

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

Tuesday, January 20, 1970

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

Prayer by the Rev. Mr. John Ludlam of Portland.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on Education report out to the Senate a Bill validating proceedings authorizing the issuance of bonds and notes for School Administrative District No. 70 (S. P. 629)

Came from the Senate read and passed

In the House, the Order was read and passed in concurrence.

Reports of Committees Referred to 105th Legislature

Report of the Committee on Towns and Counties on Bill "An Act Providing for a Chief Administrative Officer of and Increasing Salaries of County Commissioners of Androscoggin County" (S. P. 574) (L. D. 1701) reporting that it be referred to the 105th Legislature.

Came from the Senate with the Report read and accepted and the Bill referred to the 105th Legislature.

In the House, the Report was read and accepted in concurrence and the Bill referred to the 105th Legislature in concurrence.

Ought to Pass with Senate Amendment Passed to Be Engrossed

Report of the Committee on Appropriations and Financial Affairs, acting by authority of Joint Order (S. P. 622), reporting a Bill under title of "An Act to Amend Bond Issue Act as to Limitation of Interest on Bonds for York County Regional Vocational Education Center or Centers" (S. P. 627) (L. D. 1798) and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Senate Amendment "A" (S-375) was read and adopted in concurrence.

Under suspension of the rules, the Bill was read the third time, passed to be engrossed as amended by Senate Amendment "A" and sent to the Senate.

Ought to Pass with Committee Amendment Tabled and Assigned

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Protection for the Consumer Against Unfair Trade Practices" (S. P. 578) (L. D. 1705) reporting "Ought to pass" as amended by Committee Amendment "A" (S-374) submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read.

(On motion of Mrs. Coffey of Topsham, tabled pending acceptance in concurrence and specially assigned for tomorrow.)

Passed to Be Engrossed

Report of the Committee on Judiciary on Resolve Authorizing Henry Perley to Bring Civil Action Against the State of Maine (S. P. 571) (L. D. 1698) reporting "Ought to pass" as amended by Committee Amendment "A" (S-371) submitted therewith.

Report of the Committee on Towns and Counties on Bill "An Act Authorizing Knox County to Raise Money for Airport and Industrial - Commercial Improvement and Development" (S. P. 573) (L. D. 1700) reporting "Ought to pass" as amended by Committee Amendment "A" (S-373) submitted therewith.

Came from the Senate with the Reports read and accepted and the Bill and Resolve passed to be

engrossed as amended by Committee Amendment "A".

In the House, the Reports were read and accepted in concurrence, the Bill read twice, Resolve read once. Committee Amendment "A" to each was read and adopted in concurrence.

Under suspension of the rules, the Bill was read the third time and the Resolve read the second time, both passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Non-Concurrent Matter

Bill "An Act Creating the Non-public Elementary Education Assistance Act" (H. P. 1395) (L. D. 1751) which was referred to the Committee on Education in the House on January 14.

Came from the Senate ordered placed in the Legislative Files in non-concurrence.

In the House:

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

Mr. JALBERT: Mr. Speaker and Members of the House: I rise just for a moment to put one or two remarks on the record. I think that with the statewide meetings the legislative sub-committee that was studying this problem certainly proved very, very well the impact as to what they were charged, which is the impact of the closing of a great number of these schools.

The procedure that I used, I think, would just stave off any eventuality which would have happened had the bill been partly in transit and someone would have asked the opinion that I asked through the Chair.

The basic reason why I am up this morning, in that certainly no one can very well agree with the alacrity upon a decision that might be placed against them, that being notwithstanding, I can stand here and make one or two comments as to why I feel that we have one of the finest Supreme Courts in the land.

I know that these six members worked very, very hard and diligently, they gave the opinion according to the law, and it was not done on a religious basis.

Believe me, I think we should be thankful in the State of Maine that we have such six men.

I now move that the report of the committee be accepted.

Whereupon, the House voted to concede and concur.

Orders

On motion of Mr. Ross of Bath, it was

ORDERED, that Mr. Good of Westfield be excused from attendance for the duration of his illness.

On motion of Mr. Shaw of Chelsea, it was

ORDERED, that Mr. Kelley of Southport be excused from attendance for the duration of his illness.

On motion of Mr. Jalbert of Lewiston, it was

ORDERED, that Father Daniel Hagerty of Lewiston be invited to officiate as Chaplain of the House on Thursday, January 22, 1970.

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

Mr. DENNETT: Mr. Speaker, I would inquire if House Paper 1371, Legislative Document 1720, a Resolve Authorizing Conveyance of Land to International Paper Company is in the possession of the House?

The SPEAKER: The answer is in the affirmative.

Whereupon, on motion of Mr. Dennett of Kittery, the House reconsidered its action of yesterday whereby the Resolve was passed to be engrossed.

Mr. DENNETT: Mr. Speaker, I now present House Amendment "A" to Legislative Document 1720 and move its adoption, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Kittery, Mr. Dennett, offers House Amendment "A" and moves its adoption. The Clerk will read the Amendment.

Whereupon, House Amendment "A" (H-640) was read by the Clerk.

The SPEAKER: The gentleman may proceed.

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

Mr. DENNETT: In cases such as this I think that the House is entitled to a brief explanation of what these amendments are all about. In this particular case it was simply an oversight in the committee where this was intended to be a committee amendment, and the resolve came in the House without the amendment attached.

What the amendment does, it simply changes the resolve to an act. It regards a certain piece of land up in Penobscot County, which has already been conveyed to the International Paper Company, and it is now changed to a ratification rather than a simple conveyance. It appears that a conveyance passes the House as a resolve, a ratification as an act, and this is the reason for this amendment. Thank you.

Thereupon, House Amendment "A" was adopted, and the Bill passed to be engrossed as amended and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act Increasing Interest Rates on Maine School Building Authority Bonds (H. P. 1324) (L. D. 1653)

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. 124 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 Incorporate the Mapleton Water District (H. P. 1347) (L. D. 1676)

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. 130 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 Appropriating Funds to Greater Bangor Chamber of Commerce to Aid in Defraying Costs of a Promotional Film (H. P. 1402) (L. D. 1758)

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. 105 voted in favor of same and 19 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees Beginning July 1, 1970 (H. P. 1306) (L. D. 1620)

An Act relating to Certain Charges to the State Retirement Allowance Fund (H. P. 1351) (L. D. 1680)

An Act relating to Snow Removal from Airports (H. P. 1411) (L. D. 1777)

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

By unanimous consent, the foregoing papers were ordered sent forthwith to the Senate.

Orders of the Day

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

MAJORITY REPORT (9) — "Ought not to pass" — Committee on Business Legislation on Bill "An Act relating to Investment Fiduciaries under State Retirement System" (S. P. 562) (L. D. 1637) and MINORITY REPORT (1) reporting "Ought to pass" as amended by Committee Amendment "A" (S-364) (In Senate, Bill Indefinitely postponed)

Tabled—January 19, by Mr. Scott of Wilton.

Pending—Acceptance of Either Report.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker, I move acceptance of the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Wilton, Mr. Scott, moves the acceptance of the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Augusta, Mr. Lewin.

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to speak in behalf of L. D. 1637. As you know, the retirement system presently has approximately \$150 million now being managed by a single fiduciary. The Maine State Employees Association takes the position that it is not wise for any organization or firm to allow only one to manage such a tremendous sum.

It is felt that it is to the advantage of state employees that the greatest possible amount of management expertise be used to manage retirement funds. We believe that the retirement board is allowed to employ the services of more than one. They should be. The management performance of the retirement system, therefore of the funds, would be much easier to compare, and very likely would lead to greater efficiency.

We would like to point out that many major organizations and companies today employ more than one in this capacity. You will agree that the process of competition is vital to our economy. L. D. 1637 would simply allow the Board of Trustees to make the selection of more than one, if deemed in the best interest. I hope when the vote is taken you will vote against the motion of Mr. Scott of Wilton.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Scott.

Mr. SCOTT: Mr. Speaker and Ladies and Gentlemen of the House: This bill, L. D. 1637, "An Act relating to Investment Fiduciaries under State Retirement System" was heard before the business committee. Briefly, this bill provides that more than one bank or fiduciary be allowed to administer the retirement fund.

There were a couple of proponents before the committee, but no strong evidence was

presented so that the committee felt it would be necessary to amend the present law. The present law now specifies that the Board of Trustees shall employ a bank fiduciary located in New England or New York City, and may employ other investment counsel or advice, and other expert professional, or other assistance as necessary to appropriately administer the fund.

The present law also specifies that the duties of the trustees under present law is spelled out so that they shall be the trustees of the several retirement funds, and shall have authority to cause the funds to be invested and re-invested by a bank fiduciary in accordance with the prudent man rule, subject to periodic approval of the bank's investment program.

The trustees, under the present law, began the process of selecting a bank to manage the fund in 1967. It is my understanding that very little interest was shown among the Maine banks, and major New York banks. And eventually the First National Bank of Boston was selected.

The balance sheet, as of June 30, 1969, showed the investment of the fund was \$150,500,000. The net increase in value for that year was \$15,420,000. The earnings for this same year, or period, was \$6,103,000. The rate of yield was 4.36 percent. So I would say from this that the fund was doing very well. And if you wish to look at the portfolio I would say it is very impressive.

The First National Bank charged the fund for the same period \$69,000. Since there was little interest in the first place to get a bank to manage the fund, to split this fee I think there would be less interest. It also would divide the responsibility, and probably would end up costing the fund more.

Perhaps the performance of the fund could be improved, but since the investment companies are bound by the same prudent man rule, they will do pretty much the same thing. I feel that this fund should be watched in the next few months, and if it deems advisable, changes could be recommended to the 105th Legislature. I urge you

to support the majority "ought not to pass" report. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Jefferson, Mr. Clark.

Mr. CLARK: Mr. Speaker and Ladies and Gentlemen of the House: As a member of this Committee on Business Legislation, I wish to go on record as in favor of accepting the majority report. We went over the way this fund is handled very carefully. We could see no problem. We think it is being handled properly now. It is certainly not an urgency. You have heard the statistical evidence there just given by Representative Scott, and I feel that a fund like this, before we make a change, we should know much more about it. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Chick.

Mr. CHICK: Mr. Speaker and Members of the House: I rise to oppose the motion of the gentleman from Wilton, Mr. Scott. I think both the previous speakers have pointed out that there is \$150 million - plus in this fund, and if any of you have looked over the reports from various banks as to how they have handled funds of this kind, there is some difference. Some make a better showing than others. And this bill just simply authorizes the trustees to select more than one bank if they feel it is to their advantage. I see nothing wrong in that procedure.

I think that the reason why more people did not appear out at the hearing was that they felt it was more or less a routine matter. And I think that we would do well to authorize the trustees to select more than one bank if they think it is desirable. So I hope that the motion to accept the majority report would not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Wilton, Mr. Scott, that the House accept the Majority "Ought not to pass" Report. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 40 in the negative, the motion did prevail.

The Report was accepted in non-concurrence and sent up for concurrence.

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

HOUSE REPORT — "Ought not to pass" — Committee on Taxation on Bill "An Act relating to the Taxation of Farm Machinery" (H. P. 1360) (L. D. 1689) (In House, accepted) (In Senate, Bill substituted for the Report and the Bill passed to be engrossed)

Tabled—January 19, by Mr. Bragdon of Perham.

Pending—Further consideration.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: Mr. Speaker and Members of the House: There is an amendment in the process of being drawn up on this bill, and I would hope that someone would table this until tomorrow.

Whereupon, on motion of Mr. Evans of Freedom, retabled pending further consideration and specially assigned for tomorrow.

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

Bill "An Act relating to Fee for and Facilities of Class A Restaurants Serving Malt Liquor" (H. P. 1379) (L. D. 1728) (In House, passed to be engrossed as amended by Committee Amendment "A" (H-626) (In Senate, Committee Amendment "A" H-626 adopted, Senate Amendment "A" S-367 adopted, Bill failed of passage to be engrossed)

Tabled—January 19, by Mr. Cote of Lewiston.

Pending—Further consideration.

Thereupon, on motion of Mr. Marquis of Lewiston, the House voted to recede.

Senate Amendment "A" (S-367) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. Hichens.

Mr. HICHENS: A question please.

The SPEAKER: The gentleman may pose his question.

Mr. HICHENS: I believe that this came back from the Senate yesterday in non-concurrence whereby the bill failed of passage to be engrossed. If we recede and concur we are going along with the Senate to kill the bill which I am much in favor of.

The SPEAKER: The Chair would advise the gentleman and the House that with the adoption of Senate Amendment "A" we would be in concurrence. If we engross the bill as amended, we will not be in concurrence.

Thereupon, Senate Amendment "A" was adopted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" in non-concurrence and sent up for concurrence.

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

HOUSE REPORT — Committee on Towns and Counties on Bill "An Act to Authorize Kennebec County to Raise Money for Capital Improvements" (H. P. 1363) (L. D. 1692) reporting "Ought to pass" as amended by Committee Amendment "A" (H-639)

Tabled—January 19, by Mr. Shaw of Chelsea.

Pending—Acceptance.

Thereupon, the Report was read and accepted and the Bill read twice Committee Amendment "A" (H-639) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the third time, passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

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

REPORT "A" (5) — "Ought to pass" — Committee on Taxation on Bill "An Act relating to Property Tax Exemption for Nature Conservancy" (H. P. 1372) (L. D. 1721) — REPORT "B" (5) — "Ought not to pass"

Tabled—January 19, by Mrs. Brown of York.

Pending—Motion of Mr. Susi of Pittsfield to accept Report "A".

The SPEAKER: The Chair recognizes the gentlewoman from York, Mrs. Brown.

Mrs. BROWN: Mr. Speaker and Members of the House: I want to thank everyone for their courtesy that was extended to me in my absence in tabling this bill a number of times.

I would now like to propose to you that you vote against Report "A". This seems a rather unusual procedure for the sponsor. However, in the short time that I have been back I have determined that this is the wise and practical move to make for many reasons. This in no way indicates any lack of support on my part for the proposal. I still think this bill has great merit for the State of Maine. And I feel certain it will be offered to a legislature at some later date.

Therefore, Mr. Speaker, I move that we not accept Report "A".

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Susi, that the House accept Report "A". All in favor will say aye; those opposed say no.

A viva vote being taken, the motion did not prevail.

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

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

Bill "An Act to Create a School Administrative District in the Town of Madawaska" (H. P. 1403) (L. D. 1759)

Tabled—January 19, by Mr. Levesque of Madawaska.

Pending—Motion of Mr. Allen of Caribou to Indefinitely Postpone.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: I will try to be brief and not be repetitious. I would urge every member of the House to vote against the motion to indefinitely postpone this document. I have a very strong feeling that if the Town of Madawaska would be afforded the opportunity to bring the proposition of coming under the

Sinclair Act, whether in a single town district, or this may help promote the interest within the community by applying the home rule.

The possibility that this document will help the people of Madawaska make up their minds as to whether they want to join into a single district, and this will give added information to the people in the community, in the surrounding communities, that this may not be the answer to the problem for Madawaska as it is.

In discussing this particular measure with the Superintendent of Schools and the School Committee in Madawaska over the weekend, they have indicated to me very strongly that because this bill is going to open the door for them to join into a discussion with the townspeople, that the advantage of assuming that Madawaska would be gaining eighteen or twenty thousand dollars under this bill; the advantage might be \$20,000, yes. The disadvantage may be losing the entire eighteen or twenty thousand dollars by the different rules and regulations that are applied under the Sinclair law that would come in the community as an indication of this SAD. So the actual financial gain for Madawaska would be relatively nil, because there are other implications that might come in if we join a school district that might more than offset the

eighteen or twenty thousand dollars.

Then the superintendent felt very strongly, in talking with the superintendent from the SAD in St. Agatha and Frenchville, that this may open the joint discussion between these communities and possibly crack the door open that has never been able to be done up to now.

So the rest of the arguments that we have used last week I don't want to repeat. But I thought I would leave these few notes to the members of the House, to offer us the chance, and I hope that you will give us this opportunity to bring this forth to the people for their discussion and acceptance or rejection. So I hope that you will vote against the motion to indefinitely postpone at this time, and request a division, Mr. Speaker.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Allen, that this Bill be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 58 in the negative, the motion did prevail.

Sent to the Senate.

On motion of Mr. Thompson of Belfast,

Adjourned until ten o'clock tomorrow morning.