

# 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

Messrs. D'ALFONSO of Portland  
 STARBIRD of  
     Kingman Township  
 MARSTALLER of  
     Freeport  
 —of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington  
 - of the Senate.

Messrs. DONAGHY of Lubec  
 DENNETT of Kittery  
 —Of the House.

Reports were read.

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

Mr. BENSON: Mr. Speaker, I move the acceptance of the Majority "Ought to pass" Report.

Whereupon, on motion of Mr. Bragdon of Perham, tabled pending the motion of Mr. Benson of Southwest Harbor to accept the Majority "Ought to pass" Report and assigned for later in today's session.

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**Third Reader**  
**Tabled Until Later in Today's Session**

Bill "An Act to Provide Certain State Level Land Use Controls" (S. P. 501) (L. D. 1596)

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

(On motion of Mr. Marstaller of Freeport, tabled pending passage to be engrossed and assigned for later in today's session.)

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**Passed to Be Enacted**  
**Emergency Measure**

An Act Increasing the Gasoline Tax (H. P. 1217) (L. D. 1549)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Just a brief resume on the subject of financing of our highway budget. There has been no further reductions in our highway budget since the budget was

reported out by the Highway Committee to us. There is now, in the Legislature, a bill providing for a \$21 million bond issue which would supplement the revenue from this bill which now has a one cent gasoline tax increase in it to finance Highway expenditures for the next two years. I think it is widely recognized that it is entirely possible, perhaps even likely, that there will be a rejection of bond issues by the general public when these bond issues go to the public. So it raises some serious questions in the course that we are embarking on with the adoption of this tax measure.

I believe that I have accurately portrayed the situation in relation to financing of our Highway budget which is a major portion of state expenditures for the biennium and I have no particular recommendations. I am just attempting to bring before you what our situation truly is. Thank you.

Thereupon, this being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 116 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Passed to Be Enacted**

An Act relating to Truth in Advertising (S. P. 329) (L. D. 1128)

An Act relating to Poor Debtors (S. P. 333) (L. D. 1152)

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.

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An Act Abolishing the Maine Aeronautics Commission, Transferring Certain of its Powers to an Aeronautical Director, Providing for the Tenure and Compensation of Such Director and Relating to the Aeronautical Fund (S. P. 383) (L. D. 1356)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Wight.

Mr. WIGHT: Mr. Speaker and Ladies and Gentlemen of the House: It disturbs me to no end to see some of these commissions and some of these changes being made when I don't feel that they are going to be any improvement. This bill abolishes the Aeronautics Commission and establishes an Aeronautics Department, and the Governor, with the advice and consent of the Council shall appoint an aeronautics director which will have full charge of this department. The director is to serve at the pleasure of the Governor during the Governor's term of office.

This eliminates the aeronautics fund. It repeals many regulations including the federal regulation that supports the violation of state law thereby enabling the law enforcement agencies of this State to enforce the laws regulating the operation of aircraft. It repeals the registration of airmen, which is also, I feel, quite necessary in this state under Civil Defense and directives such as we need sometimes that are recently used in designated areas in the Allagash that cannot be used.

The commission now is five members representing all areas of the state and therefore are knowledgeable of the problems throughout the different areas wherein the director would probably not be familiar with specific problems in all areas. The commissioners, you might like to note, are Howard Gray of Waterville, John McCall of Washburn, Herbert Lindblad of Springvale, Maine and Frank Smart of Bangor, Maine and Roland Maheu of Mechanic Falls, Maine.

The bill, as written, would give the Governor the appointment of the director. The appointment would run concurrently with that of the Governor, and since there is no requirement that the director have an aviation background such as a pilot requirement, the appointment becomes strictly political. The bill would remove the aero-

nautics fund and revenues received from the aviation gas tax, pilot and aircraft registration, airport and seaplane base licenses. This would go to the General Fund. It is felt that these revenues received from these sources should be used to further aviation within the state and not revert to the General Fund. This helps also to meet the matching federal funds.

The present commission has planned a two, four and six year construction program vital to the promotion of aviation within this State. This bill would not lend itself to the continuity which is required to keep this program up to date. And, therefore, I move indefinite postponement of this bill and papers.

The SPEAKER: The Chair recognizes the gentleman from Manchester, Mr. Rideout.

Mr. RIDEOUT: Mr. Speaker and Members of the House: This bill was heard before the State Government Committee and came out with a favorable report. I am convinced, and was convinced at the hearing, that the Commission in its present form has been very, very ineffectual.

To give you an example of what has happened, there was an executive secretary of the Commission who was serving at a considerable salary, appointed a deputy who ultimately succeeded him, and guess what happened? The retiring secretary was appointed at the same salary as a consultant with full approval of the Commission. Now this is just one indication of how ineffectual this Commission has been.

Now Mr. Wight referred to the aeronautics fund. We passed a bill earlier in the session that undedicated the aeronautics fund revenue. Now let me hark back a bit to that fund. If you remember, the Aeronautics Commission bought an airplane to the tune of some \$70,000, when the state airplane is in the same era as Lucky Lindbergh. We needed that airplane like a hole in the head. We need one for the state, but we don't need it for the commission.

I think probably any of you who fly realize that the air serv-

ice in the State of Maine is in a condition that is absolutely ridiculous. Now if this commission is as effectual as Mr. Wight would seem to indicate, I submit to you that we would have better air service. Our air service is deteriorating daily. Perhaps this is not the right vehicle. I think it is. But I think that anything that we can do to help improve the air service in the State of Maine, it would be a service to the State of Maine; and I ask you to vote against the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN. Mr. Speaker, Ladies and Gentlemen of the House: As you are well aware, I am not a member of the State Government Committee; but as a member of the Appropriations Committee, we became involved with the Aeronautics Commission and I think that once we are discussing abolishing this Commission there might be something you may be interested in knowing.

As I understand the story, the last Legislature, the last Appropriations Committee of the 103rd reviewed the budget of the Aeronautics Commission and told them that they were not to buy a plane. Then the Legislature went home. Lo and behold, one month later, sitting at the Augusta State Airport was a beautiful two-engine plane, costing the State of Maine between \$60,000 and \$70,000 which the Legislature had gone on record as being against, which the Appropriations Committee had suggested to them that they did not buy, and that the Governor suggested that they not buy. But since this commission has no one to control it, since the Governor can do nothing about what they buy from the dedicated revenue, since we were no longer in session, we now have three airplanes sitting in Augusta State Airport, a single engine, a two engine plane which was purchased at the tune of \$65,000 or so, and an old Beachcraft which should be junked, which should probably be replaced so that the Governor could have another aircraft.

And I think it is interesting to note that the only reason that was given to the Appropriations Committee this time around was that this six seater plane was needed because the five members of the Aeronautics Commission wanted to fly together to visit the airports of this state. Now that seems to me a pretty poor reason why we should spend that amount of money from the dedicated revenue so that someone can go visit airports.

If for no other reason I will support this bill, to give the Aeronautics some direction and to give them some financial responsibility to us.

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

Mr. JALBERT: Mr. Speaker, I will make my briefest speech. I am supporting this bill because I know one member of that Aeronautics Commission and I don't think he even knows that he's on it yet.

The SPEAKER: The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: It seems to me for the last six or seven years the main purpose of the Maine Aeronautics Commission up here has been to build a multi-million dollar airport up here at Sidney Bog. Now that is in this area. I wouldn't vote for it then and I wouldn't vote for it now. I think they have been wasting a lot of time up there and I support this bill.

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

Mr. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I rise to oppose the motion to indefinitely postpone this bill. In the course of its lengthy hearings the Appropriations Committee has some opportunity to look at and talk with people from the departments that appear before us in connection with their capital expenditures request or other budgets.

My overall impression from the presentation made by the Aeronautics Commission was one of sadness. I can recall trying to

find out upon what basis if any the Commission was recommending various capital improvements in the various airports, and I asked if they had any figures with them with regard to volume of traffic and so on at the various airports, and to me they seemed completely unprepared, and I would think that any change in this direction would be a change for the better.

We do have in the Aeronautics Commission a financing evil which seems to be creeping into many many of our departments, namely, the combination of a dedicated fund plus certain other State support, and the difficulty is that the department will request funds in their budget, if they don't get it they will take it out of the dedicated funds, and so they have got both ends stacked towards the middle. So I hope the House would oppose the motion to indefinitely postpone this worthy bill.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I hope you ladies and gentlemen of the House will not go along with this beating of a dead horse. We have already got rid of these dedicated funds which seemed to be at our hearings the chief problem as far as necessary control of this commission. I don't think that we have to go along and provide the Governor with a new plane to get out of the state oftener, with a replacement of his Bonanza Beachcraft or whatever it is.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Fortier.

Mr. FORTIER: Mr. Speaker and Members of the House: Earlier in the day I requested from one of the Pages permission to distribute some editorials from the Waterville Morning Sentinel, and he inquired of the Clerk as to whether or not they could be distributed, and it seemed they had to have my signature on them and so I couldn't get them distributed.

Now I am going to be a little more candid than the opponents

of the present Aeronautics Commission. I am aware of the history surrounding the opposition here, but I would like to, since I couldn't distribute these editorials this morning, I would like to read the editorial. It is a very short one, and it says:

#### "More Study Is Needed

As it nears adjournment the Maine Legislature is being asked to act upon a bill that would abolish the Maine Aeronautics Commission and set up in its stead a new department headed by a director of aircraft.

There has not been widespread discussion of the proposal and it is doubtful whether the import of the change, especially to the smaller communities of the state, is fully understood.

We feel it would be unwise to make such a major change in administration at this late date in the session.

It is too important to the state for hasty action and consequently we feel it would be far better if the proposal were referred to the Legislative Research Committee for more exhaustive study.

It might well be part of a study of all state commissions, since if arguments against the continuation of the Aeronautics Commission are valid, they may also well apply to the Highway Commission and to the Employment Security Commission as well, for example."

And when I stated that I was going to be a little more candid than the opponents of this legislation, I will state that Mr. Howard Gray, as you have heard mentioned, previously, is a member of the Aeronautics Commission. He is the general manager of the Waterville Morning Sentinel, he is a vice president of Gannett Publishing Company and he wanted me to state this so there would be no doubts as to his interest. He is a seriously concerned citizen in the matter of aviation for the State of Maine. He is not concerned about any particular area, whether it be Portland or Presque Isle. He is concerned about the entire state and he is concerned that possibly with a single chief, might be more responsive to the needs of some

of the larger communities, therefore, the smaller communities would get the short end of the stick. Thank you.

The SPEAKER: The Chair would take issue with the gentleman in his criticism of just because his name wasn't on a particular periodical that it was not distributed. The Chair would remind the gentleman that he should be more tolerant and less unfair because we have 150 members here to serve, and there are amendments pending. Unless prior arrangements are made, I don't think that any member should criticize.

The Chair recognizes that gentleman.

Mr. FORTIER: Mr. Speaker, I may have expressed myself in the wrong manner. What I meant to say was that rightfully the Clerk required that distribution have the signature of the member. I sent the Page down and he relayed this information to me. I wasn't criticizing the method, I was only trying to establish a reason for reading the editorial. I am sorry if I have seemed to offend anybody.

The SPEAKER: The gentleman may consider himself forgiven.

The pending question is the motion of the gentleman from Presque Isle, Mr. Wight, that item 4, L. D. 1356 be indefinitely postponed. Is the House ready for the question? The Chair will order a vote. All in favor will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken.

50 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

An Act to Correct Errors and Inconsistencies in the Fish and Game Laws (S. P. 464) (L. D. 1543)

An Act Relating to Governmental Immunity in Civil Actions (H. P. 557) (L. D. 738)

An Act Establishing the Municipal Public Employees Labor Relations Law (H. P. 636) (L. D. 824)

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.

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#### Enactor

#### Tabled Until Later in Today's Session

An Act Establishing a Full - time Administrative Hearing Commissioner (H. P. 1242) (L. D. 1577)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Levesque of Madawaska, tabled pending passage to be enacted and assigned for later in today's session.)

An Act to Allow the Chief Liquor Inspector to Continue in his Position Beyond the Mandatory Retirement Age (H. P. 1253) (L. D. 1589)

Was 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.

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#### Orders of the Day

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

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: This employees' strike is a very very serious thing. I feel that it was unwise and uncalled for. It was not using the strike tool properly. This action is surely violating the health, welfare and safety of the citizens of Maine, but I do want to call something to your attention. The total employees at Augusta, Bangor and Pineland is 1,845. As of this morning 171 of those were on strike. This is conclusive proof that the great majority of our dedicated and conscientious State employees are at their job at this time.

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

Resolve Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives (H. P. 1256) (L. D. 1588)

Tabled — June 19, by Mr. Starbird of Kingman Township.

Pending — Passage to be engrossed.