

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

Thursday, February 25, 1971

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

Prayer by the Rev. Mr. Robert Canfield of Gardiner.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Littlefield of North Berwick presented the following Order and moved its passage:

ORDERED, that Lori Littlefield of North Berwick be appointed to serve as Honorary Page for today.

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

Mr. Emery of Rockland presented the following Order and moved its passage:

ORDERED, that Patricia, Kathleen, Christopher, and Jeffrey McCormic of Union be appointed to serve as Honorary Pages for today.

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

Mr. Sheltra of Biddeford presented the following Order and moved its passage.

ORDERED, that Lynne, Cheryl and Rhonda Farrington of Old Orchard Beach 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. 338)

STATE OF MAINE
STATE TREASURER
AUGUSTA, MAINE

February 23, 1971

To the Honorable Senate and House of Representatives:

As required by the Constitution of the State of Maine, I have the honor to submit herewith the biennial report of the financial transactions of the Treasury Department of the State of Maine for the two years ended June 30, 1970.

Most respectfully submitted,
(Signed)

NORMAN K. FERGUSON

Norman K. Ferguson
Treasurer of State

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 Order:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriations from the Unappropriated Surplus of the General Fund to the Treasurer of State to meet the State's obligation on guaranteed loans to the Maine Sugar Industry (S. P. 339)

Came from the Senate read and passed.

In the House The Order was read.

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

Mr. SUSI: Mr. Speaker, I move that we concur and would speak to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Susi, moves that this Order be passed in concurrence. The gentleman may proceed.

Mr. SUSI: Mr. Speaker and Members of the House: This order and the ensuing order both propose payment from surplus of indebtedness which the State of Maine has already incurred. An alternative method to deal with these obligations which is being considered by some at this time is the issuance of bonds for this same purpose.

I would call it self-indulgence in the highest form for an individual to do this. I believe it is no different in state government. I strongly urge that we support this order, give it passage, and pay our honest bills with the money we have in hand now, and then decide what new spending we shall undertake in the light of how much we have left after we have paid our bills which we have already

incurred. To do differently would be being less than honest with ourselves and with the people of the State of Maine. Thank you.

Thereupon, the Order was passed in concurrence.

From the Senate. The following Orders:

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriation from the Unappropriated Surplus of the General Fund to the State Department of Health and Welfare to continue the A.A.B.D., the A.F.D.C. and Medical Care programs for the forthcoming month of March (S. P. 340)

ORDERED, the House concurring, that Trooper Roger E. Drake, Security Officer of the Senate, be and hereby is authorized to attend the National Seminar on Legislative Security; and be it further

ORDERED, that the said Roger E. Drake be allowed his necessary expenses including seminar fees, if any (S. P. 337)

Came from the Senate read and passed.

In the House, the Orders were read and 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 Agriculture on Bill "An Act Creating the Maine Commercial Feed Law" (S. P. 79) (L. D. 173) reporting "Ought to pass" as amended by Committee Amendment "A" (S-13) submitted therewith.

Report of the Committee on Labor on Bill "An Act relating to When Overtime Pay Commences for Employees" (S. P. 56) (L. D. 92) reporting "Ought to pass" as amended by Committee Amendment "A" (S-12) submitted therewith.

Report of the Committee on Natural Resources on Bill "An Act

relating to Extension of Time for Operation of Certain Wastewater Treatment Plants without a Certified Operator" (S. P. 144) (L. D. 383) reporting "Ought to pass" as amended by Committee Amendment "A" (S-11) submitted therewith.

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

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

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 Providing Funds to Preserve the Machias Valley Airport" (H. P. 833) (Presented by Mr. Kelley of Machias)

Bill "An Act Providing Funds for the Maine Law Enforcement Planning and Assistance Agency" (H. P. 834) (Presented by Mr. Lund of Augusta)

Bill "An Act to Fund the Costs of Public School Education from State Sources" (H. P. 835) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act Providing Funds to Expand Homemaker Services in the Department of Health and Welfare" (H. P. 836) (Presented by Mrs. White of Guilford)
(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Placing Nonprofit Hospital or Medical Service Organizations under the Maine Insurance Code" (H. P. 837) (Presented by Mr. Donaghy of Lubec)

Bill "An Act Revising the Laws Relating to Real Estate Brokers and Salesmen" (H. P. 838)

(Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act relating to Uniforms for Full-time Deputy Sheriffs" (H. P. 839) (Presented by Mr. Bernier of Westbrook)

Bill "An Act Increasing Salaries of Jury Commissioners of Cumberland County" (H. P. 840) (Presented by Mr. Hancock of Casco)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Course of Study in Secondary Schools" (H. P. 841) (Presented by Mr. Cooney of Webster)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Clarifying the Eligibility of Maine Students Attending Institutions of Higher Learning in Maine to Vote" (H. P. 842) (Presented by Mr. McCloskey of Bangor)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Prohibiting Use of Motor Vehicles on Frozen Surface of Part of Sasanoa River" (H. P. 843) (Presented by Mr. Bailey of Woolwich by request)

Bill "An Act to Revise the Hunting and Trapping Laws" (H. P. 844) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act to Limit the Number of Boats for Lobster and Crab License" (H. P. 845) (Presented by same gentleman)

Bill "An Act to Limit the Number of Lobster Traps Per Lobster and Crab License" (H. P. 846) (Presented by same gentleman)

Bill "An Act Regulating Lobster Traps on Trawls" (H. P. 847) (Presented by same gentleman)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Bail Jumping" (H. P. 848) (Presented

by Mr. Bartlett of South Berwick)

Bill "An Act to Permit the Transfer of County Jail Inmates to the Men's Correctional Center or State Prison upon Proof of Incurrigibility" (H. P. 849) (Presented by Mr. Henley of Norway)

Bill "An Act relating to the Enforcement of Money Judgments" (H. P. 850) (Presented by Mr. Lund of Augusta)

Bill "An Act relating to Aiding Injured Persons and Reporting Hunting Accidents" (H. P. 851) (Presented by Mr. Parks of Presque Isle)

Resolution Proposing an Amendment to the Constitution Classifying Certain Bailable Offenses" (H. P. 852) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to Apprentices Preference to Maine Workmen and Contractors" (H. P. 853) (Presented by Mr. Good of Westfield)

Bill "An Act Increasing the Period for Benefits for Partial Incapacity under Workmen's Compensation Act" (H. P. 854) (Presented by Mr. Simpson of Millinocket)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Repealing the Prohibition Against Public Dancing on Sunday" (H. P. 855) (Presented by Mr. McCloskey of Bangor)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act relating to Sale Price of Liquor" (H. P. 856) (Presented by Mr. Cottrell of Portland)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Providing for State Supervision of the Construction and Safety of Dams and Reservoirs" (H. P. 857) (Presented by Mr. Evans of Freedom)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act relating to Removal of Abandoned Street Railroad Tracks" (H. P. 858) (Presented by Mr. Vincent of Portland)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Placing the Intent and Content Relating to Constitutional Amendments and Bond Issues on the Ballot" (H. P. 859) (Presented by Mr. Bernier of Westbrook)

Bill "An Act Establishing Minimum Qualifications for Law Enforcement Officers" (H. P. 860) (Presented by Mr. Lund of Augusta)

Bill "An Act Amending the Uniform Flag Law" (H. P. 861) (Presented by Mr. Rocheleau of Auburn)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Broadening the Sales and Use Tax Exemption on Water and Air Pollution Control Facilities" (H. P. 862) (Presented by Mr. Ault of Wayne)

Bill "An Act Imposing Tax on Cigars and Tobacco Products" (H. P. 863) (Presented by Mr. Bernier of Westbrook)
(Ordered Printed)
Sent up for concurrence.

The following Bill approved by a majority of the Committee on Reference of Bills for introduction:

Bill "An Act relating to Pari-mutuel Pools in Horse Racing" (H. P. 864) (Presented by Mr. Gagnon of Scarborough)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act relating to Winter Maintenance of State Aid Highways and Town Ways by Municipalities" (H. P. 865) (Presented by Mr. Rollins of Dixfield)
(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mr. Theriault of Rumford, it was

ORDERED, that Rev. Maurice Morin of Rumford be invited to officiate as Chaplain of the House on Wednesday, March 3, 1971.

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

WHEREAS, the Disabled American Veterans is a federally chartered veteran's organization established for the purpose of providing for the welfare of the service-connected disabled veteran and his dependents; and

WHEREAS, during the year 1971, Disabled American Veterans is celebrating its Fiftieth Anniversary; and

WHEREAS, this organization for fifty years has devoted itself to providing service to disabled veterans and their dependents; and

WHEREAS, Disabled American Veterans has also been a leader in sponsoring legislation for the benefit and welfare of our nation's wartime disabled and their loved ones; and

WHEREAS, it is fitting and proper that all federal, state and local governments give recognition to this outstanding service and take due cognizance of the fiftieth year of assisting our nation's war disabled by this patriotic and humanitarian organization; now, therefore, be it

RESOLVED: That, we, the Members of the One Hundred and Fifth Legislature of the State of Maine, now assembled, do hereby recognize and pay tribute to the Disabled American Veterans Organization upon its Fiftieth Anniversary and declare the date of March 3, 1971 as a special day to honor the Disabled American Veterans; and be it further

RESOLVED: That a duly attested copy of this Resolution be transmitted forthwith by the Clerk of the House to the John F. Kennedy Chapter No. 6 of Disabled American Veterans at Bangor, Maine in commemoration of this their Golden Anniversary; and be it further

RESOLVED: That the Secretary of State distribute engrossed copies of this Resolution to state and local government offices so that they too may appropriately give recognition

to the Disabled American Veterans on this date; and be it further

RESOLVED: That a copy of this Resolution be forwarded by said Secretary of State to the Disabled American Veterans National Headquarters with a request that the Resolution be displayed to all delegates attending the Fiftieth National Convention of the Disabled American Veterans which is to be held in Detroit, Michigan, August 8 to 13, 1971. (H. P. 867)

The Joint Resolution was read.

The **SPEAKER:** The Chair recognizes the same gentleman.

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: This resolution is in honor of the Disabled American Veterans who this year are celebrating their fiftieth anniversary. The date of March 3, 1971 has been set aside by the United States Senate and Congress to honor the Disabled American Veterans Association for their help to the disabled American veteran.

This resolution, ladies and gentlemen, I present it as just a small effort of recognition to these people who contributed more than a lot of us here today to be able to enjoy the freedoms of this country and the world, and I recommend its adoption.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

On motion of Mr. Lewin of Augusta, it was

ORDERED, that Rev. Howard O. Hough of Falmouth be invited to officiate as Chaplain of the House on Friday, March 5, 1971.

**House Reports of Committees
Ought to Pass in New Draft
New Draft Printed**

Mr. Norris from the Committee on Legal Affairs on Bill "An Act relating to Membership on Zoning Boards of Appeal" (H. P. 5) (L. D. 5) reported same in a new draft (H. P. 866) (L. D. 923) under same title and that it "Ought to pass"

Report was read and accepted, the New Draft read twice and tomorrow assigned.

**Ought to Pass with
Committee Amendment**

Mr. Tyndale from the Committee on Public Utilities on Bill "An Act Classifying Mousam River, Main Stem, West Branch" (H. P. 202) (L. D. 269) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Bill read twice. Committee Amendment "A" (H-33) was read by the Clerk and adopted, and tomorrow assigned for third reading of the Bill.

Passed to Be Engrossed

Bill "An Act relating to Compensation of the Panel of Mediators" (S. P. 18) (L. D. 46)

Bill "An Act relating to Lascivious Speech or Behavior in Public Places" (S. P. 85) (L. D. 179)

Bill "An Act Authorizing the Recording of Certified Copies of Petitions, Decrees and Orders Filed Pursuant to the Federal Bankruptcy Act" (S. P. 113) (L. D. 292)

Bill "An Act relating to Recording Floor Plans and Definition of Building under Unit Ownership Act" (S. P. 179) (L. D. 531)

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

Amended Bills

Bill "An Act Clarifying and Revising Certain Election Laws" (S. P. 72) (L. D. 151)

Bill "An Act relating to Use of Power Boats on Long Pond, Oxford County" (S. P. 110) (L. D. 289)

Were 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

An Act relating to Waiver of Certification of Certain Water Utilities (S. P. 157) (L. D. 426)

An Act relating to Persons Ineligible to Serve as Election Officials (H. P. 224) (L. D. 306)

An Act relating to Contempts Before the Industrial Accident Commission" (H. P. 269) (L. D. 358)

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.

Orders of the Day

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

Bill "An Act relating to Record of Plans by Registers of Deeds" (H. P. 728) (L. D. 816)

Tabled—February 19, by Mr. Dyar of Strong.

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

The Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act relating to Initiative of Articles to be Included in School Administrative District Budget Meetings" (H. P. 689) (L. D. 795)

Tabled — February 19, by Mr. Dam of Skowhegan.

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

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Lawry.

Mr. LAWRY: Mr. Speaker, I notice Mr. Dam is not in the House. I would hope someone would table this for one legislative day.

Thereupon, on motion of Mr. Porter of Lincoln, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act Revising the Laws Relating to Baxter State Park" (H. P. 160) (L. D. 226)

Tabled—February 23, by Mr. Birt of East Millinocket.

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

On motion of Mr. Birt of East Millinocket, recommitted to the Committee on State Government and sent up for concurrence.

On motion of Mr. Berry of Buxton,

Adjourned until nine o'clock tomorrow morning.