

# 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, February 3, 1970

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

Prayer by the Rev. Mr. Victor P. Musk of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Order:

WHEREAS, recent research has shown that physical activities, sports and competitive athletics are a major means of reaching the retarded; and

WHEREAS, here is an area where they can succeed and start building a positive image, gaining confidence and self-mastery as well as physical development; and

WHEREAS, the special olympics program for the mentally retarded will be held in the City of Portland, Maine, on May 22nd and 23rd, 1970; and

WHEREAS, the ultimate goal of this program is to create opportunities for sports training and athletic competition for all retarded children; and

WHEREAS, a child improves his performance in the gymnasium and on the playing field; he also improves his performance in the classroom; at home and eventually on the job; and

WHEREAS, Governor Kenneth M. Curtis, Honorary Chairman of Special Olympics, has appointed an honorary committee drawing special attention to this forthcoming event, in support of a better way of life for the retarded; now, therefore, be it

ORDERED, that the Senate registers its support and commendation of this worthwhile and humane effort and forwards this Joint Order forthwith to the House of Representatives for concurrence. (S. P. 646)

Came from the Senate read and passed.

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

**Conference Committee Report**

Report of the Committee of Concurrence on the disagreeing action

of the two branches of the Legislature on

Bill "An Act Clarifying Laws Relating to the University of Maine" (S. P. 559) (L. D. 1634) reporting that the Senate recede from its action whereby the new draft (S. P. 632) (L. D. 1804) was passed to be engrossed; recede from adoption of Senate Amendment "A" and indefinitely postpone same; adopt Conference Committee Amendment "A" submitted therewith and pass the Bill to be engrossed as amended by Conference Committee Amendment "A"; that the House recede from its action whereby it accepted Report "A" reporting that it be referred to the 105th Legislature and concur with the Senate in accepting Report "B" reporting "Ought to pass" in new draft (S. P. 632) (L. D. 1804), adopt Conference Committee Amendment "A" and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

(Signed)

STUART of Cumberland  
KATZ of Kennebec  
— Committee on part of Senate.  
RICHARDSON

of Stonington  
MILLETT of Dixmont  
HEWES of Cape Elizabeth  
— Committee on part of House.

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

In the House, the Report was read.

The House receded from its action whereby Report "A" was accepted and the Bill referred to the 105th Legislature, and on motion of Mr. Richardson of Stonington, concurred in acceptance of Report "B".

The Bill was read twice.

Conference Committee Amendment "A" (S-419) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: For the edification of the members, I won-

der if somebody would explain exactly what this has done.

The SPEAKER: The gentleman from Bath, Mr. Ross, poses a question through the Chair to any member of the Conference Committee, who may answer if they choose.

The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: This L. D. 1804 had four basic parts to it. By the committee amendment we have agreed to go along with changing two of those parts and deleting two of the parts. The two that we are passing, one is just changing the name of the University and some of the various colleges, and the other allows the Chancellor to delegate to some of his staff duties that have been the Chancellor's. Under the law as passed in 1967 the Board of Trustees could delegate certain duties to the Chancellor only. Now the very final paragraph in the L. D. 1804 allows him to delegate further responsibilities to subordinates, which seems to be reasonable.

Now the other two that were not passed, that our committee voted against, were a provision that would have given the University of Maine eminent domain powers, that is the power of the University to take property of others under eminent domain procedures; and the second dealt with educational television. As you probably know, the present law relating to ETV, which is a subordinate of the University of Maine—part of the University of Maine's operation, prohibits the promotion of political and governmental activities.

We had quite a lot of discussion about this particular phase of the bill, because there was a proposal put in the other body that would have changed this, it would have allowed ETV to telecast what they felt were newsworthy items but they could not advertise or editorialize politically. There was a considerable discussion and it was this final item that delayed the Committee of Conference the most. There was substantial sentiment for the passage of this proposal that will allow the ETV to editorialize—do anything except editorialize or ad-

vertise. But the committee—particularly the other body could not go along with that particular provision.

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

Mr. LEVESQUE: Mr. Speaker, through the Chair may I pose another question to the gentleman from Cape Elizabeth, Mr. Hewes?

The SPEAKER: The gentleman may pose his question.

Mr. LEVESQUE: In the event that ETV, which is part of the University system now, would like to broadcast on their network something of a national nature by either the President or its staff that has to do with organization or reorganization, as I understand it now in the present law for ETV at the University, they are restricted in doing this or even doing this on the State of Maine level. In other words, conferences or debates between members of both political parties, if the present law is left on the books it even prevents ETV from being able to broadcast these to its people. Is that still in the law or has that been broadened?

The SPEAKER: The gentleman from Madawaska, Mr. Levesque, poses a further question to the gentleman from Cape Elizabeth, Mr. Hewes, who may answer if he chooses; and the Chair recognizes that gentleman.

Mr. HEWES: In answer to the gentleman's question, there has been no change in the existing law. Our Conference Committee did not alter the existing law relating to ETV and as you probably know the ETV authorities are very careful in not becoming embroiled or involved in political controversies. They have been subject to criticism by some members of this House I believe in the last year or two. If I am permitted to say, I personally would have been in favor of altering the ETV regulations in line with the proposal of one of the gentlemen from the other body, but in the spirit of compromise the committee came out with no change in the ETV regulations.

Thereupon, Conference Committee Amendment "A" was adopted in concurrence.

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

**Messages and Documents**

The following Communication:  
 STATE OF MAINE  
 OFFICE OF THE GOVERNOR  
 AUGUSTA

February 3, 1970

Members of the House of  
 Representatives of the 104th  
 Legislature  
 State House  
 Augusta, Maine  
 Dear Legislator:

I am transmitting a copy of **Significant Public Investment Needs for the State of Maine for the 1970-1975 Period.**

Undertaken by the State Planning Office with the cooperation of the New England Regional Commission, this second annual Public Investment Plan outlines goals and methods of action for legislative and administrative consideration.

I hope this document serves as the basis for a continuing discussion of future State goals.

Sincerely,  
 (Signed) KENNETH M. CURTIS  
 Governor

The Communication was read and ordered placed on file.

**Orders**

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

WHEREAS, the preservation and improvement of the Maine environment is of paramount concern to the Legislature; and

WHEREAS, the Legislature has delegated to the Environmental Improvement Commission primary authority and responsibility for such preservation and improvement, and has during recent sessions greatly expanded the scope of the commission's duties in this regard; and

WHEREAS, the commission has functioned as a part-time regulatory commission since its inception in 1941; and

WHEREAS, there is concern whether the part-time structure and the present organization of the

commission is best suited to carry out its expanded responsibilities with respect to preservation and improvement of the Maine environment; now therefore be it

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to study the operations and organization of the Environmental Improvement Commission, such study to include but not limited to the following areas of concern:

1. Should the commission, in view of the increased environmental responsibilities delegated to it by the Legislature, be decreased in size and its members appointed to serve on a full-time basis?
2. Should the commission conduct its license-issuing and enforcement hearings through hearing examiners?
3. Should one or more Assistant Attorneys General be detailed full-time to the commission?
4. Are commission pay scales sufficient to attract and retain competent staff personnel?
5. Is the commission staff properly organized and trained to carry out its responsibilities? and be it further

ORDERED, that the Legislative Research Committee report its findings and recommendations, including any proposed legislation, to the next regular session of the Legislature; and be it further

ORDERED, that the Committee is authorized to employ such professional and clerical assistance as it deems necessary within the limits of funds provided; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purpose of this order. (H. P. 1460)

The Joint Order was passed and sent up for concurrence.

Mr. Lewin of Augusta presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that there is appropriated to the committee created by Joint Order (S. P. 537) passed at the regu-