

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

Tuesday, January 26, 1971

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

Prayer by the Rev. Mr. David Dunn of Augusta.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that there be created a Joint Select Committee on Constitutional State Reapportionment and Congressional Redistricting, consisting of 7 members on the part of the Senate, to be appointed by the President of the Senate, and 12 members on the part of the House, to be appointed by the Speaker of the House. The committee is directed to consider the apportionment and assignment of councilor districts, senatorial districts and districts for Representatives of the Legislature, as well as such matters as relate to the apportionment and assignment of Congressional Districts, and report to this Legislature by bill or otherwise.

Any necessary expenses to carry out the duties of the committee shall be paid from the Legislative Appropriation. (S. P. 106)

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

Messrs. BERRY of Cumberland
 MOORE of Cumberland
 WYMAN of Washington
 TANOUS of Penobscot
 VIOLETTE of Aroostook
 CONLEY of Cumberland
 CLIFFORD of

Androscoggin

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

From the Senate:

The following 6 Bills which were referred to the 105th Legislature by the 104th Legislature:

Bill "An Act to Encourage and Assist the Expansion of Scheduled

'Third-Level' Air Carrier Operations Serving the State of Maine" (S. P. 123)

Bill "An Act relating to Sale of Dogs from Kennels and Pet Shops" (S. P. 124)

Bill "An Act Creating the Maine Labor Relations Act" (S. P. 125)

Bill "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties" (S. P. 126)

Bill "An Act Providing for a Chief Administrative Officer of and Increasing Salaries of County Commissioners of Androscoggin County" (S. P. 127)

Bill "An Act to Create a Commission to Prepare a Consumer Credit Code" (S. P. 128)

Came from the Senate indefinitely postponed.

In the House, the Bills were indefinitely postponed in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Transportation reporting "Ought not to pass" on Bill "An Act relating to Transportation of Goods in Commerce on Sundays" (S. P. 6) (L. D. 20)

Report of same Committee reporting same on Bill "An Act relating to Lights on School Buses" (S. P. 8) (L. D. 22)

In accordance with Joint Rule 17-A were placed in the legislative files.

Non-Concurrent Matter

Bill "An Act relating to Sales of Beverages in Nonreturnable Bottles" (H. P. 76) (L. D. 149) which was referred to the Committee on Natural Resources in the House on January 12.

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

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

Messages and Documents

The following Communication:
 THE SENATE OF MAINE
 AUGUSTA, MAINE

January 21, 1971

Hon. Bertha W. Johnson
Clerk of the House of Representatives
105th Legislature
Dear Madam Clerk:

The Senate today voted to Adhere to its action whereby it indefinitely Postponed, H. P. 107 — Joint Order relative to Payment of Advances on Account of Compensation to Officers of the Senate and House of Representatives.

Respectfully,

(Signed)

HARRY N. STARBRANCH

Harry N. Starbranch

Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

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

Agriculture

Bill "An Act relating to Payments by the State for Damage by Dogs and Wild Animals" (H. P. 252) (Presented by Mr. Albert of Limestone)

Bill "An Act Establishing the Maine Apple Fund and Maine Apple Commission" (H. P. 253) (Presented by Mr. Ault of Wayne)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to Provide Services for Handicapped Persons in Rehabilitation Centers" (H. P. 254) (Presented by Mr. Birt of East Millinocket)

Resolve Appropriating Funds to the University of Maine for Maine Public Broadcasting Network (H. P. 255) (Presented by Mrs. Cummings of Newport)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Limited Insurance Agent's License" (H. P. 256) (Presented by Mr. Conley of South Portland)

Bill "An Act relating to Membership on Maine Real Estate Commission" (H. P. 257) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Salaries of Certain County Officers of Washington County" (H. P. 258) (Presented by Mr. Donaghy of Lubec)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Eligibility for Public and Compulsory Education" (H. P. 259) (Presented by Mr. Lund of Augusta)

Bill "An Act Providing for Scholarships for North American Indians Residing in Maine" (H. P. 260) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Referendum for Local Housing Projects" (H. P. 261) (Presented by Mr. Emery of Auburn)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to Qualifications and Term of Office of Commissioner of Inland Fisheries and Game" (H. P. 262) (Presented by Mr. Hall of Windham)

Bill "An Act relating to Closed Season and Minimum Size of Coho Salmon" (H. P. 263) (Presented by Mr. Hodgdon of Kittery)

Bill "An Act Prohibiting Dragging for Fish in Spruce Creek, York County" (H. P. 264) (Presented by same gentleman)

Bill "An Act relating to Cultivation of Fish in Private Ponds" (H. P. 265) (Presented by Mr. Kelley of Southport)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Holding Examinations to Practice Barbering" (H. P. 266) (Presented by Mr. Emery of Auburn)
(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Provide an Implied Warranty and Covenant of Habitability in Leases of Dwellings" (H. P. 267) (Presented by Mrs. Brown of York)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Eliminate the Waiting Period for Eligibility under Unemployment Compensation" (H. P. 268) (Presented by Mr. Emery of Auburn)
Bill "An Act relating to Attempts Before the Industrial Accident Commission" (H. P. 269) (Presented by Mr. Kelley of Caribou)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act relating to the Control of Dogs" (H. P. 270) (Presented by Mr. Good of Westfield)
Bill "An Act Revising the Laws Relating to Logs and Lumber" (H. P. 271) (Presented by Mr. Hancock of Casco)
(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act Providing for Purchase and Possession of Malt Liquor by Persons Eighteen Years of Age Not to be Consumed on the Premises" (H. P. 272) (Presented by Mr. Lund of Augusta)
(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Prevent Pollution of the Waters of Nokomis Pond, Penobscot and Somerset Counties" (H. P. 273) (Presented by Mrs. Cummings of Newport)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District" (H. P. 274) (Presented by Mr. Good of Westfield)
Bill "An Act relating to Filing Certificate of Agent's Appointment by Certain Carriers" (H. P. 275) (Presented by Mr. Stillings of Berwick)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act relating to Powers of State Park and Recreation Commission" (H. P. 276) (Presented by Mr. Birt of East Millinocket)
Bill "An Act to Prohibit the Use of Municipal Funds for Lobbying at the Legislature" (H. P. 277) (Presented by Mr. Emery of Auburn)
Bill "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day and a Work Week for Certain Employees" (H. P. 278) (Presented by Mr. Genest of Waterville)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Increasing Tax on Commercial Fertilizers" (H. P. 279) (Presented by Mr. Hall of Windham)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Providing for Full-time Offices for Registration and Licenses for Operation of Motor Vehicles" (H. P. 280) (Presented by Mr. Rollins of Dixfield)
Bill "An Act relating to Fees for Inspection of Motor Vehicles" (H. P. 281) (Presented by Mr. Stillings of Berwick)
Bill "An Act relating to Inspection of Motorcycles and Motor Driven Cycles" (H. P. 282) (Presented by Mr. Stillings of Berwick)
Resolve Designating Part of Route 219 as a State Highway (H. P. 283) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to Age of Retirement under State Retirement System" (H. P. 284) (Presented by Mrs. Lincoln of Bethel)

Bill "An Act relating to Service Retirement of Teachers under State Retirement Law" (H. P. 285) (Presented by same member)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Gauthier of Sanford, it was

ORDERED, that Mr. Pontbriand of Auburn be excused from attendance until Tuesday, February 9, 1971 because of business.

Mr. Porter of Lincoln presented the following Order and moved its passage:

WHEREAS, the members of the House have learned of the illness of Mr. Hanson of Gardiner,

BE IT ORDERED, that the members extend their best wishes for a speedy recovery; and

BE IT FURTHER ORDERED, that Mr. Hanson be excused from attendance for the duration of his illness.

The Order received passage.

Mr. Susi of Pittsfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Clerk of the House and the Secretary of the Senate, respectively, be directed to prepare and have printed a list of the members of the 105th Legislature, including therein their seat and auto plate number. (H. P. 286)

The Joint Order received passage and was sent up for concurrence.

Mr. Porter of Lincoln presented the following Order and moved its passage:

WHEREAS, the members of the House of Representatives have learned with deep sorrow of the death of Victor Baker, husband of Representative Ethel B. Baker of Orrington,

BE IT ORDERED, that the members of the House of Representatives extend their sincere sympathy to Mrs. Baker,
AND BE IT FURTHER ORDERED, that Mrs. Baker be excused from attendance this week.

The Order received passage.

House Reports of Committees Leave to Withdraw

Mr. Kelley from the Committee on Fisheries and Wildlife on Bill "An Act Repealing the Licensing of Guides and Permits for Camp Trip Leaders under Fish and Game Laws" (H. P. 63) (L. D. 104) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Bunker from the Committee on Fisheries and Wildlife reported "Ought to pass" on Bill "An Act to Protect Endangered Species of Fish and Wildlife" (H. P. 45) (L. D. 77)

Mrs. White from the Committee on Judiciary reported same on Bill "An Act relating to Judges' Instructions in Comparative Negligence Actions" (H. P. 69) (L. D. 110)

Mr. Norris from the Committee on Legal Affairs reported same on Bill "An Act Changing Name of Pine Tree Chapter of the Construction Specifications Institute, Inc." (H. P. 74) (L. D. 115)

Reports were read and accepted, the Bills read twice and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to the Content of Motor Vehicle Operators' Licenses" (H. P. 4) (L. D. 4)

Resolve Designating Certain Bridge Across the Penobscot River as "Levi Lancaster Memorial Bridge" (H. P. 43) (L. D. 75)

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

Amended Bill

Bill "An Act relating to Con-
ferring Degrees by Unity College"
(H. P. 92) (L. D. 136)

Was reported by the Committee
on Bills in the Third Reading, read
the third time, passed to be
engrossed as amended by
Committee Amendment "A" and
sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act to Validate Certain
Proceedings Authorizing the
Issuance of Bonds and Notes by
School Administrative District No.
72 (H. P. 25) (L. D. 34)

Was reported by the Committee
on Engrossed Bills as truly and
strictly engrossed. This being an
emergency measure and a two-
thirds vote of all the members
elected to the House being neces-
sary, a total was taken. 136 voted
in favor of same and 1 against,
and accordingly the Bill was
passed to be enacted, signed by
the Speaker and sent to the Senate.

Emergency Measure

An Act relating to Nonlapsing
Funds for Armory Construction (H.
P. 26) (L. D. 35)

Was reported by the Committee
on Engrossed Bills as truly and
strictly engrossed. This being an
emergency measure and a two-
thirds vote of all the members
elected to the House being neces-
sary, a total was taken. 139 voted
in favor of same and 1 against,
and accordingly the Bill was
passed to be enacted, signed by
the Speaker and sent to the Senate.

Emergency Measure

An Act Validating Certain
Proceedings at Town Meeting of
Winslow (H. P. 37) (L. D. 69)

Was reported by the Committee
on Engrossed Bills as truly and
strictly engrossed. This being an
emergency measure and a two-
thirds vote of all the members
elected to the House being neces-
sary, a total was taken. 139 voted
in favor of same and none against,
and accordingly the Bill was
passed to be enacted, signed by
the Speaker and sent to the Senate.

Passed to Be Enacted

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

An Act relating to Time Change
of Enrollment in a Political Party
(S. P. 23) (L. D. 51)

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

Were reported by the Committee
on Engrossed Bills as truly and
strictly engrossed, passed to be
enacted, signed by the Speaker and
sent to the Senate.

Enactor

Tabled and Assigned

An Act relating to Political
Advertisements on State Property
(H. P. 18) (L. D. 27)

Was reported by the Committee
on Engrossed Bills as truly and
strictly engrossed.

(On motion of Mr. Henley of
Norway, tabled pending passage to
be enacted and specially assigned
for Thursday, January 28.)

Orders of the Day

The Chair laid before the House
the first tabled and today assigned
matter:

House Joint Order re State
Trooper Assignment to the House
for Purpose of Security.

Tabled—January 21, by Mr.
Jalbert of Lewiston.

Pending—Passage.

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

Mr. JALBERT: Mr. Speaker and
Members of the House: Under
another order as presented by the
good gentleman from Perham, Mr.
Bragdon, which would indicate that
the Joint Standing Committee on
Appropriations and Financial
Affairs, after submission to them,
indicates their acquiescence to the
passage of the salaries as between
the two branches of the Legisla-
ture, the members of the working
family so to speak. The Appropria-
tions Committee did meet at the
request of the Senate and House
Chairmen on Thursday, and agreed
to the passage of this order and
the amounts as set forth in salaries
for the staffs of both branches.

It certainly would not be my prerogative, nor my intention, to take any issue at all with the item that was on the Senate bi-weekly salary which called for a security state trooper at \$310 on a bi-weekly basis. It is my understanding also that these people, these individuals would be taken off the bus inspection programs and would be within our midst.

I noted that under the list as submitted by our very capable Clerk of the House that no such an item for a state trooper was indicated in her submission as the payroll to the Appropriations Committee to be agreed upon. And I would commend our House Clerk, Mrs. Johnson, for her good thinking in this area. So that subsequently this order that is before us now as presented again by the good gentleman from Perham, Mr. Bragdon, would have us vote in Joint Order as to whether or not we want to have a state trooper looking after the individuals in this august body.

It behooves me that we do now have such an individual in the Senate. We have also, justifiably, a very capable individual in the person of Sergeant Don Nichols, who is in the Governor's office. And incidentally, we know that the Governor and Council are in session most of the time while we are in session also.

We also have a security chief in our midst in the person of Chief Joseph Farrand of my native city of Lewiston. And I can attest to his ability to cope with a situation, because he was acclaimed by testimonial and over the years of service as one of the finest police chiefs in New England. And I personally can attest to his ability.

Being a meek person I would rather think that we should have somebody sitting in on the inside watching over me than somebody sitting on the outside watching over us. And for that reason, and the fact also that this would have a price tag of \$310 bi-weekly, I presume. I am appreciative of the fact that we have had this person amongst us for three weeks. I don't think it should ever have been done, and I again agree with Mrs.

Johnson, our esteemed Clerk, that it should be done in this fashion. I don't see that this man should have worked for nothing. He should be reimbursed certainly for that. But it should end there.

I have checked this out with the gentleman from Perham, Mr. Bragdon, who has put in the order. He apparently is not too elated about the order, and apparently has indicated to me that he was not all fired up about it and would not raise too great objection to the motion that I will make, which is that this order be indefinitely postponed. And when the vote is taken I move it be taken by division.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I am in full accord with the remarks of Representative Jalbert, and I would pose a question to the Chair in this fashion, to whosoever may want to answer. What is the reason for placing a state trooper in the House of Representatives? What is the emergency?

The SPEAKER: The gentleman from Eastport, Mr. Mills, poses a question through the Chair to anyone who may answer if they choose. The pending question before the House is the motion of the gentleman from Lewiston, Mr. Jalbert, that this House Joint Order be indefinitely postponed. All in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

138 having voted in the affirmative and none having voted in the negative, the Joint Order was indefinitely postponed.

The Chair laid before the House the second tabled and today assigned matter:

Bill "An Act relating to Surety Bonds of Contractors for Public Works" (H. P. 240) (Committee on Reference of Bills suggested Committee on State Government)

Tabled—January 21, by Mr. Lee of Albion.

Pending—Reference.

On motion of Mr. Lee of Albion, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker and Ladies and Gentlemen of the House: Much has been said about the youthful look that the Legislature has taken on in this session. After this session is over the younger members will obviously be graded on their efforts here as to performance and the leadership that they provide. Some will show signs of brilliance, and of course others will be unfairly graded because they tend to bide their time and sit and listen.

Saturday night, as usual, was a big night in the City of Waterville,

the city where things happen. The Maine Jaycees held their annual selection of the three outstanding young men in the State, and this was after the field had been narrowed to 14 men.

I take great pride, Mr. Speaker, in telling you that one of those three men is a Waterville native. And I know that the House will take even greater pride in knowing that the man of whom I speak is also a member of this House. Mr. Speaker and Ladies and Gentlemen of the House, the gentleman I speak of is our own Representative Earl Smith. (Applause)

On motion of Mr. Porter of Lincoln,

Adjourned until ten o'clock tomorrow morning.