

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, February 16, 1971

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

Prayer by the Rev. Mr. Paul Bedard of Saco.

The members stood at attention during the playing of the National Anthem by the Brewer High School Band.

The journal of the previous session was read and approved.

Orders Out of Order

Mr. Norris of Brewer presented the following Joint Order and moved its passage:

WHEREAS, the Witches of Brewer High School achieved a season record of 11 wins and no losses and were the only unbeaten, untied football team in the State for 1970; and

WHEREAS, this championship team ranks first in the State of Maine, in New England and in the East and fifth in the nation, being the first Maine team ever to rank in the nation's top 25; and

WHEREAS, this is the only high school football team in the State ever to score 488 points and twice win eleven football games, in one season; and

WHEREAS, the Witches also have to their credit 7 players who were named to the All-State Team and the second State Football championship in the past three years; now, therefore, be it

ORDERED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature now assembled, take this opportunity to recognize and honor the outstanding achievements of this illustrious team and its coaches, Penrone, Gaboury and MacDougall, and wish them continued success in their efforts in the field of sports to bring honor to their school, city and State; and be it further

ORDERED: That copies of this Order, duly attested by the President of the Senate and Speaker of the House, be transmitted forthwith by the Secretary of the Senate to the principal and coaches of Brewer High School and the

Mayor of the City of Brewer in recognition of this outstanding achievement. (H. P. 661)

The Joint Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Mr. Cottrell of Portland presented the following Order and moved its passage:

ORDERED, that Stephanie Stearns and Beth Maxfield of Portland be appointed to serve as Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Papers from the Senate

From the Senate: The following Communication: (S. P. 267)

February 11, 1971
To the Members of the 105th Legislature

The Special Interim Legislative Committee hereby has the pleasure of submitting to you the report of its activities in connection with the investigation of the approval of the guarantee of certain loans to Maine Sugar Industries, Inc. and Vahlsing, Inc. by the Maine Industrial Building Authority. The Committee considers this report an interim report since it has recommended that the life of the Committee be extended in order that it may continue certain aspects of its investigation.

It is our hope that the information contained in this report will be of assistance to the 105th Legislature and the State of Maine.

Respectfully submitted,
(Signed)

JOSEPH SEWALL
Chairman, Special Interim
Legislative 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.

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

**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 Amending the Maine Potato Marketing Act" (H. P. 634) (Presented by Mr. Cyr of Madawaska)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial
Affairs**

Bill "An Act Appropriating Funds for the Payment of Life Insurance Premiums for All State Employees" (H. P. 635) (Presented by Mr. Simpson of Millinocket)

Bill "An Act Appropriating Funds for Staffing and Operation of the Residential Facility for Mentally Retarded Children in Aroostook County" (H. P. 636) (Presented by Mr. Wight of Presque Isle)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act relating to Fee for Filing Financing Statement under Uniform Commercial Code" (H. P. 637) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Salaries of Full-time Deputy Sheriffs" (H. P. 638) (Presented by Mr. Gill of South Portland)

Bill "An Act relating to Fees for Recording Divorce Decrees" (H. P. 639) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to School Construction Aid" (H. P. 640) (Presented by Mr. Carey of Waterville)

Bill "An Act to Create a School Administrative District in the

Town of Madawaska" (H. P. 641) (Presented by Mr. Cyr of Madawaska)

Bill "An Act relating to a Transfer of Municipalities from One School Administrative District to Another" (H. P. 642) (Presented by Mr. Haskell of Houlton)

Bill "An Act Requiring Childhood Education Programs for Five-Year-Olds" (H. P. 643) (Presented by same gentleman)

Bill "An Act relating to Approval of Schools Enrolling Nonresident Pupils" (H. P. 644) (Presented by Mr. Lawry of Fairfield)

Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22" (H. P. 645) (Presented by Mr. Marsh of Hampden)

Bill "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75, and 77" (H. P. 646) (Presented by Mr. Millett of Dixmont)

Bill "An Act relating to School Administrative District Elections" (H. P. 647) (Presented by Mr. Simpson of Standish)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Prohibiting Dragnets within York County" (H. P. 648) (Presented by Mr. Jutras of Sanford)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Involuntary Hospitalization of the Mentally Ill" (H. P. 649) (Presented by Mr. Lewin of Augusta)

Bill "An Act Permitting Indian Homes to be Licensed as Foster Homes" (H. P. 650) (Presented by Mr. Mills of Eastport)

Bill "An Act Requiring a Physical Examination in Mental Competency Examination at State Mental Hospitals" (H. P. 651) (Presented by Mrs. White of Guilford)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to a Minimum Salary for Full-time Municipal Law Enforcement Officers" (H. P. 652) (Presented by Mr. Theriault of Rumford) (Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Membership on Board and Definitions under Engineer Law" (H. P. 653) (Presented by Mr. Carey of Waterville)

Bill "An Act relating to Assessments on Interment Space of Cemeteries" (H. P. 654) (Presented by Mr. Wight of Presque Isle)

Resolve to Reimburse the Town of Hermon for Support Rendered an Unsettled State Welfare Case (H. P. 655) (Presented by Mr. Millett of Dixmont) (Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act relating to Retail Sale of Fortified Wine" (H. P. 656) (Presented by Mr. Lizotte of Biddeford) (Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Regulate Noise Pollution of the Supersonic Transport under the Environmental Improvement Commission" (H. P. 657) (Presented by Mr. McCloskey of Bangor) (Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Organize a Division of Housing within the Environmental Improvement Commission" (H. P. 658) (Presented by Mr. Starbird of Kingman Township) (Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act relating to Unorganized Territory Working Capital Fund" (H. P. 659) (Presented by Mr. Bither of Houlton)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act Providing Longevity Provisions for State Employees" (H. P. 660) (Presented by Mr. Starbird of Kingman Township) (Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Brawn of Oakland, it was ORDERED, that Rev. George S. Edmunds of the Oakland-Sidney United Methodist Church, Oakland, be invited to officiate as Chaplain of the House on Tuesday, March 16, 1971.

House Reports of Committees

Ought Not to Pass

Mr. Fecteau from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act to Amend the Boiler Law to Include Steam and Hot Water Heating and Supply Boilers" (H. P. 118) (L. D. 162)

Mr. Smith from same Committee reported same on Bill "An Act relating to Eye Protection for Persons Riding Motorcycles" (H. P. 153) (L. D. 208)

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

Ought to Pass

Printed Bills

Passed to Be Engrossed

Mr. Dyar from the Committee on County Government reported "Ought to pass" on Resolve Authorizing the County Commissioners of Sagadahoc County to Pay Medical Bills for Certain Deputy Sheriffs (H. P. 181) (L. D. 239)

Report was read and accepted and the Resolve read once.

Under suspension of the rules, the Resolve was given its second reading, passed to be engrossed and sent to the Senate.

Mr. Cote from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to Remove the Word Steam from the Boiler Law" (H. P. 117) (L. D. 161)

Mr. Crosby from the same Committee reported same on Bill "An Act Changing the Name of the Preachers' Aid Society of the Maine Conference of the Methodist Church" (H. P. 237) (L. D. 319)

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

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Requiring Referendum Elections on Certain Municipal Public Works Appropriations" (H. P. 103) (L. D. 147)

Report was signed by the following members:

Messrs. QUINN of Penobscot
CLIFFORD

of Androscoggin
KELLAM of Cumberland
— of the Senate.

Messrs. SMITH of Dover-Foxcroft
COTE of Lewiston
BRAWN of Oakland
FECTEAU of Biddeford
NORRIS of Brewer
CROSBY of Kennebunk
CURTIS of Bowdoinham

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. SILVERMAN of Calais
EMERY of Rockland
GAUTHIER of Sanford
— of the House.

Reports were read.

(On motion of Mr. Norris of Brewer, tabled pending acceptance of either Report and specially assigned for Thursday, February 18.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Repealing the Law Prohibiting Hitchhiking" (H. P. 131) (L. D. 186)

Report was signed by the following members:

Messrs. QUINN of Penobscot

CLIFFORD

of Androscoggin
KELLAM of Cumberland
— of the Senate.

Messrs. SILVERMAN of Calais
COTE of Lewiston
CROSBY of Kennebunk
BRAWN of Oakland
FECTEAU of Biddeford
NORRIS of Brewer
EMERY of Rockland
GAUTHIER of Sanford
CURTIS of Bowdoinham

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. SMITH

of Dover-Foxcroft

— of the House.

Reports were read.

(On motion of Mr. Norris of Brewer, tabled pending acceptance of either Report and tomorrow assigned.)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act to Annex Marshall Island to the Town of Swan's Island" (H. P. 154) (L. D. 209)

Report was signed by the following members:

Messrs. QUINN of Penobscot
KELLAM of Cumberland
CLIFFORD

of Androscoggin

— of the Senate.

Messrs. CURTIS of Bowdoinham
SILVERMAN of Calais
SMITH of Dover-Foxcroft
COTE of Lewiston
CROSBY of Kennebunk
BRAWN of Oakland
FECTEAU of Biddeford
NORRIS of Brewer
GAUTHIER of Sanford

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. EMERY of Rockland

— of the House.

Reports were read.

(On motion of Mr. Norris of Brewer, tabled pending acceptance of either Report and specially assigned for Thursday, February 18.)

Passed to Be Engrossed

Bill "An Act relating to Qualification of Candidates for the Legislature" (S. P. 95) (L. D. 259)

Bill "An Act relating to Preparation of List of Residents by Assessors" (H. P. 185) (L. D. 278)

Bill "An Act Creating a Second Assistant County Attorney for Kennebec County" (H. P. 241) (L. D. 322)

Bill "An Act relating to Powers of State Park and Recreation Commission" (H. P. 276) (L. D. 365)

Bill "An Act Regulating the Use of Power Boats on Lily Pond, Lincoln County" (H. P. 295) (L. D. 395)

Bill "An Act relating to Secondary Tuition Payments to the Governor Baxter State School for the Deaf" (H. P. 334) (L. D. 443)

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

**Passed to Be Enacted
Emergency Measure**

An Act to Increase the Borrowing Capacity of the Four Corners Community School District (H. P. 96) (L. D. 140)

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 necessary, a total was taken. 132 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 Maine Beer Wholesalers Association, Inc. (H. P. 120) (L. D. 164)

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 necessary, a total was taken. 128 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed
Constitutional Amendment**

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)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 139 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Penalty for Larceny (S. P. 40) (L. D. 89)

An Act relating to Jurisdiction of the District Court in Civil Actions (S. P. 52) (L. D. 90)

An Act relating to Registration Fee for Legislative Counsel or Agent (S. P. 76) (L. D. 171)

An Act Repealing Bond for Liquor Licensees of Hotels, Clubs and Restaurants (H. P. 41) (L. D. 73)

An Act Repealing the Requirement of Notarizing Applications for Liquor Licenses (H. P. 42) (L. D. 74)

An Act relating to Mental Illness and Mental Retardation of Persons in State Penal, Correctional and Juvenile Institutions (H. P. 68) (L. D. 109)

An Act relating to Falsely Assuming to be an Officer (H. P. 70) (L. D. 111)

An Act relating to Trespass on Enclosed or Cultivated Lands (H. P. 71) (L. D. 112)

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)

An Act relating to Use of Power Boats on Long Pond, Franklin County (H. P. 226) (L. D. 308)

Finally Passed

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)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all signed by the Speaker 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 to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75" (S. P. 197) (L. D. 548)

(In Senate, passed to be engrossed)

Tabled—February 11, by Mr. Susi of Pittsfield.

Pending—Motion of Mr. Curtis of Bowdoinham to indefinitely postpone.

On motion of Mr. Porter of Lincoln, retabled pending the motion of Mr. Curtis of Bowdoinham to indefinitely postpone and tomorrow assigned.

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

Senate Joint Order re Chief Committee Clerk to be Authorized to Employ 4 Student Interns (S. P. 247)

Tabled—February 12, by Mr. Bragdon of Perham.

Pending passage in concurrence. Mr. Kelley of Machias offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-20) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Machias, Mr. Kelley.

Mr. KELLEY: Mr. Speaker and Ladies and Gentlemen of the House: In its original form this Joint Order called for the employment of four students at \$20 per day. And while we may all

feel it is a fine thing for students to become involved in state government, it seems unfair and unusual to pay these people twice as much as duly elected legislators receive for comparable work.

I would remind you that the members of our Interim Legislative Research Committee receive \$10 a day. Also the members of the Special Study Committee on the Sugar Beet Industry receive \$10 a day. Therefore, Mr. Speaker, I move the adoption of this amendment.

Thereupon, House Amendment "A" was adopted.

The Joint Order was passed as amended in non-concurrence and sent up for concurrence.

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

Bill "An Act relating to Duties of the Assistant Chief of the Division of Inspection for Sardines" (H. P. 629) (Committee on Reference of Bills suggested Committee on Fisheries and Wildlife)

Tabled—February 12, by Mr. Donaghy of Lubec.

Pending—Reference.

On motion of Mr. Donaghy of Lubec, referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

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

Bill "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine" (S. P. 129) (L. D. 376)

Tabled—February 12, by Mr. Jalbert of Lewiston.

Pending—His motion to reconsider recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen of the House: Since we have last been concerned with this item and the following item, we have been attempting to resolve our differences. And I am of the

opinion that if we could have one more day that we could get a resolution of this sticky little problem, and I would hope that someone would move that we table for one day. I ask that you support this motion to table.

Whereupon, on motion of Mr. Martin of Eagle Lake, retabled pending the motion of Mr. Jalbert of Lewiston to reconsider receding and concurring, and tomorrow assigned.

The Chair laid before the House the fifth 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)

Tabled—February 12, by Mr. Martin of Eagle Lake.

Pending—His motion to reconsider reference to the Committee on Appropriations and Financial Affairs.

On motion of Mr. Susi of Pittsfield, retabled pending the motion of Mr. Martin of Eagle Lake to reconsider reference to the Committee on Appropriations and Financial Affairs, and tomorrow assigned.

On motion of Mr. Barnes of Alton,

Adjourned until nine-thirty o'clock tomorrow morning.