

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth*

*Legislature*

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Thursday, January 7, 1971

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

Prayer by the Rev. Mr. Douglas Robbins of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following order:

**ORDERED**, the House concurring, that when the House and Senate adjourn, they adjourn on Tuesday, January 12 at 10 o'clock in the morning. (S. P. 63)

Came from the Senate read and passed.

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

At this point, a message came from the Senate borne by Secretary Starbranch of that body, proposing a Convention of both branches of the Legislature to be held forthwith in the Hall of the House for the purpose of administering to the Honorables: Richard W. Logan, Deane A. Durgin, Edmund C. Darey, Kenneth D. Robinson, Paul R. Huber, Walter W. Cameron, and R. Lafayette Ervin the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties as Executive Councilors, and for the further purpose of administering to the Honorable Kenneth M. Curtis, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

Thereupon, the House voted to concur in the proposal for a Joint Convention and the Chair appointed Mr. Susi of Pittsfield to convey a message to the Senate to that effect.

Mr. Susi subsequently reported that he had delivered the message with which he was charged.

The following Report:

**STATE OF MAINE**

The Joint Select Committee of the One Hundred and Fifth Legislature on returns of votes for Governor given in the several cities, towns and plantations of the

State for the political years 1971, 1972, 1973 and 1974, has attended to its duty and asks leave to report that the whole number of votes returned for Governor was 325,386; and that James S. Erwin of York had 162,248 votes; and that Kenneth M. Curtis of Augusta had 163,138 votes.

(Signed)

**RICHARD N. BERRY**

Chairman on the part of the Senate

(Signed)

**DONALD F. COLLINS**

Chairman on the part of the House

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

From the Senate: The following Order:

**ORDERED**, the House concurring, that a Committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Honorable KENNETH M. CURTIS and inform him that he has been duly elected Governor of the State of Maine for the political years 1971, 1972, 1973 and 1974 (S. P. 58)

Came from the Senate read and passed with the following members appointed on its part:

Messrs. WYMAN of Washington  
GREELEY of Waldo  
HARDING of Aroostook

The Order was read and passed in concurrence and the Speaker appointed the following members on the part of the House:

Messrs. SUSI of Pittsfield  
PORTER of Lincoln  
Mrs. WHITE of Guilford  
Mrs. LINCOLN of Bethel  
Messrs. MARTIN of Eagle Lake  
McTEAGUE of Brunswick  
Mrs. WHEELER of Portland

From the Senate: The following Order:

**ORDERED**, the House concurring, that a Joint Select Committee of three on the part of the Senate with such as the House may join, be appointed to consider the Governor's Message and report a reference of its several subjects to appropriate committees (S. P. 59)

Came from the Senate read and passed with the following members appointed on its part:

Messrs. MOORE of Cumberland  
DUNN of Oxford  
LEVINE of Kennebec

The Order was read and passed in concurrence and the Speaker appointed the following members on the part of the House:

Messrs. KELLEY of Southport  
KELLEY of Machias  
HAYES of Windsor  
MILLETT of Dixmont  
FAUCHER of Solon  
GAUTHIER of Sanford  
EMERY of Auburn

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Rules of the One Hundred and Fourth Legislature, as amended, be the Joint Rules of this Legislature, with the exception of Joint Rule number 1, paragraphs 1 and 2, which shall read as follows:

**1. Joint Standing Committees:** There shall be no more than 18 Joint Standing Committees which shall be appointed as follows at the commencement of the session, viz:

On Agriculture  
On Appropriations and  
Financial Affairs  
On Business Legislation  
On County Government  
On Education  
On Election Laws  
On Fisheries and Wildlife  
On Health and Institutional  
Services  
On Judiciary  
On Labor  
On Legal Affairs  
On Liquor Control  
On Natural Resources  
On Public Utilities  
On State Government  
On Taxation  
On Transportation  
On Veterans and Retirement

Membership. Each of said committees shall consist of three on the part of the Senate and not less than seven nor more than ten on the part of the House. The first named Senate member shall be the chairman. In his temporary absence the first named House member shall serve as chairman and,

thereafter, as the need may arise, the chairmanship shall alternate between the members from each house in the order of their appointment to the committee. These committees may report by bill or otherwise (S. P. 38)

Came from the Senate read and passed.

In the House, the Order was read.

Mr. Kelley of Machias offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1) was read by the Clerk.

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

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: The purpose of this legislative order, namely to consolidate several branches of State government, and thus to effect a savings both in time and money, is long overdue, and deserves our enthusiastic support.

However, the committee, in its zealous pursuit of this objective, has presented us with a proposal which is not only unusual, but one which, if accepted, can only cause confusion and wasted effort. I am referring to the proposal to consolidate the Sea and Shore Fisheries Committee with the Committee on Inland Fish and Game.

This is about as improbable a marriage as one could expect to find. Something like harnessing a work horse alongside a Kentucky thoroughbred. Because the Sea and Shore Fisheries Committee concerns itself almost 100 percent with the harvesting and distribution of food products; the Committee on Inland Fish and Game, on the other hand, concerns itself almost 100 percent with an activity which can best be described as a sport. They have little or nothing in common.

Now the argument has been made that since the Sea and Shore Fisheries Committee held hearings on less than 20 bills in the 104th Legislature, that somehow it has outlived its usefulness. Now may I remind you that one bill concerning the Sea and Shore Fisheries Committee is often of more importance actually than a dozen

bills which have to do with the Inland Fish and Game Committee.

This proposal would, in my opinion, be "neither fish nor fowl, nor good red herring." There will be no savings in time; in fact quite the reverse. Consider, for instance, if the Sea and Shore Fisheries Committee, as in the last session, held hearings on 17 or 18 bills, and the Inland Fish and Game Committee held hearings on, say, 75 or 80 bills. Each of these two committees work simultaneously. Under the new arrangement, a larger committee of some 14 members must hold hearings on all of the bills. I can't see where we will effect any savings whatever in time. As a matter of fact it would appear to me that it would take more time.

And last, but by no means least, I wish you would consider the psychological element here. For two centuries the State of Maine has been in the forefront of the coastal fishing industry. Have we come to such a sorry state, ladies and gentlemen, that we now seriously consider closing out a committee devoted entirely to this industry?

I would urge you, in all honesty and in all earnestness, to please support this amendment. And I would ask for a division.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I always enjoy listening to the rhetoric of the gentleman from Machias, Mr. Kelley. I like to listen to his diction; I like to listen to the phraseology that he uses. However, I do not always have to agree with him, nor he with me.

In this particular instance here, the Legislative Research subcommittee studied this program at length. The committee reported these programs to you at the pre-legislative conference. And if you recall, I was one of those who, even as a member of the committee, knowing the ins and outs of the program as suggested, I however thought it might be best if all the members would have immediately a copy of the order and also an explanation in writing of what the program would do.

I don't see that there's anything altogether sacred concerning itself with uniting the Fish and Game and the Sea and Shore Fisheries Committees.

Not being, unfortunately, an avid sportsman in the area of fish and game, or sea and shore fisheries, or the wildlife, however, I am cognizant enough of the programs to know that they cannot be as far apart in any area as the good gentleman from Machias, Mr. Kelley, would indicate.

I think that this is a time saver, it is a money saver. It's a minor program in my opinion, as compared to some of the other unified programs that we've had under this order. I think it would be a rewarding effort on our part if we put this thing to a test. Certainly, I know that there will be other sessions of the Legislature beyond the 105th, and so that if it did not work out that we could always come back to the old system. And I'm certain that the gentleman from Machias, Mr. Kelley, would be willing to give this program that try on the level that I have explained it to you.

And for that reason, Mr. Speaker, I move the indefinite postponement of House Amendment "A" and ask for a division.

The SPEAKER: The pending question now is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. A vote has been requested on the motion.

The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I would like to concur with the gentleman from Machias, Mr. Kelley. Having been here some time, and served on Fish and Game, and knowing that Fish and Game—well, I can think of just one bill, changing the hunting zones in the State of Maine where the hearing, when I was on there, lasted all day until well into the evening. I can remember Sea and Shore Fisheries that same year had a bill discussing the length of a clam that could be taken. In this session they came here with their hip boots on, the corridors were full of very enthusiastic people that made a living digging

clams. And this hearing also lasted all day.

Now if you're to combine these two committees, the people that are interested in fish and game are going to have to listen all day, whether they want to or not, about clams, or about the length of a lobster, or something that they know very little about. As I feel quite qualified to serve on Fish and Game, but I know, and would be very reluctant to serve on Sea and Shore Fisheries, having known very little about the sea.

So I think we would be very unwise, and I can't find where we would make any great savings. But I will show you as time goes on, or at least call to your attention, where some great savings can be made that will involve millions of dollars, not just a few dollars, a little pocket change.

Now while I am on my feet, I hope that you will see fit to keep these two very important committees separate, because if you have to serve on these committees it's bad enough to listen to all the lobstermen and all the clam diggers on one day without having to listen on the same day to all of the people with their problems on how they are going to catch rabbits, and when the duck season is going to be, and when they are going to open a certain lake or close it, or what the length of a trout is going to be that they are going to be allowed to take, or how many.

And I feel about this Research Committee — of course, it's an expensive committee, and it runs into a lot of money, and they have to make some kind of a report, as you understand. So this is one of them. And the rest of them, in my opinion, have about the same value. Thank you.

**THE SPEAKER:** The pending question is the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. A vote has been requested. If you are in favor of indefinite postponement of House Amendment "A" you will vote yes, if you are opposed to indefinite postponement of House Amendment "A" you will vote no. The Chair will open the vote.

A vote of the House was taken.

89 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

On motion of Mr. Jalbert of Lewiston, the Order received passage in concurrence.

From the Senate: The following Orders:

**ORDERED,** that the Legislative Finance Officer be authorized and directed to prepare weekly, from expense accounts to be submitted to him by the members of the Senate and House, expense rosters showing the entitlement of each member for meals allowance and lodging reimbursement and to obtain approval thereof by the President of the Senate and the Speaker of the House respectively, and deliver the same to the State Controller for processing and payment, in the manner and form recommended by the Joint Interim Committee of the 101st Legislature created to study and report on a method of implementing the administration of the provision of law relating to the mileage and expenses for members of the Legislature; and be it further

**ORDERED,** that the Legislative Finance Officer be authorized and directed to provide the form necessary for such purpose and provide suitable space in his office for the filing and safekeeping of all such expense accounts and other papers and records pertaining thereto (S. P. 46)

**ORDERED,** the House concurring, that there be paid to the members of the Senate and House as advanced on account of compensation established by statute, the amount of two hundred and fifty dollars (\$250) fortnightly, according to lists certified to the State Controller by the Secretary of the Senate and Clerk of the House, respectively; and that the final payrolls bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs (S. P. 47)

**ORDERED,** the House concurring, that the members of the Legislature be furnished with express and parcel transportation for all packages and department reports in a sum not exceeding \$6.00

for each member, the privilege granted to be a personal privilege not to be exercised by anyone other than the member and that such transportation be furnished and expended under the direction of the Secretary of the Senate and the Clerk of the House, respectively, and the unexpended balance at the close of the year 1971 shall be available for use in 1972 (S. P. 48)

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House, respectively, be authorized to furnish wrappers and postage stamps for each member of the Senate and House, not exceeding \$12.00 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State (S. P. 50)

Came from the Senate read and passed.

In the House, the Orders were read and passed in concurrence.

#### Non-Concurrent Matter

Bill "An Act Defining Secondary Schools" (H. P. 48) (L. D. 81) (Presented by Mr. Jalbert of Lewiston) which was read three times under suspension of the rules and passed to be engrossed without reference to any committee in the House on January 6.

Came from the Senate referred to the Committee on Education in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

#### Petitions, Bills and Resolves Requiring Reference

The following 3 Bills and 2 Resolutions were received from the Clerk of the House of the 104th Legislature in accordance with the provisions of Joint Rule 6 and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

##### Judiciary

Bill "An Act relating to Trespass on Certain State Institutions" (H. P. 50) (L. D. 84) (Presented by Mr. Lewin of Augusta.

Sent up for concurrence.

##### Labor

Bill "An Act Increasing the Minimum Wage" (H. P. 52) (L. D. 86) (Presented by Mr. Jalbert of Lewiston)

Sent up for concurrence.

##### State Government

Bill "An Act to Clarify the Laws of the Department of Veterans Services" (H. P. 49) (L. D. 83) (Presented by Mr. Lewin of Augusta)

Resolution Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions (H. P. 51) (L. D. 85) (Presented by Mr. Jalbert of Lewiston)

Resolution Proposing an Amendment to the Constitution Reducing the Voting Age to Eighteen Years (H. P. 53) (L. D. 87) (Presented by Mr. Smith of Dover-Foxcroft)

Sent up for concurrence.

The following Bills and Resolves were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees.

##### Appropriations and Financial Affairs

Bill "An Act Appropriating Funds for Information Center at Eastern Terminal of Interstate 95" (H. P. 56) (Presented by Mr. Bither of Houlton)

(Ordered Printed)

Sent up for concurrence.

##### Business Legislation

Bill "An Act relating to Certificates of Authority to Inspect Elevators for Insurance Purposes" (H. P. 57) (Presented by Mr. Evans of Freedom)

(Ordered Printed)

Sent up for concurrence.

##### County Government

Bill "An Act relating to Record of Plans by Registers of Deeds" (H. P. 58) (Presented by Mr. Fraser of Mexico)

Bill "An Act relating to Compensation for Full-Time Deputy Sheriffs of Lincoln County" (H. P. 59) (Presented by Mr. Kelley of Southport)

Bill "An Act relating to Payments to the Hancock County Law Library" (H. P. 60) (Presented by Mr. McNally of Ellsworth)

(Ordered Printed)  
Sent up for concurrence.

#### **Election Laws**

Bill "An Act relating to Boards of Registration for Certain Municipalities under Election Laws" (H. P. 61) (Presented by Mr. Fraser of Mexico)

Bill "An Act Providing for Presidential Preferences in Primary Election" (H. P. 62) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)  
Sent up for concurrence.

#### **Fisheries and Wildlife**

Bill "An Act Repealing the Licensing of Guides and Permits for Camp Trip Leaders under Fish and Game Laws" (H. P. 63) (Presented by Mr. Kelley of Southport)

Bill "An Act Providing for Hunter-Orange Garments When Hunting" (H. P. 64) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)  
Sent up for concurrence.

#### **Health and Institutional Services**

Bill "An Act relating to Salary of Executive Secretary of the Board of Barbers" (H. P. 65) (Presented by Mr. Hanson of Gardiner)

Bill "An Act Regulating the Use of Electrolysis for the Removal of Hair" (H. P. 66) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)  
Sent up for concurrence.

#### **Judiciary**

Bill "An Act relating to Service of Justices of the Supreme Judicial Court and the Superior Court for Retirement" (H. P. 67) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act relating to Mental Illness and Mental Retardation of Persons in State Penal, Correctional and Juvenile Institutions" (H. P. 68) (Presented by same gentleman)

Bill "An Act relating to Judges' Instructions in Comparative Negligence Actions" (H. P. 69) (Presented by same gentleman)

Bill "An Act relating to Falsely Assuming to be a Municipal Police Officer" (H. P. 70) (Presented by same gentleman)

Bill "An Act relating to Trespass on Enclosed or Cultivated Lands" (H. P. 71) (Presented by Mr. Kelley of Southport)

Bill "An Act relating to Entering of Watercraft without Permission" (H. P. 72) (Presented by same gentleman)

(Ordered Printed)  
Sent up for concurrence.

#### **Legal Affairs**

Bill "An Act Including Escalators and Manlifts in the Elevator Law" (H. P. 73) (Presented by Mr. Evans of Freedom)

Bill "An Act Changing Name of Pine Tree Chapter of the Construction Specifications Institute, Inc." (H. P. 74) (Presented by Mr. McNally of Ellsworth)

Resolve to Reimburse William Scott of East Machias for Loss of Bee Hives (H. P. 75) (Presented by Mr. Kelley of Machias)

(Ordered Printed)  
Sent up for concurrence.

#### **Tabled and Assigned**

Bill "An Act relating to Sales of Beverages in Nonreturnable Bottles" (H. P. 76) (Presented by Mr. Starbird of Kingman Township)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Liquor Control and printing.

(On motion of Mr. Martin of Eagle Lake, tabled pending reference and specially assigned for Tuesday, January 12.)

#### **Natural Resources**

Bill "An Act Reclassifying Pres-tile Stream. (H. P. 77) (Presented by Mr. Finemore of Bridgewater)

(Ordered Printed)  
Sent up for concurrence.

#### **Public Utilities**

Bill "An Act relating to Operation of the Livermore Falls Water District" (H. P. 78) (Presented by Mr. Lynch of Livermore Falls)

Bill "An Act relating to Property, Capital Stock and Indebtedness of Eastport Water Company" (H. P. 79) (Presented by Mr. Mills of Eastport)

(Ordered Printed)  
Sent up for concurrence.



### State Government

Bill "An Act relating to Toll-free Use of the Maine Turnpike by Members of the Legislature" (H. P. 80) (Presented by Mr. Jutras of Sanford)

Bill "An Act to Clarify the Recreation Authority Act" (H. P. 81) (Presented by Mr. Simpson of Standish)

Bill "An Act relating to Privileges of Members of the Indian Tribes at the Legislature" (H. P. 82) (Presented by Mr. Starbird of Kingman Township)

Resolution Proposing an Amendment to the Constitution Raising the Municipal Debt Limit from Seven and One-half to Fifteen Percent (H. P. 83) (Presented by Mr. Hewes of Cape Elizabeth)

Resolution Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years (H. P. 84) (Presented by Mr. Lucas of Portland)

(Ordred Printed)  
Sent up for concurrence.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

### In Convention

The President of the Senate, Kenneth P. MacLeod, in the Chair.

On motion of Senator Sewall of Penobscot, it was

ORDERED, that a message be sent to the Councilors-elect informing them that the two branches of the Legislature are in Convention assembled, ready to administer to them the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

The Chairman appointed Senator Berry of Cumberland to convey the message.

Subsequently, that Senator reported that he had performed the duty assigned him and that the Councilors-elect would attend forthwith.

Thereupon the Honorable s:  
Richard W. Logan, Deane A. Durgin, Edmund C. Darey, Kenneth D. Robinson, Paul R. Huber, Walter W. Cameron, and R. Lafayette Ervin, accompanied by the outgoing councilors entered the Hall and in the presence of both

branches of the Legislature in Convention assembled, before the President of the Senate, took and subscribed the oaths required by the Constitution to qualify them to enter upon the discharge of their official duties.

The Councilors and suite then withdrew amid the applause of the Convention.

On motion of Senator Shute of Franklin, it was

ORDERED, that a Committee of ten be appointed to wait upon the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court, and the Justices of the Superior Court, and the Chief Judge of the District Court, inviting them to attend this Convention convened for the purpose of administering to the Honorable Kenneth M. Curtis, Governor-elect, the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chairman appointed:

Senators:

BERRY of Cumberland  
KATZ of Kennebec  
VIOLETTE of Aroostook

Representatives:

HEWES of  
Cape Elizabeth  
LUND of Augusta  
WHITE of Guilford  
BAKER of Orrington  
McTEAGUE of Brunswick  
ORESTIS of Lewiston  
KELLEY of Caribou

Senator Berry, for the Committee, subsequently reported that the Committee had attended to the duty assigned to it and that the Honorable Chief Justice and Associate Justices of the Supreme Judicial Court and the Justices of the Superior Court and the Chief Judge of the District Court were pleased to say that they would forthwith attend this Convention.

At this point, the Honorable Chief Justice, the Associate Justices of the Supreme Judicial Court, and the Justices of the Superior Court and the Chief Judge of the District Court entered the Convention Hall amid the applause of the Convention, the audience rising.

On motion of Senator Harding of Aroostook, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Kenneth M. Curtis, Governor elect, and inform him that the two branches of the Legislature are in Convention assembled, ready to administer to him the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties and receive from him such communication as he may be pleased to make.

The Chairman appointed:  
Senators:

WYMAN of Washington  
GREELEY of Waldo  
HARDING of Aroostook

Representatives:

BRAGDON of Perham  
AULT of Wayne  
HARDY of Hope  
PAGE of Fryeburg  
ROCHELEAU of Auburn  
HANCOCK of Casco  
BUSTIN of Augusta

Senator Wyman, for the Committee, subsequently reported that the Committee had discharged the duties assigned to it, and the Governor-elect was pleased to say that he was ready to take and subscribe the necessary oaths of office and would forthwith attend the Convention.

(Convention at ease)

Convention called to order by Chairman MacLeod.

Thereupon, the Honorable Kenneth M. Curtis, Governor-elect, escorted by Adjutant General E. W. Wood, and attended by Honorable Joseph T. Edgar, Secretary of State, Ex-Governors Horace A. Hildreth, Burton M. Cross and Robert N. Haskell, Aides de Camp, distinguished guests, entered the Hall of the House amid prolonged applause, the audience rising.

Prayer was offered by the Very Reverend Msg. Vincent A. Tatarczuk of Portland.

Thereupon, the Governor-elect, the Honorable Kenneth M. Curtis, before the presiding officer of the Convention, the Honorable Kenneth P. MacLeod, in the presence of both branches of the Legislature, the Chief Justice, the Associate Justices of the Supreme Judicial Court, the Justices of the Superior Court of this State, and the Chief Judge of the District Court, took and subscribed the oaths required by the Constitution to qualify him to enter upon the discharge of his official duties.

The Chairman of the Convention then called upon the Secretary of State, Honorable Joseph T. Edgar, to read the proclamation:

#### PROCLAMATION

The votes given in on the third day of November last, in the cities, towns and plantations of the State for Governor, the returns of which have been made to the office of the Secretary of State, having been examined and counted by the Legislature which has declared that a plurality thereof was given to Kenneth M. Curtis, and that he is duly elected and he, having in the presence of the two branches of the Legislature in Convention assembled, taken and subscribed the oaths required by the Constitution to qualify him to discharge the duties of that office, I, therefore, declare and make known to all persons in this State who are in the exercise of any public trust, as well as all good citizens thereof, that Kenneth M. Curtis is Governor and Commander-in-Chief of the State of Maine, and that due obedience should be rendered to all his acts and commands, as such.

GOD SAVE THE  
STATE OF MAINE.

The Chairman of the Convention then presented Governor Kenneth M. Curtis to the Convention, amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

*Mr. President, Mr. Speaker and Members of the 105th Legislature:*

Just over 150 years ago Maine became a free and independent state.

Far-sighted as they were, the men who led Maine into the Union could not have foreseen the vast changes which have occurred in 15 decades of statehood.

We are different from them, and our time is different from theirs.

Yet the things that made Maine great are unchanged.

The rugged beauty of the land remains.

The character and independence of the people remain.

And there remains also the conviction that we in Maine are blessed with a uniquely favorable way of life.

The challenge before us, the elected representatives of the people of Maine, is to expand and preserve that heritage for future generations.

It will not be easy.

For we meet at a time of economic adversity.

Inflation and the cost of living are increasing at an annual rate of six percent, the highest in two decades.

Unemployment reached 5.8 percent in November.

And this is taking place during a period of social turmoil.

Throughout the nation, the institutions and values which shaped our lives for decades are being reexamined. The university, the corporation, the church, most often government itself — all are being challenged to explain and justify their actions, their procedures, their very existence.

These national currents affect each of us as individuals, and they affect our State government.

We feel the effects of inflation because it costs more for less whether you are buying groceries, a new home, or state services.

And we feel the effects of social turmoil in the frequently deteriorating relationship between the citizen and his government.

Where there once was trust, there now is suspicion.

Where there was confidence, there is doubt.

Where there was a feeling of participation, there is a feeling of exclusion, of being left out of the process.

Someone once described leadership as the art of perceiving the will of the people.

If so, then this is a difficult time for leaders. For it is a time of confusion, uncertainty and conflict, and the voices of the people are confused, uncertain and conflicting.

So it is that the people of Maine want improved state services, relief from local property taxes, and they somehow hope to get them without any real increase in taxes.

We, of course, cannot reconcile these conflicting objectives.

But I believe we are moving in that direction.

First of all, we now have a more balanced, productive tax system. While far from perfect, it is nevertheless sufficiently diverse to provide us with some insulation from the ups and downs of national economic cycles.

Second, by reorganizing state government we can provide essential state services faster and at lower cost.

Let me be clear on this point.

I do not suggest that government reorganization is the ultimate solution to our fiscal problems.

It is not.

Even the most modern, efficient government will still face the crushing pressures of necessary services, rising costs and needed revenues.

Those pressures exist now. They will continue to exist in the future.

But government reform can ease those pressures.

And, most importantly, it can help restore the confidence of the people in their government — the crucial element so necessary for effective action in a democracy.

For it is precisely the impersonal, unresponsive nature of government that is the origin of so much of the current lack of confidence.

Incapable of prompt and effective response, our state government mystifies and angers many citizens. Not seeing any return on their tax dollar they react — understandably — by complaining about taxes.

That is easy to do, because nobody likes taxes.

You do not like them.

I do not like them.

But the hard truth is that the tax burden in Maine is not as heavy as it is in most other states.

Consider these facts: The national average per person in state and local taxes paid is \$380. Here in Maine it is \$308, placing us 36th among the states. Among the New England states we are next to the lowest.

I do not cite these figures to suggest that higher taxes are desirable.

I do so first to support my conviction that what bothers people most is the difficulty in relating their tax dollars to visible signs of progress. Convinced of merit and need, Maine people can and will respond. Our problem is that our structure of government makes it difficult to convince them of either merit or need, except when some disaster fleetingly focuses public attention on the worst of our problems.

I cite these figures also to place our position in perspective. It is helpful to view our situation in relationship to other states. By comparison, we are indeed fortunate.

We now have the basis for a balanced tax system, a tribute to the courage of the 104th Legislature which voted into existence a personal and corporate income tax.

I salute those of you here today who helped make that tough decision. I know it was not easy.

But today, because of the productive capacity of those taxes, we face the future with an estimated surplus of about \$30 million for the next biennium.

### **THE RECENT PAST**

An inaugural is traditionally a time of renewal, of thoughts about the future.

So it should be.

Yet, as Lincoln said, we cannot know where we are going unless we know where we have been.

So I think it appropriate to briefly evaluate the recent past, especially since four years have elapsed since the last inaugural.

In Maine, as elsewhere, protection of the environment has become a matter of prime public concern. We responded to that concern by enacting the site location and oil handling laws which make Maine a national leader in the delicate effort to achieve the proper balance between economic growth and preservation of our natural environment.

Yet our concern has not been limited to prohibiting future abuses.

We firmly committed ourselves to a massive cleanup of our air and our waters. By passing the largest bond issue in history to build long-overdue waste treatment facilities, we are finally using money, instead of just words, to erase the legacy of a century of neglect.

To meet the growing threat to our greatest natural resource — the Maine coast — the newly established State Planning Office began work on the nation's first comprehensive coastal development plan.

We upgraded the quality of our educational system.

There has been a dramatic increase in State aid to municipalities for education — easing pressure on the property taxpayer — and payments are now made on a monthly basis.

There has been a four-fold increase in vocational training opportunities.

Despite some growing pains, the consolidation of our higher education facilities was a wise step forward.

University enrollment has increased by nearly 5,000 students, and some 20,000 adults now take advantage of the University's adult education program.

We moved to meet the growing housing shortage by establishing a State Housing Authority, and there are now seven factories in Maine producing low-cost homes.

We became the first state in the nation to establish a Rural Youth Corps.

We tripled our support for our Indian citizens, and built new classrooms and water and sewer facilities.

We established a computerized Job Bank to more effectively match men and jobs.

We extended and improved our highway system.

Three jet airports now exist in Maine. One of them, Bangor International, may soon be one of the nation's major international airports.

We established and funded the Bureau of Mental Retardation in an effort to minimize and ease our loss through retardation.

Finally, but not least, we have at long last been making meaningful progress in lifting our state institutions to a position far more capable of serving those who need our help so badly.

Before there were nations or states, men recognized their obligation to care for those unable to care for themselves. But as our societies grew larger and less personal, public institutions too often became a way of removing such people and their problems from the public's sight, and thus from the public's concern.

We are reversing that trend.

This process of improvement must continue. Of the many conflicting demands that will be made upon you, please heed this one — for a people may fairly be judged by the manner in which they treat those among them who need help.

### **FUTURE DIRECTIONS**

Our goal has been — and remains — to improve the quality of life for every Maine citizen.

We have done much to reach that goal, but much more remains to be done.

We can begin by reorganizing our government to make it more efficient and responsive.

As long ago as 1931 a reorganization plan presented to Governor William Tudor Gardiner described Maine's government as "ramshackle, consisting of many statutory lean-tos without the proper constitutional foundation, not at all integrated in administration and largely lacking in coordination of functions."

How much more true the passage of 40 years has made those words.

You have before you the report of the Legislative Research Committee and the State Planning Office for the restructuring of state government.

Its principal recommendations are the consolidation of the 226 separate state departments, agencies, boards and commissions into 10 departments, each headed by a Secretary appointed by the Governor with the advice and consent of the Council, and serving at the pleasure of the Governor.

I commend these recommendations to you as the foundation of a major reorganization effort. They are the end product of a careful study of the problems of state government. They were conceived in an atmosphere free of partisanship. I hope they will be received, considered and adopted in a similar atmosphere.

In a later Legislative Message, I will make other reform recommendations supplementing those of the Legislative Research Committee.

Our elderly citizens face severe financial problems. Their fixed incomes, eroded by inflation and rising taxes, can no longer meet their most basic needs. Many can no longer maintain the homes where they raised their families and which represent a lifetime of work and saving.

We have recently awakened to the true dimension of their problems. We must now transform that awakening into specific action to meet those problems.

I will present to you a proposal for meaningful property tax relief for the elderly with the sincere hope that you give it favorable consideration.

As I noted earlier the 104th Legislature enacted landmark laws to protect our environment. Now they must be expanded and enforced.

My Legislative Message will include several proposals in this area, including a substantial strengthening of the Environmental Improvement Commission.

To affirm man's right to a clean environment I will recommend the adoption of an environmental Bill of Rights.

The rugged Maine coast is one of nature's greatest gifts to man. Each year it draws more thousands of visitors. Now the pressure of an increasing population with more leisure time beats upon the coast with the force and regularity of the tides. To enable more people to enjoy the power and serenity of the Maine coast, we must authorize the careful use of eminent domain for the public acquisition of coastal lands.

In accordance with Governor Percival Baxter's generous bequest to the people of Maine, we are ready to create state forests and turn unproductive land to worthwhile use.

Our concern with the environment cannot blind us to the need for a continually strengthened economy.

As part of our program of Development Through Conservation, we should adopt legislation that will facilitate the establishment of well-planned, industrial parks. These parks, by concentrating industry in a carefully chosen location, will enhance our continuing efforts to control the environmental consequences of economic growth. They will, in addition, provide for the more efficient delivery of supporting services.

Maine's greatest asset is her people. Our exceptional working men and women deserve continued improvement in our systems of workmen's compensation and unemployment compensation. We must accelerate our program of attracting high-wage industries to Maine. And we must increase our minimum wage to \$2.00 an hour on a phased basis.

More people died on Maine's highways in 1970 than ever before. This shameful record requires renewed highway safety efforts in education and control. Difficult as it is to get the message across, we must convince our citizens that driving carries heavy responsibilities. This means new and imaginative programs for driver education. It also means tough enforcement of our traffic laws and a restructuring of the way in which we process violations of those laws. The present system has the dual disadvantage of diminishing the deterrent effect of our traffic laws and of clogging our Superior Courts with traffic offense appeals. It must be changed, to advance our highway safety program and to improve the administration of our judicial system.

Of all the problems we face, none is more dangerous or depressing than the widespread use of drugs, especially among our youth. It is a threat to the very structure of our society. But it is not a uniform threat. The intensity and pattern vary from community to community, a fact which emphasizes the importance of community initiatives in dealing with their own drug problem. Many communities are showing this initiative, and the State must provide financial support for their efforts. We must step up our program of drug abuse education, particularly for those young people who have not yet been trapped by the drug culture. To be effective, this education must be skillfully conceived and widely offered. We should also place the Interagency Commission on Drug Abuse, created by Executive Order, on a permanent



statutory basis, and, in recognition of the complexity of the drug problem, provide for the civil commitment of drug users.

For Maine's Indian population we must continue to improve the conditions of life on the reservations while simultaneously encouraging increased self-government and self-sufficiency. It is far from clear that the State's present administrative and legal relationships to the Indians further these goals. We should reexamine these relationships and be prepared to make basic changes where appropriate.

In education we must continue our recent record of progress. For too many years too many of our young people failed to get the education necessary to develop their talents to full potential. This pattern, at long last, is changing. But our existing commitments should not obscure the need for new directions in education. We must devote more of our resources to the development of community colleges, and to one and two year programs at our existing institutions. We must also develop urgently needed programs in medical education and allied health fields. In educational financing I will propose, for the second year of the biennium, the establishment of a uniform school fund to help equalize the property tax burden among communities in support of public education.

I will also place other important proposals before you, such as the establishment of a Human Rights Commission, and permitting 18 year olds to vote in State elections. In my Budget Message and Special Legislative Message, I will outline in detail my program in these areas, as well as in others I have not discussed today.

In all these areas we have begun to attack the agenda of unfinished business that piled up during decades of neglect.

In an inflationary economy to stand still is to fall behind. And we are already too far behind for that.

We must, rather, move forward prudently until current national trends are reversed, thus permitting more substantial progress. Specifically there must be, at the national level:

A halt to inflation.

A reordering of national priorities, with increased emphasis on meeting our domestic needs.

A program of meaningful revenue sharing with the States.

Until then we must move forward as best we can within the limits of the resources available to us.

We cannot do all that must be done in a single year, or even a single decade.

Priorities must be continually reassessed.

Existing programs must be audited regularly.

Proposals for new programs must be subjected to increasingly rigorous tests.

But we cannot confuse prudence with retreat.

We cannot permit the limits of our resources to narrow the scope of our vision.

For in our temporary trust is the proud heritage of Maine — to be lived, improved upon, and passed on to future generations.

As we begin this legislative journey, let us resolve to cast aside partisanship. Let us work together for the greater good of this place we all love so much. The times demand no less of us.

We will not always agree. Nor should we. For the clash of ideas in public debate is essential to a functioning democracy. But let that debate be based solely upon differing visions of the public interest, not upon any narrow personal or political interest.

Earlier I spoke of the social turmoil in the nation.

For reasons we cannot fully comprehend we have been spared violence and destruction. Perhaps it is our geographic isolation; more likely it is the character and mood of our people.

Whatever the reason, our favorable experience reminds us of the meaning of Maine: a unique way of life that emphasizes people rather than things; quality rather than quantity.

Maine means people with roots and a sense of values in a society that is increasingly rootless and without values.

In many states destruction of the environment has already gone so far as to be irreparable. Fortunately, this is not so here.

In a certain sense, what were once our liabilities in Maine — our relative isolation, our relative lack of development, our wilderness character — have now become assets. But without vision and leadership by state government, these assets will be of little use or comfort to us.

For we must also have good jobs for our people. That will take effort. Even more, it will take imagination, careful planning and the nerve to set conditions.

We must have quality institutions and quality education to complement the high quality of our environment.

We must have good medical facilities.

We must have good housing.

We must do everything we can to eradicate the poverty that is still too widespread here in Maine.

But we are blessed with natural advantages, and we are coming to recognize that we in Maine can achieve that quality of life sought by so many. All we have to do is reach out for it.

But our reach cannot be timid.

We must show the same courage and vision as those men who gathered in Portland a little more than 150 years ago to create a new State. They governed with a strong faith in Maine's destiny.

Having decided to embark on the new adventure of statehood, they did not shrink from the rigors of their task. Their new independence was a cherished opportunity for greatness.

And so it should be with us.

The accidents of geography, the deeds of our predecessors, the course of national events, have given us, the participants in this 105th Legislative Session, another opportunity for greatness.

One hundred and fifty years ago the task was to begin a government. Today the task is to fashion a model state, where spiritual growth and material progress are carefully balanced.

Let us not squander this opportunity.

Let us resolve, in every thought and deed, to make our motto, "Dirigo," more than just a phrase.

Let us, instead, make it a call of hope for all the nation.

(Prolonged applause, Convention rising)

At the conclusion of the address, a benediction was offered by the Very Rev. Msgr. Vincent R. Tatarczuk of Portland.

The Governor and his suite withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

#### **In the House**

The House was called to order by the Speaker.

#### **Petitions, Bills and Resolves Requiring Reference (cont'd) Taxation**

Bill "An Act Repealing the Provision that Maine Military Servicemen are Subject to the Income Tax Law" (H. P. 85) (Presented by Mr. Finemore of Bridgewater) (Ordered Printed) Sent up for concurrence.

#### **Transportation**

Bill "An Act relating to Issuance of Motor Vehicle Registrations by Municipal Tax Officers" (H. P. 86) (Presented by Mr. Conley of South Portland)

(Ordered Printed)

Sent up for concurrence.

#### **Veterans and Retirement**

Bill "An Act relating to Rate of Contributions of Employees under State Retirement System" (H. P. 87) (Presented by Mrs. Lincoln of Bethel)

Bill "An Act to Clarify and Revise the Maine State Retirement Law" (H. P. 88) (Presented by same member)

(Ordered Printed)

Sent up for concurrence.

#### **House Report of Committee on Elections**

Mr. Lund from the House Committee on Elections on the returns of votes cast for Representatives to the Legislature in the several cities, towns and plantations in the State of Maine at the General Election held on November 3, 1970 reported a Resolution and that it be adopted.

RESOLVED: That the several persons named in the list dated January 6, 1971 of Representatives-elect to the 105th Legislature certified by Joseph T. Edgar, Secretary of State, are hereby declared legally elected Representatives to the 105th Legislature.

Report was read and accepted and the Resolution read and adopted.

From the Senate: The following Order out of order:

ORDERED, the House concurring, that free telephone service may be provided for each member of the Senate and House, and each representative from the Indian Tribes at the Legislature, to the number of 50 calls, of reasonable duration, to points within the limits of the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the member or representative, that each member of the Senate and House may be provided with a credit card under the direction of the Secretary of the Senate and House, and each representative from the Indian Tribes at the Legislature, may be provided with a credit card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of this ser-

vice to be paid to the New England Telephone Company at regular tariff rates, and be it further

ORDERED, that free telegraph service may be provided for each member of the Senate and House, and each representative from the Indian Tribes at the Legislature, to the number of 20 messages of reasonable length, to points within the limits of the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the member, or representative, that each member of the Senate and House, and each representative from the Indian Tribes at the Legislature, may be provided with a card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of the service to be paid to Western Union Telegraph Company at regular tariff rates (S. P. 49)

Came from the Senate read and passed.

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

#### Orders of the Day

On motion of Mr. Porter of Lincoln,

Adjourned until Tuesday, January 12, at ten o'clock in the morning.