerk and adopted in concurrence and the Bill assigned for third reading tomorrow.

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

Bill "An Act to Clarify the Watercraft Registration and Safety Law" (H. P. 118) (L. D. 134) (Committee Amendment "A" adopted H-44)

Tabled—February 20, by Mr. Carter of Winslow.

Pending—Passage to be engrossed.

On motion of the same gentleman, retabled pending passage to be engrossed and specially assigned for Wednesday, March 5.

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

An Act Providing Preservice and In-Service Educational Activities for Teachers of General Adult Education (H. P. 223) (L. D. 273)

Tabled—February 20, by Mr. Cottrell of Portland.

Pending—Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Cottrell.

Mr. COTTRELL: Mr. Speaker and Members of the House: In tabling this bill last week, I understood that there was an appropriation of \$12,000 annually, but over the weekend I found out that it is simply permissive legislation, and within the department there are funds; they may spend these funds according to the purpose of the bill, and so I suggest that we support the passage to be enacted.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act relating to Issuance of Temporary Notes by Hospital Administrative District No. 1 in Penobscot County" (H. P. 342) (L. D. 450)

Tabled—February 20, by Mr. Cote of Lewiston.

Pending—Passage to be engrossed.

On motion of Mr. Porter of Lincoln, retabled pending passage to be engrossed and specially assigned for tomorrow.

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: This morning I rise to defend my constituents and my County, Franklin, on its jail situation.

Last week the newspapers in the State and the television stations carried articles pertaining to the Franklin County Jail: "Prisoners are kept under extremely poor conditions in some of Maine's jails and the Franklin County Jail is the worst of the lot, a spokesman for the State Mental Health and Corrections Department said. If the department had the authority it probably would order the Franklin County jail in Farmington closed."

This past Sunday, February 23 I inspected the County Jail. Sheriff Kenneth French accompanied me throughout the entire facility. I paid particular notice to the sani-

tary conditions of the jail, for cleanliness, as I expected from the accounts given that there would be various types of vermin skittering throughout the interior. I found the individual cells and cell blocks to be well painted and clean. The mattresses and bedding were in much better shape than some that I had been personally issued while in the service of the United States Army. The bunks are made of welded steel strapping, and the Sheriff informed me that they were to be bolted to the floor in the very near future. He showed me where two prisoners had recently taken their beds and banged them against the wall causing considerable damage to the walls. At 10:00 in the morning four prisoners were still in bed which in itself should testify to the fact that the comfort afforded could not be condemned.

The Sheriff explained that it was the policy for the prisoners to be up at 7:00 a.m., make their beds, and then if it was their pleasure, they could lie down, but he could not force them out. One prisoner was on a self-imposed fast for the past three weeks refusing to eat for that period of time, hoping to be hospitalized and add to the expense of his imprisonment.

I was shown the financial records of the jail and the proposed budget for the coming biennium. Sheriff French had received a letter from the wife of a former prisoner who was indicted for murder and is now spending time in the Maine State Prison. This letter thanked the Sheriff's Department of Franklin County for the courtesy extended the prisoner and it also stated that he received better treatment and better facilities and had been far happier while in the Franklin County jail than he was at the Augusta State Hospital or finally at Thomaston.

It is evident that certain groups feel that prisoners should be coddled and receive extensive privileges while serving their sentences. I, perhaps, may represent a minority, but feel that a person is sentenced to an institution for committing a crime and is in jail to pay his debt to society. It is also ob-

vious that many of our prisoners are receiving better and more wholesome food and are in cleaner surroundings than that in many of their own homes.

In closing, I would like to read a paragraph from a letter that I received yesterday from the Reverend Robert Gale, Pastor of the Henderson Memorial Church: "If the Legislature or the State Mental Health and Correction Department is really interested in the rehabilitation of lives, then let money be provided for the remodeling of the physical plants of the county jails in which there is a greater potential for the rehabilitation of the first and minor offender." Thank you.

Mr. Jutras of Sanford was granted unanimous consent to address the House.

Mr. JUTRAS: Mr. Speaker, this House is known to operate with a lot of decorum and whenever any unfavorable comments are made, I believe that necessary action is quickly taken to correct a situation, an undesirable situation.

This morning, one member of this House made an unfavorable reference and an unfavorable comparison between beds in his County jail and those issued by one branch of the service, particularly the United States Army. I think had he left that as a general statement, it probably would have gone over, but to single out one particular service to say that the beds issued by the United States Army did not even compare with those, I believe is out of order and should be stricken from the record.

Mr. Cottrell of Portland was granted unanimous consent to address the House.

Mr. COTTRELL: Mr. Speaker and Members of the House: This is simply to correct an error in printing on L. D. 803, An Act Providing for a State Income Tax. It is a long document, twenty pages, and I don't think it is necessary for each member to read all of it, but they certainly should read the graduated schedule of taxation on different levels of income on page 3, and on page

20 the statement of fact, which says that it is estimated that this act will produce \$12,000,000 in revenue to the State.

Now on the basis of 78,296 individual tax returns received at the Internal Revenue office, it is estimated now that the schedule of taxation, the graduated schedule, will produce \$20,000,000 annually.

That is a very important change from the \$12,000,000. Thank you very much.

(Off Record Remarks)

On motion of Mr. Chandler of Orono,

Adjourned until ten o'clock tomorrow morning.