

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

January 19, 1971

Wednesday, January 20, 1971

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

Prayer by the Rev. Mr. Bruce Meyer of Augusta.

The journal of yesterday was read and approved.

At this point, Mrs. Baker of Orrington, escorted by Mr. Millett of Dixmont, entered the Hall of the House.

Mr. Millett reported that he had performed the duty with which he was charged and that Mrs. Baker had taken and subscribed the oaths necessary to qualify her to enter upon her official duties. (Applause, members rising)

Whereupon, Mrs. Baker of Orrington was assigned to seat number 45 and appointed to serve on the Joint Standing Committee on Judiciary.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence.

Reports of Committees

Ought to Pass with Committee Amendment

Report of the Committee on Election Laws on Bill "An Act relating to Time Change of Enrollment in a Political Party" (S. P. 23) (L. D. 51) 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".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-1) was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill.

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

The Honorable Bertha W. Johnson
Clerk of the House of Representatives

State House
Augusta, Maine

Dear Mrs. Johnson:

Today, in accordance with my Constitutional duty, I am submitting a message describing legislation that will be submitted for your consideration.

It contains proposals which supplement those in my Budget Message delivered to you on January 13.

Respectfully,

(Signed)

KENNETH M. CURTIS
Kenneth M. Curtis
Governor

The Communication was read and with accompanying message ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

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

Agriculture

Bill "An Act relating to the Use of Drugs on Animals at Agricultural Fairs" (H. P. 173) (Presented by Mr. Hall of South Windham)

Bill "An Act relating to Enforcement of Laws Dealing with Cruelty to Animals" (H. P. 174) (Presented by Mr. Webber of Belfast)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial
Affairs**

Bill "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at

Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations" (H. P. 175) (Presented by Mr. Binnette of Old Town)

Bill "An Act to Authorize Bond Issue in the Amount of \$5,940,000 for the Development and Improvement of State Park Facilities, Improvements to Various Airports, Equipment and Exhibits for Cultural Building, New State Office Building, and Maintenance Building at Augusta and State House Renovations" (H. P. 176) (Presented by Mr. Carey of Waterville)

Bill "An Act to Authorize Bond Issue in the Amount of \$5,215,000 for the Construction and Improvement of Facilities for the Treatment and Care of the Mentally Ill, Mentally Retarded and the Youthful and Adult Offender at our Mental Health and Corrections Institutions" (H. P. 177) (Presented by Mr. Carter of Winslow)

Bill "An Act relating to Annual Fee for Town Forest Fire Wardens" (H. P. 178) (Presented by Mr. Donaghy of Lubec)

Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1971" (H. P. 179) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act to Increase the Salaries of the County Officers of Hancock County" (H. P. 180) (Presented by Mr. McNally of Ellsworth)

Resolve Authorizing the County Commissioners of Sagadahoc County to Pay Medical Bills for Certain Deputy Sheriffs. (H. P. 181) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Age of Compulsory Education" (H. P. 182) (Presented by Mr. Finmore of Bridgewater)

Bill "An Act relating to Financial Assistance to Institutional Teachers in Obtaining Professional Credits" (H. P. 183) (Presented by Mr. Lucas of Portland)

Bill "An Act Clarifying School Construction Aid on a Special Project in School Administrative District No. 22" (H. P. 184) (Presented by Mr. Marsh of Hampden)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Providing Separate Ballots for Voting for President and Vice-President" (H. P. 186) (Presented by Mr. Ross of Bath)

Bill "An Act Repealing Certain Procedure for Registration of Voters" (H. P. 187) (Presented by same gentleman)

Bill "An Act relating to a Shorter Time for Establishing Voting Residence" (H. P. 188) (Presented by Mr. Vincent of Portland)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to Inspection of Fish, Game and Equipment by Game and Coastal Wardens" (H. P. 189) (Presented by Mr. Kelley of Southport)

Bill "An Act to Increase the License Fee for Lobster Fishing" (H. P. 190) (Presented by same gentleman)

Bill "An Act Regulating Use of Powerboats on Certain Portion of East Machias River, Washington County" (H. P. 191) (Presented by Mr. Mills of Eastport)

Bill "An Act Establishing an Open Season on Moose" (H. P. 192) (Presented by Mr. Parks of Presque Isle)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to the Right of Access by Landlords" (H. P. 193) (Presented by Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Providing for a Full-time County Attorney for

Cumberland County” (H. P. 194)
(Presented by Mr. Hewes of Cape Elizabeth)

(On motion of Mr. Hewes of Cape Elizabeth, tabled pending reference to a Committee and tomorrow assigned.)

Judiciary (cont'd)

Bill “An Act to Cause the Central Register of Attorneys to be Maintained by the Administrative Assistant to the Chief Justice of the Supreme Judicial Court” (H. P. 195) (Presented by Mr. Hewes of Cape Elizabeth)

Bill “An Act relating to Counsel’s Argument of Monetary Value of Pain and Suffering in Personal Injury Actions” (H. P. 196)

(Presented by Mr. Orestis of Lewiston)

Bill “An Act relating to Interest Allowed in Civil Actions” (H. P. 197) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill “An Act to Require the Maine State Housing Authority to Adopt a State Housing Code” (H. P. 198) (Presented by Mr. Cote of Lewiston)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Legal Affairs and printing.

(On motion of Mr. Carrier of Westbrook, tabled pending reference and tomorrow assigned.)

Legal Affairs

Bill “An Act relating to Disability and Powers of Town Managers” (H. P. 199) (Presented by Mr. Crosby of Kennebunk)

Resolve Reimbursing Mrs. W. Ralph Green of Albion for Well Damage due to Highway Maintenance (H. P. 200) (Presented by Mr. Lee of Albion)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill “An Act to Amend the Act to Prevent the Pollution of the Waters of Sebago Lake” (H. P. 201) (Presented by Mr. Conley of South Portland)

Bill “An Act Classifying Mousam River, Main Stem, West Branch” (H. P. 202) (Presented by Mr. Crosby of Kennebunk)

Bill “An Act Entering the State of Maine into The Interstate Mining Compact” (H. P. 203) (Presented by Mr. Donaghy of Lubec)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill “An Act relating to Preserving Historical Materials by the State Museum” (H. P. 204) (Presented by Mr. Birt of East Millinocket)

Resolve Dividing the State of Maine into Councillor Districts (H. P. 205) (Presented by Mr. Ross of Bath)

Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature (H. P. 206) (Presented by Mr. Birt of East Millinocket)

Resolution Proposing an Amendment to the Constitution to Provide for Election of Members of the Executive Council (H. P. 207) (Presented by same gentleman)

Resolution Proposing an Amendment to the Constitution Providing for Apportionment of the House of Representatives into Single Member Districts (H. P. 208) (Presented by Mr. Gill of South Portland)

Resolution Proposing an Amendment to the Constitution Authorizing the Legislature to Enact Self-amortizing Bonds Upon Petition or Referral by the Legislature (H. P. 209) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill “An Act relating to Trade-in Credit for Woods Tractors and Skidders under Sales Tax Law” (H. P. 210) (Presented by Mr. Bither of Houlton)

Bill “An Act relating to Taxation of Buildings on Leased Land in Unorganized Territory” (H. P. 211) (Presented by Mr. Cyr of Madawaska)

Bill “An Act relating to Preparation of List of Residents by

Assessors" (H. P. 185) (Presented by Mr. Drigotas of Auburn) (Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Providing for Tire Requirements for Vehicles Upon Public Highways" (H. P. 212) (Presented by Mr. Birt of East Millinocket)

Bill "An Act relating to Length of Certain Motor Vehicles" (H. P. 213) (Presented by Mr. Crosby of Kennebunk)

Bill "An Act Expressing the Legislative Intent in Construction of an East-West Highway" (H. P. 214) (Presented by Mr. Donaghy of Lubec)

Bill "An Act Increasing Fees for Inspection of Motor Vehicles" (H. P. 215) (Presented by Mr. Kennedy of Milbridge)

Bill "An Act Providing for a High-level Bridge Between Bath and Phippsburg" (H. P. 216) (Presented by Mr. Ross of Bath) (Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens" (H. P. 217) (Presented by Mr. Kelley of Southport)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for William J. Davidson of Gardiner" (H. P. 218) (Presented by Mr. Hanson of Gardiner) (Ordered Printed)
Sent up for concurrence.

Orders

Mr. Bragdon of Perham presented the following Order and moved its passage:

WHEREAS, the legislative power is vested in two distinct branches, a House of Representatives and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine by Article IV, Part First, Section 1 of the Constitution of Maine; and

WHEREAS, each branch is a separate but equal coordinate part of the Legislature; and

WHEREAS, the 104th Legislature appropriated by Chapter 121 of the Private & Special Laws of Maine, 1969, to the 105th Legislature, unallocated between the Senate and the House, the sum of \$1,525,636 to be used for the purpose of operating the 105th Legislature; and

WHEREAS, it has come to the knowledge of this body that the other body has and is practicing extravagances in depleting the legislative appropriation above referred to by single action on its part as indicated by its action in passing a Senate Order on January 12, 1971, without the concurrence of this body, that the Senate officers be paid in advance on account of compensation;

NOW, THEREFORE, BE IT ORDERED BY THE HOUSE, to direct the State Controller and the Department of Finance and the Treasurer of the State of Maine to desist from the disbursement of moneys from said joint legislative appropriation, except those sums presently governed by statute, or any sums approved by concurrent action of both branches of the Legislature; and

BE IT FURTHER ORDERED, that copies of this Order be sent forthwith to the Commissioner of Finance, to the State Controller, and to the State Treasurer.

The Order received passage.

Passed to Be Engrossed

Bill "An Act Increasing Assistance to War Orphans in Securing Higher Education" (S. P. 17) (L. D. 45)

Bill "An Act relating to Reports of Registration and Enrollment of Voters" (S. P. 30) (L. D. 63)

Bill "An Act relating to Open Season for Bass by Ice Fishing" (H. P. 38) (L. D. 70)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Third Reader Indefinitely Postponed

Bill "An Act relating to Open Season for Fishing" (H. P. 39) (L. D. 71)

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

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen of the House: I am going to take an unusual action on this bill this morning, and I would like to explain it.

L. D. 71 is a department bill that I asked to sponsor, because I believe in it thoroughly and completely. I took it before the Fisheries and Wildlife Committee and it came out of committee unanimously "ought to pass." However, it has run into opposition.

L. D. 71 does three things. First it changes the opening of the fishing season from April 1 to April 15. I have found no opposition to this change. I think it is good. I think it ought to become law.

The second paragraph changes the method of fishing for bass, and there is opposition to this. If you will read the part that is struck out you will find that, as the present law, L. D. 71 was to change that paragraph, so that the bass fishing would coincide with the trout fishing.

The objections to that paragraph were voiced in this bill, and now some of the opponents want this put back in again.

Let me explain a little bit about the black bass. The bass, unlike the trout and salmon, spawn in the spring. They come in in shallow water, very oftentimes around the wharves and docks. And they clear off a spot, two or three feet across, digging out all the dead leaves and branches, and clean the bottom of the lake right down to clear sand.

Then the female deposits her eggs. And if you can see that, you will find that there is a bass swimming nearby protecting that nest. The do-gooders object to catching that bass. They will tell you a heart-rending story about catching this poor bass who is tending that nest, and therefore it should not be caught.

There is some information that they either do not know or do not

accept. It is true that the female bass makes the redd and deposits the eggs. Then the female joins the women's liberation act, and goes off with the girls; and it is the male that guards the redd. And as you see the bass guarding that redd, that is not the female, that is the male. He is keeping house.

Some people object to catching that male bass. Biologists tell us that that male guarding that nest, very faithful in his duties, will immediately eat up the spawn as soon as it hatches. And I think the biologists could prove to you that there would be more bass in the pond or lake if that male bass were caught.

However, there is objection to this, and I don't want to lose the whole bill, so I am going to take unusual action.

The third thing that L. D. 71 does is to change the fishing season on brooks and streams. Under the present law the brooks and streams close August 15, the rivers close September 15, and lakes and ponds close September 30. L. D. 71 was to extend the fishing season in brooks and streams until September 15.

When I mention the word brook you think of a little trickle of water running through the forest or through a meadow, very small. When I use the word stream you think of a somewhat larger body of water flowing towards the sea.

When I say river, you think of a much larger body of water.

But if you look at your map of the State of Maine you will find that many of our rivers are ever so much smaller than many of our streams. So it is legal to fish in a small river in September, but illegal to fish in a stream. I thought this made sense. I still do. But there are objections to it.

Therefore, Mr. Speaker, in order to save this good part of the bill, and to try over again, separating L. D. 71 into three component parts and presenting it to the Legislature at a later date, I now move that L. D. 71 be indefinitely postponed.

Thereupon, the Bill was indefinitely postponed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act relating to Daily Bag Limit of Certain Fish Taken by Ice Fishing" (H. P. 40) (L. D. 72)

Was reported by the Committee on Bills in the Third Reading, read

the third time, passed to be engrossed and sent to the Senate.

On motion of Mr. Susi of Pittsfield,

Adjourned until ten-thirty o'clock tomorrow morning.