

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

Index

1st Special Session

January 6, 1970 to February 7, 1970

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KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, January 13, 1970
Senate called to order by the President.

Prayer by the Rev. Fr. Leonard E. LeClair of Augusta.

Reading of the Journal of yesterday.

Communications

Maine State Highway Commission

Augusta, Maine
January 13, 1970

To the Honorable Senate and House of Representatives of the One Hundred and Fourth Legislature

In accordance with the wishes of the 104th Maine Legislature as expressed in the provisions of joint order Number SP 512, authorizing and directing the State Highway Commission to make a study of the need and cost of reconstruction of U. S. Route 201 between the cities of Gardiner and Augusta, the State Highway Commission herewith submits the requested reports.

This report was prepared by the Commission's Planning and Traffic Division with the close cooperation of the Location Section and Right-of-Way Division.

Final conclusions in this regard will be developed as a part of an area traffic study currently being completed by the staff of the Highway Commission.

Very truly yours,
Maine State Highway Commission
David H. Stevens, Chairman
Bertrand A. Lacharite, Member
Steven D. Shaw, Member
(S. P. 619)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

State of Maine
House of Representatives
Office of the Clerk
Augusta, Maine

January 12, 1970
Honorable Harry N. Starbranch
Secretary of the Senate

Sir:

Pursuant to the opinion of the Justices no action was taken upon the objections of the Governor to

H.P. 21, L.D. 24 Resolve Proposing an Amendment to the

Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary and the Resolve was ordered sent to the Senate.

Respectfully,
(s) BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

Senate Papers

Mr. Katz of Kennebec presented the following Joint Resolution and moved its adoption:

STATE OF MAINE
IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUNDRED AND SEVENTY

JOINT RESOLUTION
HONORING

MRS. DOROTHY C. BERRY

WHEREAS, the importance of knowing how to prepare an adequate legal document so vital to the legislative process is difficult to exaggerate; and

WHEREAS, Mrs. Dorothy C. Berry has exercised that highly technical discipline with a rare combination of skills, aptitude and temperament over the past thirty-five years; and

WHEREAS, on July 1, 1970, Mrs. Berry will retire from the service of the State in the wake of an unparalleled standard of excellence reflecting great credit on the Maine Legislature; and

WHEREAS, mirrored in her competence are warm-hearted thoughts and countless creditable acts which have become a hallmark and object of deep appreciation of many Legislatures; now, therefore, be it

RESOLVED: By the Senate and House of Representatives of the 104th Maine Legislature assembled this day in special session, that we the members extend the warmest thanks to Mrs. Dorothy C. Berry for her many years of dedicated service and outstanding accomplishment; and be it further

RESOLVED: In token of our endless gratitude and lasting affection that a suitable copy of this Resolution be presented to Dorothy with our very best wishes for her future.

(S. P. 620)

Which was Read and Adopted.
Sent down for concurrence.

Order

On motion by Mr. Katz of Kennebec,

WHEREAS, on January 6, 1970 the Senate of the 104th Legislature convened in Special Session respectfully requested of the Justices of the Supreme Judicial Court according to the Constitution on behalf of the Senate their opinion of certain questions concerning H. P. 21, L. D. 24, Resolve, Proposing an Amendment to the Constitution Providing for Convening of the Legislature at Such Times as the Legislature Deems Necessary, which Resolve was introduced at the 104th Legislature at its regular session; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to return to the Senate the said L. D. 24 and the questions requested according to the Constitution on said Legislative Document.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: A brief word of explanation: you know, of course, that the Supreme Judicial Court has ruled that the Governor may not interpose himself between a duly passed constitutional amendment and the people's opportunity to vote on it. The purpose of the order today is to get back the Senate Order which we gave the Justices. It is just a procedural move.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

The motion prevailed.

Committee Reports

House

Ought Not to Pass

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Grants by the Maine School Building Authority." (H. P. 1313) (L. D. 1642)

Reported that the same Ought Not to Pass.

Comes from the House the Bill Substituted for the Report and the Bill Passed to be Engrossed.

Which was Read.

The PRESIDENT: Is it the pleasure of the Senate to accept the Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President, I move that we substitute the bill for the report.

The PRESIDENT: The Senator from Waldo, Senator Greeley, moves that the Senate substitute the bill for the Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Oxford, Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: The only comment I would make on this is that I think it is the feeling of the committee that, while this has been done in the past, it perhaps was poor policy to encourage the building of very small schools at the time when most areas are going into districts and centralizing their buildings.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate substitute the bill for the Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed and the Bill was substituted for the Report in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Ought to Pass

The Committee on Taxation on Bill, "An Act imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (Emergency) (H. P. 1317) (L. D. 1646)

Reported that the same Ought to Pass.

Comes from the House the report Read and Accepted and the Bill Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill Read Once and tomorrow assigned for Second Reading.

Ought to Pass - As Amended

The Committee on Legal Affairs on Bill, "An Act Clarifying and Correcting an Omission in the Charter of the Town of Gorham." (Emergency) (H. P. 1345) (L. D. 1674)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-629).

Comes from the House the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" thereto (H-633).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" to Committee Amendment "A" was Read and Adopted in concurrence. Committee Amendment "A" was Read and Adopted, as Amended by House Amendment "A" thereto in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Relating to Municipal Zoning Ordinance Affecting Indian Lands." H. P. 1358) (L. D. 1687)

Reported that the same Ought to Pass in New Draft Under Same Title: (H. P. 1426) (L. D. 1795).

Comes from the House the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

Divided Report

The Majority of the Committee on Appropriations and Financial Affairs on Bill, "An Act to Pay for Fifty Percent of Health Insurance Plans for State Employees Beginning July 1, 1970." (H. P. 1306) (L. D. 1620)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-630).

Signed:

Senators:

SEWALL of Penobscot
DUQUETTE of York

Representatives:

LUND of Augusta
JALBERT of Lewiston
MARTIN of Eagle Lake
BIRT of E. Millinocket
SAHAGIAN of Belgrade
BENSON

of Southwest Harbor
BRAGDON of Perham

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

DUNN of Oxford

Comes from the House the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-630).

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, I move acceptance of the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Sewall, moves that the Senate accept the Majority Ought to Pass Report of the Committee in concurrence.

The Chair recognizes the Senator from Oxford Senator Dunn.

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Since I signed a rather unpopular report, I would like to give my reasons for doing so. The cost of this measure is \$440,000. to the General Fund, \$203,000. to the Highway, and I don't have figures for Fish and Game, but it must total up to right around three-quarters of a million dollars for a one-year period.

It was my thinking that since the employees had a pay raise six months ago, and without doubt there will be another chance for another pay raise another time around at the next legislature, that this could well be part of it. Our funds are limited at this time, and each time we pass a half million dollar or three-quarter million dollar item it draws heavily on what we have to do with. Perhaps they should all go to the Appropriations Table and we can say we voted for them and then if they get killed

there we can blame leadership for killing them, or something like that. I would rather choose as I go along and vote for what I want. My thought was that it could well come in handy for the next legislature to have this as part of a package that they might be faced with.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate:

I concur with what Senator Dunn said in respect to the cost of this item and the philosophy that it is, in effect, a pay raise. I think it might be a worthy item to let go along to the Appropriations Table and see what funds are available when all the money bills have come in. It is hard to tell at this point just what kind of monies we do have available.

The PRESIDENT: The question before the Senate is the motion of the Senator from Penobscot, Senator Sewall, that the Senate accept the Majority Ought to Pass Report of the Committee in concurrence. As many Senators as are in favor of accepting the Ought to Pass Report will say "Yes"; those opposed, "No."

A viva voce vote being taken, the motion prevailed and the Bill was Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, tomorrow assigned for Second Reading.

(Off Record Remarks)

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Relating to Eligibility of Bangor City Councilors for Certain City Government Offices." (Emergency) (H. P. 1339) (L. D. 1668)

Bill, "An Act Relating to Appropriations and Allocations to the Legislative Research Committee." (H. P. 1315) (L. D. 1644)

Bill, "An Act Appropriating Moneys to Carry Out Duties of the Legislative Research Committee."

(Emergency) (H. P. 1316) (L. D. 1645)

Bill, "An Act Relating to Issuing Bonds for Revenue-Producing Municipal Facilities." (H. P. 1407) (L. D. 1763)

Bill, "An Act Relating to Motor Vehicle Air Pollution Equipment." (H. P. 1369) (L. D. 1718)

Bill, "An Act Relating to Charts and Publications of the Maine State Park and Recreation Commission." (H. P. 1399) (L. D. 1755)

Bill, "An Act Relating to State-Owned Motor Vehicles." (H. P. 1356) (L. D. 1685)

Bill, "An Act to Repeal the Law Providing a Uniform Fiscal Year for Municipalities." (H. P. 1424) (L. D. 1794)

Resolve, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (H. P. 1308) (L. D. 1622)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Bill, "An Act Relating to Length of Trout in Brooks and Streams." (H. P. 1331) (L. D. 1660)

Which was Read a Second Time and Passed to be Engrossed in non-concurrence.

House - As Amended

Bill, "An Act Relating to Salary of the Assistant Director of Legislative Research." (H. P. 1314) (L. D. 1643)

Bill, "An Act Appropriating Funds for Maine Historical Society." (H. P. 1319) (L. D. 1648)

Which was Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Bill, "An Act Relating to Bag Limit on Bears." (H. P. 1374) (L. D. 1723)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Barnes.

Mr. BARNES of Aroostook: Mr. President, I would like to pose a question through the Chair to anybody who wishes to answer it, presumably the Chairman of the Fish and Game Committee. We have three amendments here on this bill, Committee Amendment A, Committee Amendment B, and

House Amendment A. Now I would like to ask if this bill as presented here as a Second Reader includes all three amendments or which ones, or what the status is at the present time.

The PRESIDENT: The Senator has posed a question through the Chair which any Senator may answer if he desires.

The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I don't wonder that there is a little bit of confusion in regards to this particular bill because I notice that we have Committee Amendment "A", under Filing No. 620, which was introduced by the Committee on Business Legislation. I fail to see the connection between the Committee on Business Legislation and the Inland Fish and Game Committee. I did also note on this particular amendment that there was one word which was left out. Now, if you will pass on to the next amendment which, in my humble opinion, is the correct amendment under Filing H-623, which is a Committee Amendment, has the correct wording, and has been filed by the proper committee. With this brief explanation, I would like to offer Senate Amendment "A" to this document and I would speak briefly to my motion.

The PRESIDENT: The Senator from Knox, Senator Hoffses, offers Senate Amendment "A" and moves its adoption. The Secretary will read the amendment.

Senate Amendment "A", Filing No. S-361, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. HOFFSES: Mr. President and Members of the Senate: It is my understanding that last week on the very popular "Today" show that there was a program relative to the killing of caged bear in the State of Maine. This particular program received quite a bit of publicity, and I think I am safe in saying that many of the members here in this body have received letters and phone calls relative to this particular matter. I am a little

bit disturbed and I know that the department is disturbed over this unpopular and unsolicited publicity.

Hunting and fishing in the State of Maine is extremely important to the economy of the whole State. Now, I have served on the Fish and Game Committee for six years, served as its Chairman for four years, and I like to feel that we have passed several pieces of legislation in the field of conservation, and that we have upgraded our Fish and Game laws. I would be the first to admit that they are not perfect, but we are continually striving to update them. Now, the situation which I just mentioned, the Department has reviewed, and it is quite possible for a person possessing a menagerie permit to dispose of bear which they have in their possession in any way that they see fit. This matter which was on the "Today" show, I believe, was blown out of proportion but, nevertheless, the situation does exist and a person may purchase a bear from the party who has the menagerie license and they may dispose of that bear. It has been reported that they could shoot the bear while it was caged. You might say that this is more humane than it is to shoot a wild animal, wound it, and have it crawl away into the woods and die. That all may be very true. However, we are looking at this matter from the sportsman's standpoint, and I must agree that it is not too sportsmanlike to cage a wild animal and then shoot it while it is caged and has no opportunity to defend itself in any way whatsoever.

Now, the amendment which I have offered will place the bear in the same category as the moose and the caribou, which law we passed last time, requiring that the Department be consulted, and they shall have the final say as to the distribution of the moose or caribou. This amendment would include the bear, so that the Department would have the exclusive say over how a moose, a caribou and a bear, which is held in captivity under the menagerie license shall be disposed of. I believe that this is a step in the right direction. It will quell the disturbance which

has been created by the unpopular piece of advertising which we in the State of Maine have had. I urge the adoption of this amendment.

The PRESIDENT: Is it now the pleasure of the Senate that Senate Amendment "A" be adopted?

The motion prevailed.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Moore.

Thereupon, on motion by Mr. Moore of Cumberland, tabled and tomorrow assigned, pending Passage to be Engrossed.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Authority of State Employees Appeals Board. (H. P. 1352) (L. D. 1681)

An Act Relating to Elections in City of Biddeford. (H. P. 1342) (L. D. 1671)

An Act Relating to Powers and Duties of the Public Safety Commission of the Town of Old Orchard Beach. (H. P. 1341) (L. D. 1670)

An Act to Clarify School Construction Aid. (H. P. 1326) (L. D. 1655)

An Act to Change the Name of Westbrook Seminary and Junior College to Westbrook College. (H. P. 1325) (L. D. 1654)

An Act Appropriating Funds for Employment of an Occupational Safety Engineer by the Department of Labor and Industry. (S. P. 577) (L. D. 1704)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act to Improve Sanitary Standards to Stop Unlawful Sales of Shucked Shellfish. (S. P. 563) (L. D. 1638)

Which except for the tabled matter, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Duties of Lucerne-in-Maine Village Corporation and Town of Dedham as to Educa-

tion of Children. (H. P. 1340) (L. D. 1669)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Amending the Liquor Laws. (S. P. 586) (L. D. 1741)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

Resolve, Approving of Conveying of Anson Academy to School Administrative District No. 74. (H. P. 1328) (L. D. 1657)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Extend the Period During Which the Trustees of Harrison Water District Have to Acquire Properties Owned by Harrison Water Company." (S. P. 567) (L. D. 1694)

Tabled—January 9, 1970 by Senator Moore of Cumberland.

Pending—Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox, the Senate voted to take from the table the second tabled and unassigned matter:

HOUSE REPORT—Ought to Pass from the Committee on Education on Bill, "An Act Authorizing the State Board of

Education to Lease a Section of Property at Southern Maine Vocational-Technical Institute to the Research Institute of the Gulf of Maine." (H. P. 1327) (L. D. 1656)

Tabled — January 8, 1970 by Senator Hoffses of Knox.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once. Under suspension of the rules, the Bill was given its Second Reading.

Mr. Katz of Kennebec then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-363 was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: The Senate will remember a

couple of days ago we tabled this because it involves the leasing of land to Trigon on which they are going to put a temporary structure. We discovered there was a question whether the size of the structure exceeded the size of the land. So, this amendment merely says that we are authorized to lease a parcel of land without regard to size.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.