

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, February 5, 1971

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

Prayer by the Rev. Mr. Howard Washburn of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 194)

STATE OF MAINE

One Hundred and Fourth Legislature

Highway Study Committee

January 27, 1971

TO THE MEMBERS OF THE 105th LEGISLATURE:

This Committee was established by Joint Senate Order No. 545 of the 104th Legislature. It was directed by the Legislature to inquire into questions of improvement and economy concerning revenues, expenditures, policies, functions and the general operation of the State Highway Commission and its several divisions. The Committee has inquired at great length into those matters referred to it and has the honor to submit herewith its report to the 105th Legislature as charged.

The Committee wishes to acknowledge its appreciation of the cooperation and service rendered by the State Highway Commission in connection with the study. The Committee sincerely hopes that the findings and recommendations herein contained will be of benefit to Members of the Legislature and the public at large.

Respectfully submitted,

(Signed)

EDWIN H. GREELEY

Edwin H. Greeley, Chairman
Highway Study Committee

Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate: The following Joint Resolution:

WHEREAS, Norman U. Greenlaw of Norway, former Commissioner of Institutional Services for the State of Maine, died at age 75 on January 19, 1971; and

WHEREAS, Mr. Greenlaw faithfully served the people of Maine in that capacity over a period of nine years; and

WHEREAS, During his administration many improvements were accomplished in the mental hospitals, correctional institutions, tuberculosis sanatoriums and welfare institutions; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature, honor the memory of Commissioner Greenlaw and extend our deepest sympathy to his family and sincere understanding to others who share in the loss; and be it further

RESOLVED: That a copy of this Resolution, suitably attested, be transmitted forthwith to the family of the deceased. (S. P. 186)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

From the Senate: The following Joint Resolution:

WHEREAS, a "favorable business and industrial climate" means more jobs, more payrolls, new sources of revenue and greater prosperity for all our people; and

WHEREAS, the creation and continuance of a "favorable business and industrial climate" can only be attained by strict adherence to a set of well-defined principles and conditions; and

WHEREAS, these principles and conditions are generally recognized and defined as follows:

1. An atmosphere in which government, management and labor live cooperatively and harmoniously in full recognition of their interdependence and mutual interests;

2. A friendly and understanding attitude on the part of government at all levels and a willingness on the part of government, within its

proper sphere of activity, to do all within its power to keep Maine industry and commerce in a competitive position;

3. An attitude on the part of our people which clearly indicates to industry (both existing and potential) that they are sincerely wanted;

4. Careful and prudent planning activities with an eye to present needs and future efficient growth of the State, consistent with a healthy environment;

5. Vigorous community attitudes which reflect concern for continuing and expanding payroll revenues by making more attractive the ease and cost of doing business in this State;

6. Sound, stable and adequate financial institutions and established machinery for capital generation;

7. An informed, intelligent and productive labor force dedicated to pride in product, and which endorses the profit motive as the source of job security and benefits for all; now, therefore, be it

RESOLVED, That the Senate and House of Representatives of the One Hundred and Fifth Legislature shall examine all proposed legislation in terms of its effect upon the "favorable business and industrial climate" of the State and shall determine whether such legislation may have any deterrent effect upon the business and industrial climate of the State as outlined, and be it further

RESOLVED, That copies of this Resolution be transmitted by the Secretary of the Senate to the Governor and the heads of all departments of the State Government with the request that they examine their own discretionary acts in terms of the effect upon the "favorable business and industrial climate" of Maine. (S. P. 187)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that a copy of the Highway Study Committee Report on the State Highway Commission dated January 27, 1971, accompanied by this Order, be transmitted forthwith by the Secretary of the Senate to the Chairman of the State Highway Commission and that he be directed to report in detail at the next regular session of the Legislature as to the progress the Commission has made pursuant to the recommendations contained therein. (S. P. 196)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Very very briefly, over the many years that I have been involved in helping to draft reports, I have had people help to draft reports that have been made by various committees, and I cannot let this opportunity go by without commending the Greeley Committee made up of Senator Carl Cianchette, Senator Wakine Tanous, and Representatives Susi, Trask, Barnes and Burnham. For this, in my opinion, is a splendid report. It is brief, concise, informative and inexpensive, and I think the drafters and workers of this report should be commended.

Mr. Speaker, I now move for the passage of the Order.

Thereupon, the Order was passed in concurrence.

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 Labor on Bill "An Act relating to Notification to Panel of Mediators in Labor Disputes" (S. P. 15) (L. D. 43) 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-2) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn they adjourn to Tuesday, February 9, at 10 o'clock in the morning. (S. P. 185)

Came from the Senate read and passed.

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

Messages and Documents

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA, MAINE

February 4 1971

Honorable David J. Kennedy
Speaker of the House
105th Legislature
Sir:

Acting under authority of the House Order passed January 6, 1971, I hereby appoint:

Catherine M. Fenderson of Augusta, and Jane E. Bailey of Millinocket, Secretaries to the Clerk of the House; Carolyn D. Morang of Augusta, Secretary to the Assistant Clerk; Germaine C. Longley of Augusta, Legislative Docket Clerk; Judith Brimigion of Augusta, Assistant Legislative Docket Clerk; Lynda May Ouellette of Augusta, Journal Copy Clerk; Frederick W. Pelton of Winthrop, Amendment Clerk.

Respectfully,

(Signed)

BERTHA W. JOHNSON
Bertha W. Johnson
Clerk of the House

The Communication was read and ordered placed on file.

**Petitions Bills and Resolves
Requiring Reference**

The following Bills 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 Extend Medical Assistance to Low Income People Not on State Categorical Assistance Programs" (H. P. 474) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 475) (Presented by Mr. Haskell of Houlton)

(On motion of Mr. Haskell of Houlton, tabled pending reference and specially assigned for Wednesday, February 10.)

Tabled and Assigned

Bill "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses" (H. P. 476) (Presented by Mr. Kelleher of Bangor)

(On motion of Mr. Kelleher of Bangor, tabled pending reference and specially assigned for Wednesday, February 10.)

Bill "An Act relating to Committees on Status of Women, Children and Youth, and the Aged" (H. P. 477) (Presented by Mrs. Kilroy of Portland)

Bill "An Act Providing Civilian Radio Operators for State Police" (H. P. 478) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Payments to Somerset County Law Library" (H. P. 479) (Presented by Mr. Herrick of Harmony)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to the Time of Commencement and Duration of

School Administrative District Meetings Held in Member Municipalities" (H. P. 480) (Presented by Mr. Curtis of Bowdoinham)

Bill "An Act relating to Financing Maine Education Buildings" (H. P. 481) (Presented by Mr. Lawry of Fairfield)

Bill "An Act relating to School Administrative District Assessments" (H. P. 482) (Presented by Mr. Millett of Dixmont)

Bill "An Act relating to Tuition for State Wards" (H. P. 483) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act relating to Return Envelopes for Absentee Ballots Designating Official before Whom Ballot to Be Marked." (H. P. 484) (Presented by Mr. Curtis of Orono)

Bill "An Act Prohibiting Cross-filing by Candidates in Primary Elections" (H. P. 485) (Presented by Mr. McCloskey of Bangor)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Payment of Fees to Secretary of State for Reports of Records" (H. P. 486) (Presented by Mr. Stillings of Berwick)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Election Laws.

On motion of Mr. Crosby of Kennebunk, referred to the Committee on Transportation, order printed and sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Regional Facility for Mentally Retarded Children in Aroostook County" (H. P. 487) (Presented by Mr. Bragdon of Perham)

Bill "An Act to Clarify the Laws Relating to Hairdressing" (H. P. 488) (Presented by Mr. Bustin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Increasing Salaries of District Court Judges" (H. P. 489) (Presented by Mr. Bragdon of Perham)

Bill "An Act Providing for Records of Sales of Used Merchandise" (H. P. 490) (Presented by Mr. Carter of Winslow)

Bill "An Act relating to Arson" (H. P. 491) (Presented by Mr. Hardy of Hope)

Bill "An Act relating to Fee Splitting in Certain Professional Occupations" (H. P. 492) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Excluding Nonteaching Principals and Assistant Principals from Municipal Public Employees Labor Relations Law" (H. P. 493) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Authorizing Use of the Name Maine Association of Real Estate Boards" (H. P. 494) (Presented by Mr. Hancock of Casco)

Bill "An Act relating to Permits for Carrying Concealed Weapons" (H. P. 495) (Presented by same gentleman)

Bill "An Act Revising the Laws Relating to Electricians" (H. P. 496) (Presented by Mr. Shaw of Chelsea)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Payment for Sales of Malt Liquor or Table Wine in Retail Stores" (H. P. 497) (Presented by Mr. Cyr of Madawaska)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Establishing the Flood Hazard Area Management

Act of Maine" (H. P. 498) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Amend the Oil and Gas Conservation and Development Control Act" (H. P. 499) (Presented by Mr. Hardy of Hope)

Bill "An Act Upgrading the Classification of Certain Waters of the State" (H. P. 500) (Presented by Mr. Herrick of Harmony) (Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Increasing the Indebtedness of Veazie Sewer District" (H. P. 501) (Presented by Mr. Barnes of Alton)

Bill "An Act Increasing Indebtedness of Boothbay Harbor Sewer District" (H. P. 502) (Presented by Mr. Kelley of Southport)

Bill "An Act to Regulate Sewer Utilities" (H. P. 503) (Presented by Mr. Williams of Hodgdon)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Repealing the Exemption of Doctors, Psychologists and Certain Classes of Social Workers from the State Personnel Law" (H. P. 504) (Presented by Mr. Curtis of Bowdoinham)

Bill "An Act relating to Leave of Absence for Legislative Service by Teachers" (H. P. 505) (Presented by Mr. Farrington of Old Orchard Beach)

Bill "An Act relating to Injury or Incapacity of Certain State Employees" (H. P. 506) (Presented by Mr. McCloskey of Bangor)

Bill "An Act Establishing a Human Rights Commission" (H. P. 507) (Presented by Mr. McTeague of Brunswick)

Bill "An Act to Amend Biennial Elections of Penobscot Tribe of Indians" (H. P. 508) (Presented by Mr. Starbird of Kingman Township)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting Sales to Community Action Agencies from

Sales Tax" (H. P. 509) (Presented by Mr. Bustin of Augusta)

Bill "An Act relating to Publicizing a List of Delinquent Taxpayers" (H. P. 510) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Fees for Replacement of Number Plates for Motor Vehicles" (H. P. 511) (Presented by Mr. Stillings of Berwick)

Bill "An Act Repealing Law Providing for Statutory Agent for Foreign Domiciled Carriers Purchasing Semitrailer Plates" (H. P. 512) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Decreasing State Employees' Contribution to the Maine State Retirement System" (H. P. 513) (Presented by Mr. Curtis of Bowdoinham by request)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Bunker from the Committee on Fisheries and Wildlife reported "Ought not to pass" on Bill "An Act Regulating Use of Powerboats on Certain Portion of East Machias River, Washington County" (H. P. 191) (L. D. 248)

Mr. Lund from the Committee on Judiciary reported same on Bill "An Act relating to Jurisdiction of Juvenile Courts over Offenses Relating to Bombs" (H. P. 2) (L. D. 2)

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

Leave to Withdraw

Mr. Webber from the Committee on Agriculture on Bill "An Act relating to Enforcement of Laws Dealing with Cruelty to Animals" (H. P. 174) (L. D. 232) reported Leave to Withdraw.

Mrs. Goodwin from the Committee on State Government

reported same on Bill "An Act relating to Determining Salary of the Administrative Assistant to the Chief Justice" (H. P. 138) (L. D. 193)

Reports were read and accepted and sent up for concurrence.

Covered by Other Legislation

Mrs. Lincoln from the Committee on Veterans and Retirement on Bill "An Act relating to Out-of-State Service under Retirement Law" (H. P. 142) (L. D. 197) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Bither from the Committee on Education reported "Ought to pass" on Bill "An Act to Increase the Borrowing Capacity of the Four Corners Community School District" (H. P. 96) (L. D. 140)

Mr. Bunker from the Committee on Fisheries and Wildlife reported same on Bill "An Act relating to Shooting at or Near Wildlife Decoys" (H. P. 99) (L. D. 143)

Same gentleman from same Committee reported same on Bill "An Act relating to the Use of Power Boats on Snow's Pond in the Town of Dover-Foxcroft, Piscataquis County" (H. P. 148) (L. D. 203)

Same gentleman from same Committee reported same on Bill "An Act relating to Certain Penalties under Fish and Game Laws" (H. P. 170) (L. D. 228)

Same gentleman from same Committee reported same on Bill "An Act relating to Use of Power Boats on Long Pond, Franklin County" (H. P. 226) (L. D. 308)

Mr. Lund from the Committee on Judiciary reported same on Bill "An Act relating to Mental Illness and Mental Retardation of Persons in State Penal, Correctional and Juvenile Institutions" (H. P. 68) (L. D. 109)

Mr. Immonen from the Committee on Liquor Control reported same on Bill "An Act relating to Maine Beer Wholesalers Association, Inc." (H. P. 120) (L. D. 164)

Mr. Maddox from same Committee reported same on Bill "An Act Repealing Bond for Liquor Licensees of Hotels, Clubs and Restaurants" (H. P. 41) (L. D. 73)

Mr. Slane from same Committee reported same on Bill "An Act Repealing the Requirement of Notarizing Applications for Liquor Licenses" (H. P. 42) (L. D. 74)

Reports were read and accepted, the Bills read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Mr. Carrier from the Committee on Judiciary on Bill "An Act relating to Falsely Assuming to be a Municipal Police Officer" (H. P. 70) (L. D. 111) reported "Ought to pass" as amended by Committee Amendment "A" (H-11) submitted therewith.

Mr. Kelley from same Committee on Bill "An Act relating to Trespass on Enclosed or Cultivated Lands" (H. P. 71) (L. D. 112) reported "Ought to pass" as amended by Committee Amendment "A" (H-12) submitted therewith.

Mr. Marstaller from the Committee on State Government on Bill "An Act relating to Violations of Parking Regulations at the State House" (H. P. 136) (L. D. 191) reported "Ought to pass" as amended by Committee Amendment "A" (H-13) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read and adopted, and the Bills assigned for third reading the next legislative day.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act relating to Inspection of Fish, Game and Equipment by Game and Coastal Wardens" (H. P. 189) (L. D. 246)

Report was signed by the following members:

Messrs. HOFFSES of Knox
ANDERSON of Hancock

BERNARD

— of Androscoggin
 — of the Senate
 Messrs. LEWIN of Augusta
 BUNKER of Gouldsboro
 LEWIS of Bristol
 KELLEY of Machias
 KELLEY of Southport
 PORTER of Lincoln
 PARKS of Presque Isle
 CALL of Lewiston
 MANCHESTER of

Mechanic Falls
 — of the House

Minority Report of same
 Committee reporting "Ought not to
 pass" on same Bill.

Report was signed by the
 following member:

Mr. BOURGOIN of Fort Kent
 — of the House

Reports were read.

Mr. Lewin of Augusta moved the
 acceptance of the Majority "Ought
 to pass" Report.

The SPEAKER: The Chair
 recognizes the gentleman from
 Fort Kent, Mr. Bourgoin.

Mr. BOURGOIN: Mr. Speaker,
 I move the indefinite postponement
 of this bill, and I will give the
 reasons for my "ought not to pass"
 report. This bill will give permis-
 sion to the game wardens and the
 coastal wardens to inspect any
 boat, tents, camps that they wish
 to enter without any warrants,
 which is much more authority than
 any federal government would
 give.

I believe that the coastal
 wardens and the Inland Fish and
 Game wardens have enough
 authority at the present time to
 do their work very thoroughly.
 Thank you.

The SPEAKER: The pending
 question now is the motion of the
 gentleman from Fort Kent, Mr.
 Bourgoin, that both reports and
 bill be indefinitely postponed. The
 Chair recognizes the gentleman
 from Southport, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and
 Members of the House: I wish to
 speak against this indefinite
 postponement, and speak in favor
 of the bill.

This bill would merely give and
 spell out so that everybody could
 understand the authority to our

Inland Fish and Game and Sea and
 Shore wardens that practically
 every other state grants to their
 wardens. There is only a very
 slight change in the concept of the
 law.

It does not give them the
 authority to search a boat, or a
 man's vessel, or canoe, or any
 other type of thing. But it does
 give them the authority, if the per-
 son refuses to be searched, or have
 their boat searched, to order the
 man into court.

So that the man who is clear,
 he can let them search. Or if he
 wants to fight, he can go into court
 and have his day in court.

I think, and the rest of the
 committee feel, that this is a very
 desirable and necessary law in this
 day and age. And it is very similar
 to the authority that other states
 grant to their law enforcement
 officers.

The SPEAKER: The Chair will
 order a vote. All in favor of
 indefinitely postponing the reports
 and the bill will vote yes, those
 opposed will vote no.

A vote of the House was taken.
 48 having voted in the affirma-
 tive, and 67 having voted in the
 negative, the motion did not
 prevail.

Thereupon, the motion to accept
 the Majority "Ought to pass" Re-
 port prevailed.

The Bill was read twice and as-
 signed the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Con-
 trolled Atmosphere Storage Room
 for Apples" (S. P. 80) (L. D. 174)

Bill "An Act relating to Volun-
 tary Sales Tax Registrants" (H. P.
 162) (L. D. 216)

Bill "An Act to Provide an Effec-
 tive Income Tax Warrant
 Procedure" (H. P. 163) (L. D. 220)

Bill "An Act relating to Payment
 of Tax by Use Fuel Dealers" (H.
 P. 166) (L. D. 222)

Bill "An Act relating to
 Redemption of Cigarette Tax
 Stamps" (H. P. 167) (L. D. 223)

Bill "An Act Exempting Certain
 Scientific Laboratories from the
 Sales and Use Tax" (H. P. 168)
 (L. D. 224)

Bill "An Act relating to Voter Registration for Certain Members of the Armed Forces" (H. P. 473) (L. D. 514)

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

Orders of the Day

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

Bill "An Act relating to Rate of Contributions of Employees Under State Retirement System" (H. P. 87) (L. D. 127)

Tabled—February 3, by Mrs. Lincoln of Bethel.

P e n d i n g — P a s s a g e to be engrossed.

On motion of Mrs. Lincoln of Bethel, retabled pending passage to be engrossed and specially assigned for Wednesday, February 10.

The SPEAKER: The Chair this morning would like to appoint on the Advisory Committee of Health and Welfare the gentleman from South Portland, Mr. Gill, and the gentlewoman from Bangor, Mrs. Doyle, and the Governor's office has been advised to this effect.

The SPEAKER: Under Orders of the Day the Chair would take the privilege, which he has under the rules, of addressing the House for just a few moments.

Unanimous consent to address the House on the record, I would advise those members who wish to do this to clear your remarks with the Speaker prior to doing so. This is a privilege that is granted to every Member of the House under unanimous consent.

If we continue doing this under unanimous consent we could fill hundreds of pages of the legislative record that must be printed. Personally, I have no objection to unanimous consent on the record. But you do, fellow members, have the privilege on pertinent matters that are before the House at the time to debate at length, and under the rules have few restrictions.

However, I must remind you that when you address the House on the record you must have the consent of your membership. And I would request you very humbly not to abuse this privilege. And please clear this with the Speaker prior to doing so on the record.

On motion of Mr. Porter of Lincoln,

Adjourned until Tuesday, February 9 at ten o'clock in the morning.