

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Multi-Purpose Buildings for Penobscot and Passamaquoddy Reservations" (H. P. 175) (L. D. 233)

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

Mr. BRAGDON of Perham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-329) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BRAGDON: Mr. Speaker and Members of the House: The purpose of this amendment is simply to change the date when the bond issue is to be voted upon. The purpose of changing this date is to have it not conflict with the vote on the income tax referendum. I hope you will go along with the amendment.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent to the Senate.

Bill "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency" (H. P. 834) (L. D. 1130)

Bill "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare" (H. P. 836) (L. D. 1132)

Bill "An Act relating to the Payment of Dues to Grower Organizations by Handlers and Processors of Farm Products" (H. P. 927) (L. D. 1281)

Bill "An Act relating to Excise Tax on Motor Vehicles" (H. P. 1196) (L. D. 1647)

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.

Emergency Measure Tabled and Assigned

An Act relating to Testing of Private Water Supplies by Department of Health and Welfare (H. P. 1264) (L. D. 1668)

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

The SPEAKER: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker and Members of the House: I would just like to note that this bill does not have any price tag on it as to what Health and Welfare will charge. This would be up to them. This is why some of us voted against it in our committee.

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. 89 voted in favor of same and 26 against.

The SPEAKER: The Chair recognizes the gentleman from Dixmont, Mr. Millett.

Mr. MILLETT: Mr. Speaker, I would ask that the vote be taken by the yeas and nays and in view of the rather slight attendance this afternoon I would suggest that someone might table this for one day.

The SPEAKER: The yeas and nays have been requested. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and tomorrow assigned.

Constitutional Amendment Failed of Final Passage

Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians (H. P. 402) (L. D. 515)

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

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

Mr. DONAGHY: Mr. Speaker and Ladies and Gentlemen of the House: I do not wish to debate this at any great length, but I would like to remind you of some of the things that were brought out the other day.

Normally when you have got a mortgage on a house you also have a mortgage on the land; in other words, if the mortgage is defaulted you can sell the house and the land it is on. Under the circumstances these lands, if there was a default, the State would have nothing to come back on because the land belongs to the Indians, and therefore we would have no claim on it.

So you are mortgaging something that you know you will never be able to have a control on. Banks won't do it; savings and loan associations won't do it; I don't think we should ask the taxpayers to do it.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: That is the reason why it is being asked for. The Indians do not own their land. They are wards of the State. If they want to improve the house they are living in, the lands around them, or anything of that sort, they cannot do this because they can't get financial backing other than from the State. That is the purpose in asking for this bill.

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

Mr. BRAGDON: Mr. Speaker and Members of the House: After the experience with the Maine Sugar Industries I am somewhat gun-shy of state guaranteed loans in general, and this one in particular. I had intended to quietly vote against it without making these comments, but I still will vote against it after making these comments.

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Ladies and Gentlemen of the

House: I would like to remind you all that this received an overwhelming majority "Ought to pass" Report and it is a bill which comes in answer to the peculiar situation that Indians are in, where they may very well have a good job, may have an interest in providing for themselves and their families a good home — perhaps even building it themselves, but are unable to get bank financing. And this would pledge the credit of the State up to just one million dollars to give them loans for housing construction.

And I think that rather than have some other massive government program, to allow them to use their own individual initiative to produce their own housing under this program, I think it is a wise idea and I think we ought to give it final passage.

This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 59 voted in favor of same and 61 against.

Mr. Martin of Eagle Lake requested a roll call vote.

The SPEAKER: For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All members desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Other than what has already been said in favor of this legislation today, let me remind you that whatever criteria that the Legislature would want to oppose, we would do so at the next session of the Legislature. In other words, we are not in effect granting them the right to go out and get the money.

The Constitutional Amendment would have to be voted on by the people and then at that point enabling legislation would have to be passed by us. Now to what extent we would want to give them

those loans, to what amount of money we would want those loans to be covered, that would be up to the 106th Legislature. And so I think today we ought to give the people of Maine an opportunity to vote on whether they want to do this for the Indians. So I would ask you to vote yes on the Constitutional Amendment.

The SPEAKER: The Chair recognizes the gentleman from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Members of the House: I would just like to say that it was not native Indians that introduced the sugar beets in the State of Maine.

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

Mr. SHAW: Mr. Speaker, Ladies and Gentlemen of the House: I have seen some of the maneuvers of some of the local banks around here trying to collect money on buildings built on land that the fellow that built the building didn't own. And they might just as well throw their money away. We are supporting the Indians, the reservation Indians to the tune of better than \$5,000 a head, giving them the money and the relief, and I don't think that this particular bill needs to be passed.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me say that of course I am not speaking in behalf of the banks. None of them are particularly happy with the stands that I have taken in the four sessions that I have been here, and I suspect they will be no happier when I get through this session.

To the gentleman from Southport, Mr. Kelley, in reference to the sugar beet industry and the Canadian Indians, of course the Indians did not participate in that endeavor, it was the native Aroostook population that was involved in it. And perhaps the gentleman may indicate that the two are similar. But let me point out that we had a problem back in 1952 when the people of the agricultural station in Presque Isle started experimenting with those with the as-

sistance of then Congressman Clifford McIntyre of Perham and of course some other people were also involved. So I would suggest that if there were problems created, we ought not to blame them on the Indians.

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

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: I too was speaking for the people, not for the banks. And I am sure that there isn't one of you here who hasn't been spoken to by your constituents and say, "Why don't you do the voting down there instead of giving it back to us?"

Now I well know that we have to send constitutional amendments to them, but I don't think that this is one that they need to have. We should settle it here ourselves.

The SPEAKER: The yeas and nays have been ordered. The pending question is final passage of Resolution Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans for Housing for Indians, House Paper 402, L. D. 515. This being a Constitutional Amendment a two-thirds vote of the House is necessary. If you are in favor of final passage you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bedard, Bernier, Berry, P. P.; Boudreau, Bourgoin, Brawn, Bustin, Call, Clark, Clemente, Collins, Cooney, Cottrell, Cummings, Dow, Doyle, Drigotas, Dyar, Emery, E. M.; Farrington, Fecteau, Gagnon, Genest, Good, Goodwin, Herrick, Jutras, Kelley, P. S.; Kelley, R. P.; Keyte, Kilroy, Lebel, Lessard, Lewis, Littlefield, Lynch, Marsh, Martin, McKinnon, Millett, Mills, Murray, Norris, Orestis, Rollins, Shute, Simpson, L. E.; Slane, Smith, D. M.; Smith, E. H.; Stillings, Tanguay, Theriault, Vincent, Wheeler, Whitson.

NAY — Ault, Bailey, Baker, Barnes, Bartlett, Berry, G. W.; Berube, Birt, Bither, Bragdon, Brown, Bunker, Carrier, Carter, Churchill, Cote, Crosby, Curtis, A. P.; Dam, Donaghy, Emery, D. F.;

Evans, Faucher, Finemore, Hall, Hanson, Hardy, Haskell, Hawken, Hayes, Henley, Hewes, Hodgdon, Immonen, Kelley, K. F.; Lee, Lewin, Lincoln, Lund, MacLeod, Maddox, Manchester, Marstaller, McCormick, McNally, Mosher, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Shaw, Simpson, T. R.; Susi, Trask, Tyndale, Webber, White, Wight, Williams, Wood, M. W.

ABSENT — Binnette, Carey, Conley, Curran, Curtis, T. S., Jr.; Cyr, Dudley, Fraser, Gauthier, Gill, Hancock, Jalbert, Kelleher, Lawry, Lizotte, Lucas, Mahany, McCloskey, McTeague, Morrell, O'Brien, Santoro, Sheltra, Silverman, Starbird, Wood, M. E.; Woodbury.

Yes, 57; No. 66; Absent, 27.

The **SPEAKER**: Fifty-seven having voted in the affirmative and sixty-six having voted in the negative, with twenty-seven being absent, the Resolution fails of final passage.

Sent to the Senate.

Passed to Be Enacted

An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers (H. P. 254) (L. D. 336)

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.

Enactor

Tabled and Assigned

An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities (H. P. 287) (L. D. 387)

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

(On motion of Mr. Bragdon of Perham, tabled pending passage to be enacted and specially assigned for Wednesday, May 26.)

An Act to Abolish Claim by State Against Estates of Deceased Recipients of Aid to the Aged, Blind or Disabled (H. P. 455) (L. D. 610)

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.

Enactor

Indefinitely Postponed

An Act relating to Safety Barriers on the Maine Turnpike (H. P. 619) (L. D. 830)

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

The **SPEAKER**: The Chair recognizes the gentleman from Freeport, Mr. Marstaller.

Mr. **MARSTALLER**: Mr. Speaker and Ladies and Gentlemen of the House: This act that is before us is a proposed safety measure. Now since the discussion on this bill the other day, I have had occasion to ride over most of the Maine Turnpike and the New Hampshire Turnpike. In the discussion the other day the indication was given that the New Hampshire Turnpike has this safety guardrail the total length. And I observed that this was not the case. In fact I measured the distance from the traffic circle in New Hampshire, going south, it is six and one half miles along the New Hampshire Turnpike before you come to the guardrail in the center. And then it is seven miles from there where there is a guardrail in the center to the end of the New Hampshire Turnpike. So approximately half the New Hampshire Turnpike has this safety barrier.

Now there is also said to be some question about this barrier where there is a depression in the middle of the highway. And on part of the New Hampshire Turnpike, this safety barrier, where there is a depression, is right near the left travelled lane. In other words, if you were crowded in passing, at some point there is not a car widths difference between the paved portion of the left lane and this barrier, because it is not down in the center of the dividing strip. And I question very much whether having this in this position is really a safety measure. I think until we have more information on this and the applicability of this on the Maine Turnpike for the full length, that