

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, February 10, 1971

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

Prayer by the Rev. Mr. Calvin Alexander of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

Bills, Resolves and Resolution from the Senate requiring reference were disposed of in concurrence.

Reports of Committees

Ought to Pass in New Draft

Report of the Committee on Education on Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75" (S. P. 34) (L. D. 82) reporting same in a new draft (S. P. 197) (L. D. 548) under same title and that it "Ought to pass"

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read twice, and tomorrow assigned.

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Jurisdiction of the District Court in Civil Actions" (S. P. 52) (L. D. 90)

Report of the Committee on State Government reporting same on Resolution Proposing an Amendment to the Constitution Providing that the Term of Office of the Governor Continues until His Successor has Qualified" (S. P. 12) (L. D. 40)

Report of same Committee reporting same on Bill "An Act relating to Registration Fee for Legislative Counsel or Agent" (S. P. 76) (L. D. 171)

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

In the House, Reports were read and accepted in concurrence, the

Bills read twice, Resolution read once, and tomorrow assigned.

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary on Bill "An Act relating to Penalty for Larceny" (S. P. 40) (L. D. 89) reporting "Ought to pass" as amended by Committee Amendment "A" (S-4) submitted therewith.

Report of the Committee on State Government on Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory (S. P. 89) (L. D. 218) reporting "Ought to pass" as amended by Committee Amendment "A" (S-5) submitted therewith.

Came from the Senate with the Reports read and accepted and the Bill and Resolve passed to be engrossed as amended by Committee Amendment "A".

In the House, Reports were read and accepted in concurrence, the Bill read twice and the Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted in concurrence, and tomorrow assigned for third reading of the Bill and second reading of the Resolve.

Non-Concurrent Matter

Bill "An Act relating to Defenses on Retail Installment Sales Agreements" (H. P. 381) (L. D. 496) which was referred to the Committee on Business Legislation in the House on February 2.

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

In the House: On motion of Mr. Carter of Winslow, the House voted to recede and concur.

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:

Business Legislation

Bill "An Act relating to Number of Board of Directors of Maine

Fidelity Life Insurance Company" (H. P. 549) (Presented by Mr. Conley of South Portland)

Bill "An Act relating to Effective Period for Filing of a Financing Statement under Uniform Commercial Code" (H. P. 550) (Presented by Mr. Lewin of Augusta)

Bill "An Act relating to Interest, Restrictions and Method of Computation under Small Loan Agency Law" (H. P. 551) (Presented by Mr. McKinnon of South Portland)

Bill "An Act Revising the Laws Relating to Licensed Small Loan Agencies" (H. P. 552) (Presented by Mr. O'Brien of Portland)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Creating York County Commissioner Districts" (H. P. 553) (Presented by Mr. Crosby of Kennebunk)

Bill "An Act relating to Office Hours of County Commissioners" (H. P. 554) (Presented by Mr. Dyar of Strong)

Bill "An Act Increasing Funds for Lincoln County Court House Capital Improvements" (H. P. 555) (Presented by Mr. Lewis of Bristol)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to the Taking of Shrimp in Frenchmans Bay" (H. P. 556) (Presented by Mr. Bunker of Gouldsboro)

Bill "An Act relating to the Advisory Council to the Commissioner of Inland Fisheries and Game" (H. P. 557) (Presented by Mr. Dyar of Strong)

Bill "An Act to Provide Free Hunting and Fishing Licenses to Maine Indians Excluded from Present Law" (H. P. 558) (Presented by Mr. Haskell of Houlton)

Bill "An Act to Amend the Marine Worm Tax" (H. P. 559) (Presented by Mr. Lewis of Bristol)

Bill "An Act Prohibiting the Driving of Deer While Hunting" (H. P. 560) (Presented by Mr. Porter of Lincoln)

Resolve Opening Second Chase Lake, Aroostook County, to Ice Fishing" (H. P. 561) (Presented by Mr. Bourgoing of Fort Kent)

Resolve Regulating Ice Fishing for Trout in Jones Lake, Aroostook County (H. P. 562) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Definition of Dental Hygienist and Dental Auxiliaries" (H. P. 563) (Presented by Mr. Ault of Wayne)

Bill "An Act Appropriating Funds for Comprehensive State-wide Planning and Services for the Developmentally Disabled" (H. P. 564) (Presented by Mr. Gill of South Portland)

Bill "An Act relating to Solicitation of Eye Services and Appliances" (H. P. 565) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Penalty for Dumping Litter on Highways" (H. P. 566) (Presented by Mr. Ault of Wayne)

Bill "An Act Expanding the Participation of the State of Maine under the Interstate Corrections Compact" (H. P. 567) (Presented by Mr. Lewin of Augusta)

Bill "An Act Revising the Laws Relating to Probation and Parole" (H. P. 568) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Provide a Minimum Wage for Students Employed at Summer Camps" (H. P. 569) (Presented by Mr. Bedard of Saco)

Bill "An Act to Remove the Numerical Exemption from the Minimum Wage Law" (H. P. 570) (Presented by Mr. Genest of Waterville)

Bill "An Act relating to Payments by Employers to Employees" (H. P. 571) (Presented by same gentleman)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Parking on Paved or Improved Portions of Ways and Removal of Vehicles" (H. P. 572) (Presented by Mr. McKinnon of South Portland)

Bill "An Act relating to Trespass on Lands Abutting Great Ponds" (H. P. 573) (Presented by Mr. Simpson of Standish)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act relating to Powers of Portland Water District" (H. P. 574) (Presented by Mr. Conley of South Portland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Providing for a Low Income Allowance" (H. P. 575) (Presented by Mr. Drigotas of Auburn)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Long-term Semipermanent Registration Plates for Certain Semitrailers" (H. P. 576) (Presented by Mr. Crosby of Kennebunk)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Fecteau of Biddeford, it was

ORDERED, that Rev. Paul Bedard of Saco be invited to officiate as Chaplain of the House on Tuesday, February 16, 1971.

**House Reports of Committees
Leave to Withdraw**

Mr. Ross from the Committee on Election Laws on Bill "An Act Providing Separate Ballots for Voting for President and Vice-President" (H. P. 186) (L. D. 243) reported Leave to Withdraw.

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the

House: This was my bill, and as you can see it was a bill for separate ballots for President and Vice-President.

For those of you who have known me and worked with me over the years, you know that my very favorite bill is another idea, and that is the elimination of the big box at the top of the ticket. Now this particular bill I termed a mini-size companion piece to the other bill. It was not a nefarious scheme aimed at any one man or party.

The largest vote we have is in presidential years, and many people want to vote for the President alone. The sole purpose of this bill was to be more selective in choosing other candidates on the ballot. It is not a new idea. Prior to 1960 that is exactly what we did have, a separate ballot for President and Vice-President. And if we should have reverted to this, I say that it would not have been retrogressive, it would have been going back to a logical method of choosing our two national leaders.

In these presidential years especially, in fear of spoiling their ballot, many people are very apt to vote a straight ticket. And in doing this, this often is an affirmative vote for some person that they would never choose on their individual merits.

Now I claim that if — and repeat if — we must still have this big box, I filed this bill as an alternative idea to fire and fall back upon. However, as often happens to those of us who serve in the legislature, I was a bit misled. I was told that the cost of this would be minimal, only a few hundred dollars. I still feel the legislation is sound, and since I am on the committee, I know that I could have had a few affirmative votes for this. But this year, in the true spirit of economy is the only reason that I am willing to give up on this so easily.

So it is with great reluctance that I move that we accept the Committee report of Leave to Withdraw.

The SPEAKER. The gentleman from Bath, Mr. Ross, moves that the House accept the committee report Leave to Withdraw. The

Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am very happy this morning to have been privileged to listen to the usual fine remarks of my very very dear friend from Bath, Mr. Ross. He apparently has gone into the category of this morning disliking minis. I don't know whether he has settled for the controversy of the midi, but I still will stay with the kneecap proposition.

And I am sure that this is a preview to future encounters on his true feeling. I am amazed to a certain degree at my very dear friend from Bath, Mr. Ross's timing. I was looking at the calendar this morning and when I saw this item I really couldn't believe what I was reading.

But in any event I commend him for his willingness to want to cooperate in economy, and I am sure that will carry itself on after he listens to the argument that would keep the big box there when that comes later on.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I too rise to support the motion to accept the Leave to Withdraw Report. I am extremely pleased to see it. I perhaps have to say a few words after what I said on ETV the other night about Mr. Ross's proposal. I, of course, would never doubt that his motives were political, and I did not at that point. At least I hope I did not imply that. And so I would concur with his remarks, and I would hope that the rest of the session would proceed along that line.

Thereupon, the report was accepted and sent up for concurrence.

Mr. Vincent from same Committee reported same on Bill "An Act relating to a Shorter Time for Establishing Voting Residence" (H. P. 188) (L. D. 245)

Report was read and accepted and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Williams from the Committee on Public Utilities on Bill "An Act relating to Operation of the Livermore Falls Water District" (H. P. 78) (L. D. 118) reported "Ought to pass" as amended by Committee Amendment "A" (H-14) submitted therewith.

Mr. Jutras from the Committee on Veterans and Retirement on Bill "An Act relating to Creditable Service under State Retirement Law for Certain Teachers" (H. P. 143) (L. D. 198) reported "Ought to pass" as amended by Committee Amendment "A" (H-15) submitted therewith.

Reports were read and accepted and the Bills read twice. Committee Amendment "A" to each was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bills.

Passed to Be Engrossed

Bill "An Act relating to the Number of Signatures Required on Nomination Papers" (S. P. 32) (L. D. 65)

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

The SPEAKER: The Chair recognizes the gentleman from Webster, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: I move we indefinitely postpone item one. It seems that this would be a discrimination against third-party candidacies in our state.

The SPEAKER: The gentleman from Webster, Mr. Cooney, now moves the indefinite postponement of item one. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: In support of the committee report which was unanimous, this is, as Mr. Cooney said, for third-party candidates, and it made no sense to us that it would be as easy for a third-party candidate, or somebody who had been

defeated in the primary, to then appear again with the same number of signatures as the person needed in the primary. It just seemed to us that it should be higher. As a matter of fact, many of the committee would rather have seen this go to ten percent than five percent.

We don't want to disenfranchise persons, and if persons want to run as third-party candidates they certainly should be able to. But it did not make any sense that they should only have to have the one percent that a person has to have to run in the primaries.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would enjoin the thinking of the good gentleman from Bath, Mr. Ross. I have a subsequent bill that is coming that will not stop third-party candidates, but it will stop a third-party candidate from putting the words Republican or Democrat on that third-party intention of candidacy. Not to disenfranchise anybody. If they want to run as third-party candidates fine, but my philosophy on that level is, if you join one party you run on it. If you get beat in the primary, that should suffice. If you don't, you can run under another name besides using the words Democrat or Republican.

In this particular instance here, certainly, the unanimous report of the committee we should go along with, and I commend the committee for its action. And when the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker and Members of the House: I rise to support the remarks of Mr. Ross and Mr. Jalbert. As a member of the Election Laws Committee it is our feeling that if a third-party candidate wants to run, they have the right and the privilege to organize a third party, go through the processes that the two recognized parties do. But if they want to be a dropout from an-

other party, then I think their obligations should be a little higher.

The SPEAKER: The Chair recognizes the gentleman from Kingman Township, Mr. Starbird.

Mr. STARBIRD: Mr. Speaker and Members of the House: Generally speaking it is not necessarily a dropout from one of the regular parties that is running as an independent. Sometimes it is a person who is an independent truly. And in the last election we had several cases where defeated primary candidates did run as independents.

But I believe that to raise the number of signatures required to what is essentially five times what is required on an ordinary party primary petition is discriminating against those persons who honestly and conscientiously wish to run as an independent candidate.

I do not believe that we who are in either of the organized regular parties have any great amount of fear for these third-party candidates. If their message is something that is good then they should be heard, and they should have a fair shake as to being heard. And I think that in that case the regular parties should perhaps revise their thinking.

I do not believe that any person who wishes to run as a third-party candidate should be required to get five times the number of signatures on his petition than I, as a member of my party, should on my regular primary petition. I think this is plain and simple discrimination, and I will go along with the motion of the gentleman from Webster, Mr. Cooney.

The SPEAKER: The Chair recognizes the gentleman from Casco, Mr. Hancock.

Mr. HANCOCK: Mr. Speaker and Members of the House: If any one of us desire to run for office, as either a Republican or a Democrat, it is necessary for us to file our papers by April 1st. If, however, anyone chooses to run as an independent they have until August 15th to secure their nomination papers. I think that this extra time that is

given the independent candidate is sufficient, and by giving him the extra time it is not unreasonable to ask for extra signatures. I hope the motion to indefinitely postpone does not prevail. Thank you.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: I would pose a question through the Chair to the gentleman from Bath or anyone else who may care to answer it. I seem to recall that in the last two or three years there have been a number of Federal Court cases on making higher requirements on third-party candidates than on major party candidates. I would ask if the Attorney General's Office has been queried as to the constitutional propriety of this legislation.

The SPEAKER: The gentleman from Brunswick, Mr. McTeague, poses a question through the Chair to any member who may answer if they choose. The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: I am not sure, but I believe that the Attorney General's Department has cleared this legislation.

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

Mr. BOURGOIN: Mr. Speaker and Members of the House: At the hearing at which I was present I put a question to the Assistant Secretary of State, Mr. Shute. He told me out of 21 that ran independent, none of them were elected. So I believe it is hard enough on the independent now.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I would move that this be tabled for two legislative days.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves that item one, L. D. 65, be tabled for two legislative days pending the motion of the gentleman

from Webster, Mr. Cooney, that it be indefinitely postponed.

Mr. Ross of Bath then requested a division on the tabling motion.

The SPEAKER: A division has been requested on the tabling motion. All those in favor of this matter being tabled until Friday next will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative, and 96 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is the motion of the gentleman from Webster, Mr. Cooney, that this Bill be indefinitely postponed. A division has been requested. The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, as I understood Mr. Ross's answer to my query it was that he thought it had been cleared, but he wasn't absolutely certain. At the risk of incurring the displeasure of my colleagues I would ask some other member if they might consider a motion to table for three legislative days in order that we can check this with the Attorney General and be certain of the constitutionality of the legislation before us.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There are two fallacies in the arguments presented by the gentleman from Brunswick, Mr. McTeague. The first fallacy in his argument is this. This is for a third reader, and it is going to come back here. It is going to go into the other branch for engrossment, and then it comes back to us here for enactment. So we have another shot at it anyway. That is number one.

Number two, I can hardly see — and of course this is typical of attorneys anyway, is it constitutional? Of course, if they are opposed to it, you know, they question the constitution. But if they are with it, they will come up with a mountain

of books this high to tell us about the constitutionality of it.

Now my philosophy is this. I don't think that a few names on a petition would have anything to do with the Attorney General's Office anyway.

The SPEAKER: The pending question is on the motion of the gentleman from Webster, Mr. Cooney, that this Bill be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 32 having voted in the affirmative and 110 having voted in the negative, the motion did not prevail.

Thereupon, Bill "An Act relating to the Number of Signatures Required on Nomination Papers" was passed to be engrossed and sent to the Senate.

Bill "An Act relating to Filing of Annual Reports by Public Utilities" (S. P. 77) (L. D. 172)

Bill "An Act relating to Preservation and Destruction of Campaign Reports" (S. P. 81) (L. D. 175)

Bill "An Act Increasing the Number of Superior Court Justices" (S. P. 83) (L. D. 177)

Bill "An Act Increasing Number of Official Court Reporters" (S. P. 84) (L. D. 178)

Bill "An Act relating to Gasoline Road Tax Credits" (S. P. 90) (L. D. 219)

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 Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education" (H. P. 475) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs)

Tabled — February 5, by Mr. Haskell of Houlton.

Pending — Reference.

On motion of Mr. Haskell of Houlton, retabled pending reference and tomorrow assigned.

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

Bill "An Act to Establish a Colt Stake Program for Maine Standard Bred Horses" (H. P. 476) (Committee on Reference of Bills suggested Committee on Appropriations and Financial Affairs)

Tabled — February 5, by Mr. Kelleher of Bangor.

Pending — Reference.

On motion of Mr. Kelleher of Bangor, retabled pending reference and tomorrow assigned.

The Chair laid before the House the third 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 5, by Mrs. Lincoln of Bethel.

Pending — Passage to be engrossed.

Mrs. Lincoln of Bethel offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-16) was read by the Clerk and adopted and the Bill passed to be engrossed as amended and sent to the Senate.

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

Bill "An Act to Authorize the Construction of Self-Liquidating Housing for the University of Maine and the Issuance of Bonds of the State of Maine in an Amount Not Exceeding \$10,000,000 for the Financing Thereof" (H. P. 524) (Committee on Reference of Bills suggested Committee on Education)

Tabled—February 9, by Mr. Jalbert of Lewiston.

Pending—Reference.

On motion of Mr. Jalbert of Lewiston, retabled pending reference and tomorrow assigned.

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

Bill "An Act to Require Fluoridation of Some Public Water Supplies" (H. P. 540) (Committee

on Reference of Bills suggested
Committee on Public Utilities)

Tabled — February 9, by Mr.
Carrier of Westbrook.

On motion of Mrs. Payson of
Falmouth, referred to the Com-
mittee on Health and Institutional

Services, ordered printed and sent
up for concurrence.

On motion of Mr. Bailey of
Woolwich,

Adjourned until nine-thirty
o'clock tomorrow morning.