

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth  
Legislature*

OF THE

STATE OF MAINE

**Volume III**

June 17, 1969 to July 2, 1969

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**1st Special Session**

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, January 8, 1970

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

Prayer by the Rev. Mr. Leonard LeClair of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication: (S. P. 613)

STATE OF MAINE  
BUREAU OF PUBLIC  
IMPROVEMENTS  
AUGUSTA

January 6, 1970

To the Senate and House of Representatives of the Special Session of the One-Hundred and Fourth Legislature

We are submitting herewith Status of Capital Improvement Projects Authorized by the 104th and Previous Legislatures Including Cash Expenditures Through June 30, 1969.

Respectfully,

(Signed)

NIRAN C. BATES  
Director

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

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

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

By unanimous consent, ordered sent forthwith.

**Reports of Committees**

**Leave to Withdraw**

**Covered by Other Legislation**

Report of the Committee on Education on Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 566) (L. D. 1693) reporting Leave to Withdraw, as covered by other legislation.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Ought to Pass**

**Passed to Be Engrossed**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on Bill "An Act to Appropriate Moneys for Legislative Expenditures" (S. P. 579) (L. D. 1706)

Report of the Committee on Education reporting same on Bill "An Act Increasing Borrowing Capacity of School Administrative District No. 75" (S. P. 564) (L. D. 1639)

Report of the Committee on State Government reporting same on Resolve Ratifying Certain Conveyances to the United States Government Made by the Governor and Council (S. P. 552) (L. D. 1627)

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 and the Resolve read once. Under suspension of the rules, the Bills were read the third time, Resolve read the second time, all passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Messages and Documents**

The following Communication:

STATE OF MAINE  
SENATE CHAMBER  
AUGUSTA

January 7, 1970

Honorable Bertha W. Johnson  
Clerk of the House of Representatives

104th Legislature  
First Special Session  
Dear Madam Clerk:

The Governor returned to the Senate:

Bill, An Act Increasing Salaries and Duties of Liquor Commissioners Other Than the Chairman. (S. P. 151) (L. D. 432) together with his objections to the same. The Senate proceeded to vote on the question: Shall the Bill become a law notwithstanding the objections of the Governor?

According to the provisions of the Constitution, a yea and nay vote was taken. 16 Senators having voted in the affirmative and 12 Senators having voted in the negative, the Bill accordingly failed

to become law, and the veto was sustained.

Cordially,

(Signed)

HARRY N. STARBRANCH

Secretary of the Senate

The Communication was read and ordered placed on file.

#### **Petitions, Bills and Resolves Requiring Reference**

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

##### **Business Legislation**

Bill "An Act Creating the Maine Insurers Insolvency Pool Act" (H. P. 1420) (L. D. 1788) (Presented by Mr. Rideout of Manchester)

Sent up for concurrence.

##### **Natural Resources**

Bill "An Act Requiring Bonds to Insure Performance of Waste Discharge License Provisions" (H. P. 1421) (L. D. 1789) (Presented by Mr. Martin of Eagle Lake)

Sent up for concurrence.

##### **State Government**

Bill "An Act Creating the Maine Forest Authority and Conforming the Powers of the Forest Commissioner and the Baxter State Park Authority to a Certain Inter Vivos Trust Created by the late Percival Proctor Baxter" (H. P. 1422) (L. D. 1791) (Presented by Mr. Vincent of Portland)

Sent up for concurrence.

##### **Orders**

Mr. Richardson of Cumberland presented the following Order and moved its passage:

WHEREAS, it appears to the House of Representatives of the 104th Legislature that the following are important questions of law and that the occasion is a solemn one; and

WHEREAS, the 104th Legislature pursuant to authority granted it in the Constitution of Maine, Article X, Section 4 proposed an amendment to the Constitution of Maine entitled "RESOLVE, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary." (Legislative Document 24); and

WHEREAS, the Resolve was passed by a two-thirds vote of both Houses of the Legislature, signed by the Speaker of the House of Representatives and the President of the Senate and forwarded to the Governor on the twenty-seventh day of June, 1969; and

WHEREAS, the 104th Legislature adjourned without day on July 2, 1969; and

WHEREAS, the 104th Legislature reconvened in Special Session on January 6, 1970; and

WHEREAS, the Governor, acting pursuant to Article IV, Part Third, Section 2 of the Constitution of Maine, did on January 6, 1970 return the Resolve to the House of Representatives without his signature declaring that he has vetoed the Resolve; and

WHEREAS, it is important that the House of Representatives be informed as to its power and authority to act concerning the proposed constitutional amendment;

NOW THEREFORE BE IT ORDERED that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution on its behalf, their opinion on the following questions:

1. Must the House of Representatives, if it disagrees with the veto of the Governor, take action under Article IV, Part Third, Section 2 of the Constitution of Maine to override the veto of the Governor?

2. If the answer to question 1 is in the negative, may the House of Representatives now, without further action, transmit Legislative Document 24 directly to the Secretary of State for his action in conformity with the provisions thereof?

The SPEAKER: Is there objection to the rules being suspended relative to this being tabled for one legislative day prior to being sent to the Justices? It's a vote.

Thereupon the Order received passage under suspension of House Rule 41.

Mr. Richardson of Cumberland presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that there is appropriated

from the Legislative Appropriation a sum sufficient to pay each of the Indian representatives mileage for 3 round trips and compensation for meals, lodging and attendance commensurate with other members of the Legislature for attendance at the First Special Session of the 104th Legislature. (H. P. 1423)

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

**House Reports of Committees  
Leave to Withdraw  
Covered by Other Legislation**

Mr. Bragdon from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Eastern Maine Vocational Technical Institute" (H. P. 1312) (L. D. 1641) reported Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought Not to Pass**

Mr. Nadeau from the Committee on Highways reported "Ought not to pass" on Bill "An Act relating to Use of Town Highway Employees and Equipment on Certain Highways" (H. P. 1330) (L. D. 1659)

Mr. Wight from the Committee on Towns and Counties reported same on Bill "An Act relating to County Purchases" (H. P. 1377) (L. D. 1726)

Reports were read and accepted and sent up for concurrence.

**Ought to Pass  
Printed Bills**

**Passed to Be Engrossed**

Mr. Berman from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Code of Military Justice for the State Military Forces" (H. P. 1338) (L. D. 1667)

Mr. Danton from same Committee reported same on Bill "An Act relating to Disqualification of the Administrative Hearing Commissioner" (H. P. 1367) (L. D. 1716)

Mr. Cox from the Committee on Legal Affairs reported same on Bill "An Act to Create the Bangor Parking Authority" (H. P. 1346) (L. D. 1675)

Mr. Cushing from same Committee reported same on Bill "An Act to Amend the Charter of Great

Northern Paper Company" (H. P. 1368) (L. D. 1717)

Reports were read and accepted and the Bills read twice. Under suspension of the rules, the Bills were read the third time, passed to be engrossed and sent to the Senate.

Mr. Norris from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act relating to Eligibility of Bangor City Councilors for Certain City Government Offices" (H. P. 1339) (L. D. 1668)

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

**Passed to Be Engrossed**

Mrs. Wheeler from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Validate Certain Proceedings in Formulating Voting Districts in the Town of Brunswick" (H. P. 1343) (L. D. 1672)

Same member from same Committee reported same on Bill "An Act relating to Appointment of Single Town Assessor for Town of Brunswick" (H. P. 1344) (L. D. 1673)

Mr. Emery from the Committee on Public Utilities reported same on Bill "An Act Extending Eagle Lake Water and Sewer District to Plantation of Winterville" (H. P. 1349) (L. D. 1678)

Mr. Wight from the Committee on Towns and Counties reported same on Bill "An Act Authorizing Androscoggin County to Borrow Money for an Addition to the County Jail" (H. P. 1362) (L. D. 1691)

Reports were read and accepted and the Bills read twice. Under suspension of the rules, the Bills were read the third time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

**Ought to Pass with  
Committee Amendment**

Mr. Lewin from the Committee on Inland Fisheries and Game on Bill "An Act relating to Bag Limit on Bears" (H. P. 1374) (L. D. 1723) reported "Ought to pass" as amended by Committee Amend-

ment "B" submitted therewith.

Report was read and accepted and the Bill read twice.

Committee Amendment "B" (H-623) was read by the Clerk and adopted and tomorrow assigned for third reading.

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#### Passed to Be Engrossed

Mr. Trask from the Committee on Business Legislation on Bill "An Act relating to Fees of Certain Corporations Payable to Secretary of State" (H. P. 1320) (L. D. 1649) reported "Ought to pass" as amended by Committee Amendment "A" (H-621) submitted therewith.

Same gentleman from same Committee on Bill "An Act to Amend the Charter of the Community Life Insurance Company" (H. P. 1321) (L. D. 1650) reported "Ought to pass" as amended by Committee Amendment "A" (H. P. 622) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read and adopted.

Under suspension of the rules, the Bills were 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.

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#### Orders of the Day

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

Resolve Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature

Deems Necessary (H. P. 21) (L. D. 24) (Vetoed by the Governor)

Tabled — January 7, by Mr. Richardson of Cumberland.

Pending — Further consideration.

On motion of Mr. Ross of Bath, tabled pending further consideration and tomorrow assigned.

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

Mr. LEVESQUE: Mr. Speaker, an inquiry through the Chair.

The SPEAKER: The gentleman may make his inquiry.

Mr. LEVESQUE: In the provisions of the rules of the House, is it permissible to retable a message from the Executive more than once?

The SPEAKER: The Chair will rule that under the rules that these matters may be tabled from day to day. But this particular proposal only has a life expectancy of seven tabling motions. (Laughter.)

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

Bill "An Act Creating the Nonpublic Elementary Education Assistance Act" (H. P. 1395) (L. D. 1751)

Tabled — January 7, by Mr. Jalbert of Lewiston.

Pending — Reference.

On motion of Mr. Jalbert of Lewiston, tabled pending reference and tomorrow assigned.

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#### (Off Record Remarks)

On motion of Mr. Williams of Hodgdon,

Adjourned until nine-thirty o'clock tomorrow morning.