

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

Wednesday, January 27, 1971

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

Prayer by the Rev. Mr. James Smith of Hallowell.

The journal of yesterday was read and approved.

In accordance with Senate Joint Order (S. P. 60), the Speaker appointed the following member to fill the vacancy on the Special Interim Legislative Committee to Study the Maine Industrial Building Authority Loans to Maine Sugar Industries:

Mr. AULT of Wayne

In accordance with Senate Joint Order (S. P. 106) creating a Joint Select Committee on Constitutional State Reapportionment and Congressional Redistricting, the Speaker appointed the following members to serve on the part of the House:

Messrs. LUND of Augusta
 FINEMORE of
 Bridgewater
 BIRT of East Millinocket
 PRATT of Parsonsfield
 EMERY of Rockland
 CURTIS of Orono
 MORRELL of Brunswick
 STARBIRD of Kingman
 Township
 COTE of Lewiston
 KELLEHER of Bangor
 MARTIN of Eagle Lake
 McTEAGUE of Brunswick

Papers from the Senate

From the Senate: The following Order:

WHEREAS, the Part I budget recommendation under the Current Services Appropriation Act for the Department of Health and Welfare is over \$58 million for the coming biennium; and

WHEREAS, the number of eligible persons needing health and family assistance increased significantly beyond estimates for 18 consecutive months during the current 1970-1971 biennium and is expected to continue to increase at the rate of 450 cases per month resulting in the necessity to

appropriate on an emergency basis \$5,000,000 to provide for department commitments for the balance of the biennium ending June 30, 1971 and the Department of Health and Welfare estimates that an additional minimum of \$7,258,799 will be necessary in the Part II budget to meet this need and to permit limited expansion of other programs; and

WHEREAS, it now appears virtually impossible to fund more fully the badly needed medicare program or to increase appreciably monthly payments to welfare recipients; and

WHEREAS, the Legislature is seriously concerned over the current role of the Department of Health and Welfare and the projected funds to be expended which far exceed all budgetary expectations and limitations of the State; now, therefore, be it

ORDERED, the House concurring, that a Special Joint Select Committee of Inquiry be appointed to study, review and analyze the operations, rules, regulations, procedures and programs of the Department of Health and Welfare to ascertain that department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said committee shall consist of 3 members of the Senate appointed by the President of the Senate and 7 members of the House appointed by the Speaker of the House of Representatives who shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this order; such sums to be paid out of the Legislative Appropriation; and said committee shall elect its own chairman and such other officers as it deems desirable; and be it further

ORDERED, that this special committee report its findings and recommendations forthwith to the 105th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the committee

and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that there is allocated to this special committee from the Legislative Appropriation the sum of \$5,000 to carry out the purposes of this order; and be it further

ORDERED, that the special committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that in the discharge of its duties, this special committee shall have the authority to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with a ny subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the committee by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the committee (S. P. 107)

Came from the Senate read and passed.

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

The Speaker appointed the following members on the part of the House:

Messrs. MILLETT of Dixmont
LEWIS of Bristol
COLLINS of Caribou
IMMONEN of West Paris
BINNETTE of Old Town
SANTORO of Portland
SMITH of Dover-Foxcroft

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

Senate Reports of Committees Leave to Withdraw

Report of the Committee on Fisheries and Wildlife on Resolve Regulating Fishing in Mousam Lake, Square Pond and Wilson Pond in York County (S. P. 62) (L. D. 88) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors" (S. P. 9) (L. D. 23)

Report of the Committee on Transportation reporting same on Bill "An Act Authorizing Secretary of State to Issue Summary of Motor Vehicle Laws to Tourists" (S. P. 5) (L. D. 19)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read twice and tomorrow assigned.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA, MAINE

January 26, 1971

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

Dear Madam Clerk:

Pursuant to Senate Order 60, President MacLeod appointed Senator Hollis J. Wyman and Senator Gerard P. Conley to fill the vacancies on the Special Interim Legislative Committee to Study the Maine Industrial Building Authority.

Sincerely,

(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:

Appropriations and Financial Affairs

Bill "An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities" (H. P. 287) (Presented by Mrs. Cummings of Newport)

Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 288) (Presented by Mr. Mills of Eastport)

Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Liquor Commission for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (H. P. 289) (Presented by Mr. Tanguay of Lewiston)

Resolve Providing for Purchase of One Hundred Copies of History of Winslow (H. P. 290) (Presented by Mr. Carter of Winslow)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Payments to the Law Library of Aroostook County" (H. P. 291) (Presented by Mr. Haskell of Houlton)

Bill "An Act Increasing the Salary of the Sheriff of Lincoln County" (H. P. 292) (Presented by Mr. Lewis of Bristol)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Conferring Degrees by Skowhegan Business School" (H. P. 293) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Creating the Nonpublic Elementary Education Assistance Act" (H. P. 294) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Regulating the Use of Power Boats on Lily Pond, Lincoln County" (H. P. 295) (Presented by Mr. Lewis of Bristol)

Bill "An Act relating to Use of Motorboats on Ox Brook Lakes, Washington County" (H. P. 296) (Presented by Mr. Mills of Eastport)

Resolve relating to Daily Bag Limit on Ponds Restricted to Fly Fishing Only (H. P. 297) (Presented by Mr. Lawry of Fairfield)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to the Reporting of Traffic Accidents" (H. P. 298) (Presented by Mr. Lebel of Van Buren)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Operation of Snowmobiles in Cemeteries" (H. P. 299) (Presented by Mr. Dam of Skowhegan)

Bill "An Act relating to Mailing Address of Grantees or Mortgagees on Deeds and Other Conveyances" (H. P. 300) (Presented by Mr. Page of Fryeburg)

Resolve Reimbursing Donald F. Bartlett for Damage due to Highway Maintenance" (H. P. 301) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Definition of Class A Restaurant Under Liquor Laws" (H. P. 302) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act relating to the Powers of Houlton Water Company to Issue Bonds, Notes and Other Certificates of Indebtedness" (H. P. 303) (Presented by Mr. Haskell of Houlton)

Bill "An Act relating to Application to Public Utilities of the Law Relating to the Regulation of Elevators" (H. P. 304) (Presented by Mr. Lawry of Fairfield)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 305) (Presented by Mr. Crosby of Kennebunk)

Bill "An Act relating to Hunting on Lands of Passamaquoddy Tribe of Indians" (H. P. 306) (Presented by Mr. Mills of Eastport)

Bill "An Act relating to Appointment of an Indian Justice of the Peace for the Passamaquoddy Reservations" (H. P. 307) (Presented by Mr. Mills of Eastport)

Bill "An Act relating to Indian Representatives at the Legislature, Tribal Governors, Lieutenant Governors and Council Members" (H. P. 308) (Presented by same gentleman)

Bill "An Act relating to Indian Tribal Police Officers" (H. P. 309) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting Clothing for Children under Sixteen from the Sales Tax" (H. P. 310) (Presented by Mr. Hayes of Windsor by request)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Snow Removal on State Highways in Built-up Sections of Certain Municipalities" (H. P. 311) (Presented by Mr. Page of Fryeburg)

Bill "An Act relating to Turn and Stop Signals on Motor Vehicles" (H. P. 312) (Presented by Mr. Stillings of Berwick)

Bill "An Act relating to Temporary Registration Certificates for Vehicles" (H. P. 313) (Presented by same gentleman)

Bill "An Act relating to Definition of Registration under Motor Vehicle Law" (H. P. 314) (Presented by same gentleman)

Resolve Directing the State Highway Commission to Complete State Highway No. 105 (H. P. 315) (Presented by Mr. Hayes of Windsor)

Resolve Appropriating Funds for Reconstructing Section of State Highway No. 105 (H. P. 316) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act relating to Retirement of Police Officers" (H. P. 317) (Presented by Mr. Gill of South Portland)

Bill "An Act relating to Retirement Benefits for Forest Rangers under State Retirement System" (H. P. 318) (Presented by Mr. Kennedy of Milbridge)

Resolve Providing Retirement Benefit for Clyde Walker of Hallowell (H. P. 319) (Presented by Mr. Hayes of Windsor)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Kelleher of Bangor presented the following Joint Resolution and moved its adoption:

WHEREAS, Edward Cornelius O'Leary, son of Mrs. and the late Cornelius O'Leary of Bangor, chose to study for the priesthood in the Roman Catholic Church; and

WHEREAS, in keeping with his deep faith and profound scholastic abilities he was ordained into the

priesthood on June 15, 1946, just prior to his 26th birthday; and

WHEREAS, on January 25, 1971 he was appointed by His Holiness Pope Paul VI as Auxiliary Bishop for the Diocese of Portland; and

WHEREAS, this event is a milestone in Maine history for he is the second native son since the establishment of the diocese well over a century ago to be ordained to serve as Bishop; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature assembled, extend to Most Reverend Edward C. O'Leary, D.D. our warmest congratulations and best wishes on the occasion of his episcopal ordination as Auxiliary Bishop of the Diocese of Portland; and be it further

RESOLVED: That a duly authenticated copy of this Resolution be transmitted forthwith to Bishop O'Leary in honor of the occasion. (H. P. 320)

The Joint Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House Report of Committee Ought Not to Pass

Mr. Binnette from the Committee on Election Laws reported "Ought not to pass" on Bill "An Act Amending the Absentee Voting Laws" (H. P. 97) (L. D. 141)

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Passed to Be Engrossed

Bill "An Act to Protect Endangered Species of Fish and Wildlife" (H. P. 45) (L. D. 77)

Bill "An Act relating to Judges' Instructions in Comparative Negligence Actions" (H. P. 69) (L. D. 110)

Bill "An Act Changing Name of Pine Tree Chapter of the Construction Specifications Institute, Inc." (H. P. 74) (L. D. 115)

Were 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. Porter of Lincoln,

Adjourned until one-thirty o'clock tomorrow afternoon.