

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Third  
Legislature*

OF THE

STATE OF MAINE

Volume III

June 16 to July 8, 1967

Index

1st Special Session

October 2 and October 3, 1967

2nd Special Session

January 9 to January 26, 1968

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**Non-Concurrent Matter  
Tabled Until Later in  
Today's Session**

Report of the Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 756) (L. D. 1867) reporting "Ought to pass" as amended by Committee Amendment "A" 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" and Senate Amendments "A", "B" and "C".

In the House:

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, as we all realize, we had a short recess 'til 5:00 o'clock; I get here on my desk and I find eight or nine amendments and I'd like to remind all you good people who have just come in who have not had time to look at it, they're beautes, and we start off with this supplement number 4, and before we go on and let this go under the gavel as they say I think you ought to look at some of these beautes. They're making a b o u t every change that occurred in the session of the 103rd, this is how much deliberation we should give to the taxpayers. They did claim that we stayed here the longest, we have the honor, the dubious honor of having been here the longest of any other prior session, and now in a short space of a recess between the hour of 4:00 to 5:00 they throw to us this little an act to correct errors. I guess they're correcting errors, so I wish someone would at least give us time to look at these, just briefly look into these, I don't want to take your time and read them. It says here the clerk of the courts they are changing the thing from three months to two months; they're changing—oh, take a look, it's too long, it would take you an hour to look at them. They don't even want to give you time to look at 'em. There's something else, special orders, and this is my baby, special order by the commis-

sion for unstocked merchandise shall be priced at not less than and they change it from 65 to 75 per cent, another increase in liquor. Eh God, there goes York County again to New Hampshire. Here's another thing on real estate, this is a real beaut, it covers everything except our pay. In all cases of foreclosure, this is another amendment in this errors, let me read this, and I've only had time to look at it for a minute, in all cases of foreclosure of real estate mortgages by publication or certificate of the publication of foreclosure made by the mortgagee or by an officer of the mortgagee, if a corporation so on and so on, read it, but do you know what it's saying? All I ask that we be given at least the time to take a look at this and not accept something because the other honorable members of the other body tell us that we should without an argument or at least time to look at it. I personally would move that whatever the correct word would be that we insist on our previous action which would mean not accept any of these until we have time to look at it. Thank you.

The SPEAKER: The Chair would advise the gentleman that we are proceeding on acceptance or rejection of the report.

Mr. NADEAU: Mr. Speaker, will we have time to take a look at this? Inquiry please.

The SPEAKER: The matter is before the House. Is it the pleasure of the House to accept the Committee Report?

Mr. NADEAU: It isn't as far as I'm concerned, maybe they're not concerned in taking a look at it. Can anyone tell me that you spent two minutes, all I ask of you, is that you admit that you spent two minutes to look at these. It covers maybe thirty or forty things and we're going to let it go under the gavel? Ladies and Gentlemen of the House, I move and request a roll call whether we accept this or not. Are we going to be led by a small group who are going to tell the 151 of us what to do? At least they ought to give us the courtesy of looking at them. I know we're in a hurry to go home.

The SPEAKER: The Chair would advise the gentleman that each amendment will be considered separately prior to adoption of the amendments. Is it the pleasure of the House to accept the report? A roll call has been requested.

Mr. NADEAU: Mr. Speaker! Mr. Speaker!

The SPEAKER: The Chair recognizes the —

Mr. NADEAU: Could I have the honor of tabling this at least so we—

The SPEAKER: Will the gentleman please be in order?

Mr. NADEAU: I'm sorry.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen: I apologize. But this gets me, in five seconds, would someone please allow some of us the time to look at this?

Could I please table this until tomorrow so most of us would at least have the opportunity to read this?

The SPEAKER: The Chair would advise the gentleman that his tabling motion is not in order, he having debated his tabling motion. A roll call has been requested on the acceptance of the Committee Report. For the Chair to order a roll call it must have the expressed desire of one fifth of the members present and voting. All of those desiring a roll call will vote yes, those opposed will vote no, and the Chair opens the vote.

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 Sanford, Mr. Nadeau.

Mr. NADEAU: I request a quorum.

The SPEAKER: A quorum has been questioned. The Chair will declare a quorum present. A roll call has been ordered. The pending question is the acceptance of the Committee Report. All of those in favor of accepting the Committee Report will vote yes, those opposed will vote no, and the Chair opens the vote.

## ROLL CALL

YEA — Allen, Belanger, Beliveau, Benson, Berman, Bernard, Binnette, Birt, Boudreau, Bourgoin, Bragdon, Brennan, Brown, M. F.; Bunker, Burnham, Carswell, Champagne, Clark, Cornell, Crockett, Crosby, Curran, Cushing, Darey, Dennett, Dickinson, Drummond, Durgin, Edwards, Eustis, Evans, Farrington, Gill, Giroux, Hall, Hanson, B. B.; Hanson, P. K.; Harvey, Hawes, Haynes, Healy, Hennessy, Hewes, Hichens, Hodgkins, Huber, Humphrey, Jalbert, Jannelle, Jewell, Keyte, Kilroy, Levesque, Lewin, Lewis, Maddox, Martin, McNally, Meisner, Minkowsky, Morrell, Payson, Pike, Porter, Prince, Richardson, G. A.; Richardson, H. L.; Rideout, Robinson, Sahagian, Sawyer, Scribner, Shaw, Shute, Snow, P. J.; Snowe, P.; Starbird, Wheeler, White, Wood.

NAY — Baker, E. B.; Baker, R. E.; Carey, Cote, Dudley, Hanson, H. L.; Harriman, Jameson, Kyes, Mosher, Nadeau, J. F. R.; Pendergast, Philbrook.

ABSENT — Bedard, Bradstreet, Brown, R.; Buck, Carrier, Carroll, Conley, Cookson, Cottrell, Couture, Crommett, D'Alfonso, Danton, Drigotas, Dunn, Ewer, Fecteau, Fortier, Foster, Fraser, Gaudreau, Gauthier, Harnois, Henley, Hinds, Hoover, Hunter, Immonen, Lebel, Lincoln, Littlefield, Lyette, McMann, Miliano, Nadeau, N. L.; Noyes, Quimby, Quinn, Rackliff, Robertson, Rocheleau, Ross, Roy, Scott, C. F.; Scott, G. W.; Soulas, Sullivan, Susi, Tanguay, Thompson, Townsend, Trask, Truman, Waltz, Watts, Wight, Williams.

Yes, 80; No, 13; Absent, 57.

The SPEAKER: The Chair will announce the vote. Eighty having voted in the affirmative and thirteen having voted in the negative, the Report of the Committee is accepted in concurrence.

Thereupon, the Bill was read twice.

Committee Amendment "A" (S-362) was read by the Clerk and adopted in concurrence on a viva voce vote.

Senate Amendment "A" (S-358) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-366) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, again, ladies and gentlemen, maybe I got excited before, but would you please, I beg of you, take a look at this Senate Amendment 366, Filing S-366, would you please look at it? Just for one moment. Now how can we in our right minds sit here today, the 24th of January and say that all at once we're going to make a change which used to be two million dollars to ten million dollars without even questioning it. Now I beg of you, have we forgotten about the people back home?

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, for the information of my friend from Sanford, Mr. Nadeau, I would like to have him know that the question of errors and inconsistencies bills or omnibus bills has been debated in this House many, many times, and there is certainly no thought on my part to stifle any debate. If the question is directed to Senate Amendment "B", and it is in order, Mr. Speaker, I would like to answer the gentleman's question, if it was a question.

The SPEAKER: The gentleman may proceed.

Mr. RICHARDSON: The Governor of the State of Maine addressed, as you may have seen on your calendar this morning, a letter to the Speaker of the House and an identical letter was directed to the President of the Senate, indicating that the Constitution permits a larger amount of borrowing than the statutory provisions allow. In August of this year we are going to confront a very serious crisis in that we are not going to be able to make the school payments because we have followed a financial course which leaves us no flexibility whatever. The Governor has requested that we make this change in the statute, which we have express Constitutional authority to carry out. The necessity for this is the request

of the Governor in order to provide the necessary flexibility to make these payments, and I'll be happy to answer any other questions that I am able to, and I would call on the House Chairman of the Judiciary Committee to answer any questions that deal with those portions of the amendments that were brought out by the Judiciary Committee.

The reason for this legislation is that in the past, we have been able to make payments out of surplus, but we no longer have a surplus in the great State of Maine and this is the reason we have to borrow in order to meet these payments that we are obligated by law to make in August of 1968.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I rise to concur with the remarks made by the gentleman from Cumberland, Mr. Richardson. Previous to the last regular session it had always been the custom for the Treasurer of State to negotiate loans in anticipation of taxes. However, as is customary, or as we sometimes find out after it is too late, this was not constitutional, and so at the regular session of the 103rd a Resolve was introduced to change the Constitution and to allow borrowing and negotiating temporary loans in anticipation of taxes. The people of the State approved this last fall, and this amendment introduced by a member of the other body would put in effect an amendment which the people voted on last fall, and I certainly hope that the members of the House will go along with Senate Amendment "B."

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker, for our own edification, I would like to ask my good friend the gentleman from Cumberland, Mr. Richardson, whether Senate Amendment "B" to An Act to Correct Errors and Inconsistencies in the Public Laws is in the nature of a substantive amendment or is in the nature of a procedural amendment?

The SPEAKER: The gentleman from Houlton, Mr. Berman, poses a question through the Chair to the gentleman from Cumberland, Mr. Richardson, who may answer if he chooses and the Chair recognizes that gentleman.

Mr. RICHARDSON: Mr. Speaker, it is by no stretch of the imagination a procedural change in the law and as the gentleman from Houlton, Mr. Berman knows, it was I think two years ago that the present Majority Leader of the House practically had an apoplectic seizure over putting substantive changes in the law in an omnibus bill, and I am not going to attempt to be ingenious enough to suggest to you that this is not a substantive change. It is a substantive change in the law, it is requested by the Governor of the State; I would have preferred to have seen it done by the introduction of an order and the reporting out of a bill. However, I was overruled on that and that is the reason I am taking the time now and I wanted to point out to the gentleman from Sanford the reason why this change is being made. I don't like to use an omnibus as a vehicle to sneak little cuties through and my friend in the other body, and I can't refer to him by name, but he is standing about six feet away from you, Mr. Berman, would remind you of the fact that we have had occasion to debate this issue before.

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

Mr. LEVESQUE: Mr. Speaker and Ladies and Gentlemen of the House: As the Majority Floor Leader has indicated to you some of those things sometimes can be done other ways and relatively the same effect can come about, but this I understand as was indicated in the message conveyed to the members of the House and the Senate this morning to cover an error or inconsistency or a change in the law that in effect was made but was not put into force, so this necessitated these changes in order that the Department of Education which now goes into a lump sum payment of some of its subsidies, where a few years ago might have been a few million dollars, could

have been taken out of the surplus if there was a surplus, or it could be paid over a period of months. Now where this subsidy now amounts to somewhere in the vicinity of \$24,000,000 that it is almost impossible for this State in a short period of time to be able to accumulate this amount of money so that it will be paid in a lump sum payment, so this in effect, allows the State of Maine the same as your municipalities do from the time that they issue the town warrants and the people vote on a measure that you have to borrow in anticipation of taxes in some areas. This in effect is relatively the same thing, that they have to have this legislation in order to be able to pay the lump sum subsidies to the different towns and municipalities.

The SPEAKER: The pending question is the adoption of Senate Amendment "B". Is this the pleasure of the House?

The motion prevailed.

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

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, again I rise and question why on the 24th of January we want to omit, mind you, this is what this amendment is doing, omit: there shall at no time be more than one commissioner from any one county. What is this, a special little group? And I fall to agree with the Senate on this case. I feel that this is equal representation no one should question, why there should be more than one, and this is all it is doing. I, for one, would like to propose that we do not accept this.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Hanson.

Mr. HANSON: Mr. Speaker and Members of the House: Might I inquire through the Chair of anybody who can answer as to just what this Commissioner is the commissioner of?

The SPEAKER: The gentleman from Solon, Mr. Hanson, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the

gentleman from Waterville, Mr. Carey.

Mr. CAREY: It is the Real Estate Board.

The SPEAKER: Is the House ready for the question? All those in favor of the adoption of Senate Amendment "C" will answer yes, those opposed will say no.

Thereupon, Senate Amendment "C" was adopted in concurrence on a viva voce vote.

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

Mr. MARTIN: Mr. Speaker, before we proceed, I wonder if someone could explain Senate Amendment "A" which we adopted.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to any member who may answer if they desire.

On motion of Mr. Richardson of Cumberland, tabled pending assignment for third reading and assigned for later in today's session.

#### Non-Concurrent Matter

Resolve Providing for a Retirement Allowance for Lois Blackwell Goodwin (H. P. 1280) (L. D. 1786) which was finally passed in the House on January 16 and passed to be engrossed on January 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

An Act Establishing the Bureau of Mental Retardation (H. P. 1312) (L. D. 1841) which was passed to be enacted in the House on January 16 and passed to be engrossed on January 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House: The House voted to recede and concur with the Senate.

#### Non-Concurrent Matter

Report "A" of the Committee on Judiciary on Bill "An Act relating to Percentage by Weight of Alcohol in Blood of Operators of Motor Vehicles" (S. P. 766) (L. D. 1823) reporting same in a new draft (S. P. 813) (L. D. 1883) and that it "Ought to pass", and Report "B" reporting "Ought not to pass" on which the House accepted Report "B" in non-concurrence on January 24.

Came from the Senate with that body voting to insist on its former action whereby Report "A" was accepted and the Bill passed to be engrossed, and asking for a Committee of Conference.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: This is a matter that we debated at great length this morning. The hour is late and the second special session of the 103rd Legislature is late. I therefore move that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Richardson.

Mr. RICHARDSON: Mr. Speaker, I would inquire of the Chair of the appropriate parliamentary motion with respect to the Senate's action. If we recede and concur will that put us in the position of joining in a Committee of Conference?

The SPEAKER: The Chair would advise the gentleman that if the House recedes and concurs it will be in concurrence with the Senate.

Mr. RICHARDSON: In joining in a Committee of Conference?

The SPEAKER: This would be the acceptance of Report "A".

Mr. RICHARDSON: Mr. Speaker, I move that we insist and join in a Committee of Conference.

The SPEAKER: The gentleman from Cumberland, Mr. Richardson now moves that the House insist and join a Committee of Conference. Is this the pleasure of the House?

The Chair recognizes the gentleman from Houlton, Mr. Berman.

Mr. BERMAN: Mr. Speaker and Members of the House: I don't wish to belabor this point. This is