

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, March 4, 1971

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

Prayer by the Rev. Mr. John Wrigglesworth of Albion.

The journal of yesterday was read and approved.

Papers from the Senate

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

Reports of Committees

Ought Not to Pass

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act relating to Expenditure of Municipal Funds for Roads Used by Nonresidents" (S. P. 143) (L. D. 382)

Report of the Committee on Taxation reporting same on Bill "An Act relating to Increase of Assessments on Real Estate" (S. P. 145) (L. D. 384)

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs, acting in accordance with Joint Order (S. P. 339) reporting a Bill (S. P. 370) (L. D. 951) under title of "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans" and that it "Ought to pass"

Report was signed by the following members:

Messrs. DUNN of Oxford
SEWALL of Penobscot
— of the Senate.

Messrs. GILL of South Portland
BIRT of East Millinocket
BRAGDON of Perham
SHAW of Chelsea
— of the House.

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

Report was signed by the following members:

Mr. CONLEY of Cumberland
— of the Senate.
Messrs. CARTER of Winslow
CAREY of Waterville

JALBERT of Lewiston

— of the House.

Came from the Senate with the Majority Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House accept the Majority "Ought to pass" Report in concurrence.

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

Mr. MARTIN: Mr. Speaker, I move the indefinite postponement of this bill and all of its accompanying papers and would speak to my motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of both Reports and Bill in non-concurrence. The gentleman may proceed.

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: This item has been batting around for some time. There are a few things that we ought to be aware of and I am sure that the members of the Appropriations Committee will do that.

There is one other additional item that bothers me. If any of you have read the law that deals with the Maine Industrial Building Authority you will find that there is a certain procedure that should be followed, and let me read:

"If from time to time, in the opinion of the Authority, the addition of moneys to the Mortgage Insurance Fund be required to meet obligations, the Authority shall in writing request the Governor and Council to provide moneys in such amounts as may be necessary for the purpose. The Governor and Council shall transfer to such fund sufficient moneys for said purpose from the State account or from the proceeds of bonds to be issued as provided in this section. If the bonds are to be issued the Governor and Council shall order the Treasurer of State to issue bonds in the

amount required, but not exceeding in the aggregate at any one time outstanding the amount set forth in the Constitution of Maine, Article IX, Section 14."

Now this to me points out the procedure that should be used. It bothers me to see that we are going to attempt to be using surplus money for an item that ought to be bonded, and I repeat — for an item that ought to be bonded. The reason why the MIBA program was set up originally was because we knew that when the State was going to be backing industries such as this one — and it is not the first one to be in trouble, that there was a possibility that State monies would become involved. At that point a procedure was set up so that it would be bonded over a certain period of time. If we are going to depart from that procedure then what we ought to do is change the laws.

Now there are other reasons and other things that ought to be taken into account. What happens if this happens again? Someone ought to answer that question. I don't think that this is the way that it ought to be done and I hope that you vote for the motion for indefinite postponement and agree with me, and when the vote is taken I move that it be taken by the yeas and nays.

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

Mr. SUSI: Mr. Speaker and Ladies and Gentlemen: Because of Committee hearings that are scheduled for ten o'clock today we are going to have to adjourn at that time, and I would hope that someone would move that this be tabled until the ensuing day.

Whereupon, on motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Martin of Eagle Lake to indefinitely postpone in non-concurrence both Reports and Bill and tomorrow assigned.

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 relating to Commercial Kennels, Boarding Kennels and Pet Shops" (H. P. 954) (Presented by Mrs. Lincoln of Bethel)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide the Elderly and Lower Income Residents of Maine Prescription Drugs and Other Medical Services" (H. P. 955) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Defining Financial Institution under the Banking Laws" (H. P. 956) (Presented by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act relating to Time of Sending County Estimates to Secretary of State and Municipalities" (H. P. 957) (Presented by Mr. Gauthier of Sanford by request)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act relating to Prescribing Contraceptive Methods to Minors without Parental Consent" (H. P. 958) (Presented by Mrs. Cummings of Newport)

Bill "An Act relating to Change of Name of the Arthritis Foundation, Pine Tree Chapter, Inc. (H. P. 959) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws" (H. P. 960) (Presented by Mr. Ault of Wayne)

Bill "An Act relating to Power to Loan under State Housing Authority's Law" (H. P. 961)

(Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act to Exempt Members of the Legislature from Jury Service" (H. P. 962) (Presented by Mr. Kelley of Southport)

Bill "An Act relating to Definition of Theft by One Renting or Truſted with Property" (H. P. 963) (Presented by Mr. Lee of Albion)

Bill "An Act relating to Liens for Labor and Supplying Equipment" (H. P. 964) (Presented by ſame gentleman)

Bill "An Act Creating the Uniform Marriage and Divorce Act" (H. P. 965) (Presented by Mr. Mills of Eaſtport)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Planning Board Vacancies" (H. P. 966) (Presented by Mrs. Brown of York)

Bill "An Act to Make Municipal Planning Legislation Conſiſtent with Home Rule" (H. P. 967) (Presented by ſame member)

Bill "An Act relating to Home Rule Procedure" (H. P. 968) (Presented by Mr. Cote of Lewiſton)

Bill "An Act to Repeal the Birch Point Village Corporation" (H. P. 969) (Presented by Mr. Curtis of Bowdoinham)

(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 Election of Officers of Hospital Administrative Diſtrict No. 3 in Arooſtook and Penobſcot Counties" (H. P. 970) (Presented by Mr. Williams of Hodgdon)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act relating to Water Quality Standards" (H. P. 971) (Presented by Mr. Herrick of Harmony)

Bill "An Act to Provide for Coastal Island Truſts" (H. P. 972) (Presented by Mrs. Payſon of Falmouth)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Provide an Automatic Pay Increase to Claſſified State Employees Who Paſs the Certified Professional Secretary Examination" (H. P. 973) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for State Contribution to Industrial Pollution Abatement" (H. P. 974) (Presented by Mr. Ault of Wayne)

Bill "An Act Imposing a Head Tax" (H. P. 975) (Presented by Mr. Henley of Norway)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Weight Tolerances of Vehicles Loaded with Refrigerated Products" (H. P. 976) (Presented by Mr. Stillings of Berwick)

Resolve Providing Funds for Repair of Certain Road in Town of Glenburn, Penobſcot County (H. P. 977) (Presented by Mr. Barnes of Alton)

Resolve Designating a Certain Road in Northeastern Maine as William F. McDevitt Road (H. P. 978) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Eliminating Certain Organizations as Participating Local Diſtricts under State Retirement System" (H. P. 979) (Presented by Mrs. Lincoln of Bethel)

(Ordered Printed)

Sent up for concurrence.

Orders

Tabled and Assigned

Mr. Kelley of Caribou presented the following Joint Reſolution, approved by a majority of the Committee on Reference of Bills for introduction in accordance with Joint Rule 11, and moved that it

be referred to the Committee on State Government:

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Fifth Legislative Session assembled, most respectfully present and petition the Honorable Richard M. Nixon, President of the United States, as follows:

WHEREAS, seventy-two per cent of the American people have recently indicated that they favor a withdrawal of American forces from Vietnam by the end of the present year; and

WHEREAS, numerous Mainesons have been killed in a conflict which is widely believed to be senseless; and

WHEREAS, there are numerous problems in Maine that require the expenditure of funds that are currently financing the war; and

WHEREAS, the war is largely responsible for the present high rate of inflation, the highest unemployment in a decade, and tremendous social divisions within the United States; and

WHEREAS, persistence in our present course may precipitate the intervention of Red China, thereby presenting the horrible specter of a Third World War or a nuclear conflict; and

WHEREAS, the United States has met and surpassed every one of its original objectives in giving the government of South Vietnam the necessary time and resources to preserve its own existence, including the raising and support of a South Vietnamese army that is ten times as large as the enemy; now, therefore, be it

RESOLVED: That we, your Memorialists, as representatives of the people of the State of Maine, do hereby recommend and urge the President of the United States to withdraw all American military forces, including airpower, from Indochina by the end of 1972; and be it further

RESOLVED: That we urge the President to immediately negotiate a mutual cease-fire and a reciprocal exchange of prisoners of war to facilitate the withdrawal of

American military forces; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to the members of the said Senate and House of Representatives from this State.

The SPEAKER: The pending question is reference. Is it the pleasure of the House that this be referred to the State Government Committee?

The Chair recognizes the gentleman from Chelsea, Mr. Shaw.

Mr. SHAW: Mr. Speaker and Members of the House: Before this is referred to any committee I have a few statements I would like to make about it. I received a letter a short time ago and it seemed to have a number of ideas that refer to this particular order.

This letter says: "Partisan politics has no place in the determination of U.S. strategy in Indochina.

It is unfortunate that the one declared candidate for the Presidency in 1972 — Senator George McGovern of South Dakota — has chosen to base his campaign on a deliberately divisive, irresponsible appeal to those very elements in our country who have frustrated and stymied the American fighting man in Southeast Asia.

Senator McGovern's absurd suggestion that the President might be impeached because he has had the courage to face the Indochina situation boldly, to take measures to protect American lives and to deny victory to the enemy does not merit serious consideration, much less national attention. It is the kind of suggestion that brings comfort only to Hanoi. In addition, the remarks made by the senator closely parallel those of Xuan Thy, Hanoi's spokesman at the Paris peace talks.

Senator McGovern fully realizes that he must capture headlines if he is to be considered a Presidential candidate. Admittedly, he does have a talent for rhetoric and now he has demonstrated to all that he is willing to sacrifice our national security and integrity and cloak his true motivation in his infamous rhetoric.

His immature political thinking apparently blinds him so that he can see no further than immediate reward — in this case, a purely political reward. He is willing to sacrifice the lives of our brave American fighting men languishing in prisons throughout Indochina in return for national attention. No rational human being can truly believe, that the Communists will release our men if we withdraw, for then there will be no bargaining position left for us.

The senator indicated that we can get out of South Vietnam safely any time we want. This is only one more immature tendency to flee reality and ignore responsibility. Is he willing to accept responsibility for the blood bath that will follow?

This is neither the time nor the place for political theatrics — we are speaking of a life and death matter. Would McGovern, if he were the President — as he hopes to be — turn his back on the millions in South Vietnam and surrender? Would he expect Moscow and Peking to interpret such a surrender as a sign of American strength and determination?

The Veterans of Foreign Wars know better — so should the senator. This is no time to talk of impeachment of a President who has the courage to make decisions that will bring our boys home while at the same time preserving the rights of free men.

This is the time to say "Thank God we have such a President."

I don't believe that this order is necessary. The war has had too many arm chair jockeys, Monday morning quarterbacks, interfering with the President's duties up to now; and I move the indefinite postponement of this order.

Whereupon, on motion of Mr. Norris of Brewer, tabled pending the motion of Mr. Kelley of Caribou to refer to the Committee on State Government and specially assigned for Tuesday, March 9.

House Reports of Committees Ought Not to Pass

Mr. Page from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Defenses on Retail Installment Sales Agreements" (H. P. 381) (L. D. 496)

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

Leave to Withdraw

Mr. Haskell from the Committee on Education on Bill "An Act relating to Tuition for State Wards" (H. P. 703) (L. D. 946) reported Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mrs. Baker from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to Notice of Hearings before the Administrative Hearing Commissioner" (H. P. 418) (L. D. 545)

Mr. Lund from same Committee reported same on Bill "An Act Revising Probate Rules and Blanks" (H. P. 456) (L. D. 611)

Mr. Hewes from same Committee reported same on Bill "An Act relating to Arson" (H. P. 491) (L. D. 632)

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

Ought to Pass with Committee Amendment

Mr. Mahany from the Committee on Agriculture on Bill "An Act relating to Payments by the State for Damage by Dogs and Wild Animals" (H. P. 252) (L. D. 334) 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-38) was read by the Clerk and adopted, and

tomorrow assigned for third reading of the Bill.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Bill "An Act relating to Temporary Lodging in County Jails of Returnees from Entrustment and Juveniles Absent Without Leave from Juvenile Institutions" (H. P. 460) (L. D. 615)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
HARDING of Aroostook
QUINN of Penobscot
- of the Senate.
Messrs. PAGE of Fryeburg
HENLEY of Norway
HEWES
- of Cape Elizabeth
LUND of Augusta
Mrs. BAKER of Orrington
Mr. KELLEY of Caribou
Mrs. WHITE of Guilford
Mrs. WHEELER of Portland
Mr. ORESTIS of Lewiston
- of the House.

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

Report was signed by the following member:

Mr. CARRIER of Westbrook
- of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Ladies and Gentlemen of the House: At this time I will not make any particular motion on this bill, due to the fact that the House chairman is not here. However, on the surface of things it looks as if I alone signed on the Minority Report. It does not leave a very good impression. However, I just want to call your attention to the bill which in itself might have some value, but which I oppose strictly on one point: And that is the bill is that if somebody runs away or is absent without leave from the girls' school at Hallowell or the Boys Training Center that he can be lodged — when he is picked up he can be lodged overnight at the county jail.

Now we are talking now about kids fourteen - fifteen - sixteen years old, and we have a few bills of this nature which have come up in the last session and which were defeated, which are coming up in this session, which seem to promote the fact that we should send kids fourteen - fifteen - sixteen - seventeen years old to jail instead of sending them to the Correctional Center. My contention is that this puts a stigma on a young person and later on or even when he goes back to school that they point him out and always say, "You have been in jail." Whether it was for an offense or whether it was not, or whether it was before he went to court, or anything.

So this is strictly my opposition to the bill and like I say in due respect to the House chairman who is not here I will ask somebody to make a motion, whatever motion they want, or else to table it for a day or two.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, I move that we accept the Majority "Ought to pass" Report.

Thereupon, the Majority "Ought to pass" Report was accepted, the Bill read twice and tomorrow assigned for third reading.

Passed to Be Engrossed

Bill "An Act Changing the Name of Committee on Educational Television and Relating to Educational Services in Communication Media" (S. P. 96) (L. D. 260)

Bill "An Act relating to Death Benefits for Fish and Game and Coastal Wardens under the State Retirement System" (S.P. 147) (L. D. 386)

Bill "An Act to Eliminate Moose River from the Maine Forestry District" (H. P. 141) (L. D. 196)

Bill "An Act relating to Maine Chiropractic Association" (H. P. 238) (L. D. 320)

Bill "An Act relating to Operation of Snowmobiles in Cemeteries" (H. P. 299) (L. D. 399)

Bill "An Act relating to Licenses for Harness Horse Racing and Stipend Fund" (H. P. 321) (L. D. 430)

Bill "An Act Amending and Restating the Act to Incorporate

Dyer Library Association" (H. P. 350) (L. D. 459)

Bill "An Act relating to Name of The Electronic Technicians' Association, Inc." (H. P. 353) (L. D. 462)

Bill "An Act relating to Qualifications of Candidates in Primary Elections" (H. P. 386) (L. D. 501)

Bill "An Act Granting Permits to Blind Persons to Operate Vending Facilities in Public Buildings" (H. P. 425) (L. D. 559)

Bill "An Act relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition" (H. P. 952) (L. D. 990)

Bill "An Act relating to the Use of Drugs on Animals at Agricultural Fairs" (H. P. 953) (L. D. 991)

Resolve Reimbursing Mrs. W. Ralph Green of Albion for Well Damage Due to Highway Maintenance (H. P. 200) (L. D. 255)

Resolve Reimbursing Donald F. Bartlett for Damage due to Highway Maintenance (H. P. 301) (L. D. 401)

Resolve to Reimburse Anthony Moscone for Loss of Cigarettes and Tobacco Products by Fire (H. P. 368) (L. D. 481)

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

Passed to Be Enacted

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

Was 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:

Resolution Proposing an Amendment to the Constitution Providing for Early Convening of the Legislature (H. P. 206) (L. D. 272)

Tabled — March 2, by Mr. Donaghy of Lubec.

Pending — Passage to be engrossed.

On motion of Mr. Donaghy of Lubec, tabled pending passage to be engrossed and specially assigned for Tuesday, March 9.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.