

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

Friday, March 5, 1971

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

Prayer by the Rev. Mr. Howard O. Hough of Falmouth.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate purchase such equipment not to exceed \$500 for any one item and such stationery and supplies as may be needed to carry on the business of the Senate and the Clerk of the House purchase such equipment not to exceed \$500 for any one item and such stationery and supplies as may be needed to carry on the business of the House (S. P. 416)

Came from the Senate read and passed.

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

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

Reports of Committees Ought to Pass

Report of the Committee on Taxation reporting "Ought to pass" on Bill "An Act Exempting Sales to Certain Institutions from Sales Tax" (S. P. 242) (L. D. 703)

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

In the House, the Report was read and accepted in concurrence, the Bill read twice and assigned the next legislative day.

Ought to Pass with Committee Amendment

Report of the Committee on Education on Bill "An Act relating to Reimbursement to Administrative Units for Unusual Enrollment Increases" (S. P. 259) (L. D. 765) reporting "Ought to pass" as amended by Committee Amendment "A" (S-19) submitted therewith.

Report of the Committee on Legal Affairs on Resolve to Reimburse Myron F. Robarts of Camden for Property Damage by Highway Construction (S. P. 115) (L. D. 294) reporting "Ought to pass" as amended by Committee Amendment "A" (S-18) 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, the 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 the Bill assigned for third reading and the Resolve assigned for second reading the next legislative day.

Tabled and Assigned

Report of the Committee on Liquor Control on Bill "An Act Providing for Adult Identification Cards under Liquor Law" (S. P. 119) (L. D. 298) reporting "Ought to pass" as amended by Committee Amendment "A" (S-20) 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.

(On motion of Mr. Vincent of Portland, tabled pending acceptance of Report in concurrence and specially assigned for Wednesday, March 10.)

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to Cheating by False Pretenses" (S. P. 66) (L. D. 131)

Report was signed by the following members:

Messrs. TANOUS of Penobscot
 QUINN of Penobscot
 — of the Senate.
 Messrs. HEWES of Cape Elizabeth
 CARRIER of Westbrook
 Mrs. BAKER of Orrington
 Mr. ORESTIS of Lewiston
 Mrs. WHITE of Guilford

Messrs. PAGE of Fryeburg
 HENLEY of Norway
 Mrs. WHEELER of Portland
 — of the House.

Minority Report of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A", submitted therewith.

Report was signed by the following members:

Mr. HARDING of Aroostook
 — of the Senate.

Messrs. KELLEY of Caribou
 LUND of Augusta
 — of the House.

Came from the Senate with the Majority Report accepted.

In the House: Reports were read.

On motion of Mr. Hewes of Cape Elizabeth, the Majority "Ought not to pass" Report was accepted in concurrence.

Non-Concurrent Matter

Bill "An Act relating to Use of Motorboats on Ox Brook Lakes, Washington County" (H. P. 296) (L. D. 396) which was passed to be engrossed as amended by Committee Amendment "A" in the House on February 23.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: The House voted to recede and concur.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn they adjourn to Tuesday, March 9, at 10 o'clock in the morning. (S. P. 397)

Came from the Senate read and passed.

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

Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolutions and Resolve were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act relating to Packaging of Toxic Substances with Consumerables" (H. P. 980)

(Presented by Mrs. Boudreau of Portland)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Funds for Additional State Office Space at Augusta" (H. P. 981) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Providing Funds to Municipally Owned Hospitals and Nursing Care Facilities for Aid to the Medically Indigent" (H. P. 982) (Presented by Mrs. Doyle of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relative to Cancellation, Termination of Authority or Modification of Contracts Between Insurance Agents and Insurance Companies" (H. P. 983) (Presented by Mr. Sheltra of Biddeford)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Increasing Salaries of County Officials of Androscoggin County" (H. P. 984) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act relating to Duty of State Board of Education Concerning Interscholastic Activities" (H. P. 985) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act relating to Licenses for Hunting Deer with Bow and Arrow" (H. P. 986) (Presented by Mr. Curtis of Orono)

Bill "An Act relating to Guides When Using Canoes at Summer Camps" (H. P. 987) (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act relating to Copies of Examinations to Practice Law

Given to Applicants" (H. P. 988) (Presented by Mr. Carrier of Westbrook)

Bill "An Act relating to Qualifications of Applicants for Examination for Admission to Practice Law" (H. P. 989) (Presented by same gentleman)

Bill "An Act relating to Indemnity for Persons Erroneously Convicted and Pardoned" (H. P. 990) (Presented by Mrs. Doyle of Bangor)

Bill "An Act relating to Legal Grievances" (H. P. 991) (Presented by same member by request)

Bill "An Act relating to Reports of Accidents in Parking Areas of Shopping Centers" (H. P. 992) (Presented by Mr. Hanson of Gardiner)

Resolution Proposing an Amendment to the Constitution to Improve the Administration of Justice by Permitting Enabling Legislation Creating Six-man Juries in the District Court for Trials of Civil Cases and Certain Criminal Cases" (H. P. 993) (Presented by Mr. McTeague of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act relating to Compensation for Minors Delivering Newspaper Supplements" (H. P. 994) (Presented by Mr. Dam of Skowhegan)

Bill "An Act to Extend Coverage of the Minimum Wage on Construction Projects" (H. P. 995) (Presented by Mr. McTeague of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Restricting Use of Certain Campsites" (H. P. 996) (Presented by Mr. Birt of East Millinocket)

Bill "An Act relating to Distribution of Part of Snowmobile Registration Fees to Sheriffs' Departments" (H. P. 997) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Validate Certain Proceedings Authorizing Ambul-

ance Service for Town of Skowhegan" (H. P. 998) (Presented by Mr. Dam of Skowhegan)

Bill "An Act relating to the Change of Name of the Old Cemetery Association" (H. P. 999) (Presented by Mr. Hodgdon of Kittery)

Resolve to Reimburse Claude W. Day of Skowhegan for Truck Damage Due to Highway Maintenance" (H. P. 1000) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Further Regulate the Sale of Malt Liquor between Manufacturers and Wholesalers" (H. P. 1001) (Presented by Mr. Hodgdon of Kittery)

(Ordered Printed)

Sent up for concurrence.

State Government

The following Joint Resolution presented by Mr. Rollins of Dixfield and approved by a majority of the Committee on Reference of Bills for introduction in accordance with Joint Rule 11:

Joint Resolution Memorializing Congress to Lower the Retirement Age under Social Security from 65 to 62 Years (H. P. 1002)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting Certain Nonprofit Community Organizations from the Sales Tax" (H. P. 1003) (Presented by Mr. Dam of Skowhegan)

Bill "An Act relating to Municipal Excise Taxes on Boats and Motors" (H. P. 1004) (Presented by Mr. Hanson of Gardiner)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act relating to Fees for Plates for Dealers in Motorcycles and Boat Trailers" (H. P. 1005) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Jutras of Sanford, it was

ORDERED, that Rev. Roland Patenaude of Sanford be invited to officiate as Chaplain of the House on Tuesday, April 13, 1971.

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage:

WHEREAS, the temperature in the State House Building has reached intolerable levels; and

WHEREAS, temperatures of 80 degrees and above cannot be considered conducive to good work or high morale; and

WHEREAS, it is a wasteful, extravagant use of public funds to supply heat in excess of what is needed; now, therefore, be it

ORDERED, the Senate concurring, that the Director of Public Improvements be directed to investigate the heating plant and system of heat controls for the State House and to make such immediate corrections and improvements as are necessary to provide a more adequate heat range or explain in detail to the Legislature why the purpose of this Order cannot be accomplished; and be it further

ORDERED, upon passage of this Order that the Director of Public Improvements be notified forthwith. (H. P. 1006)

The Joint Order received passage and was sent up for concurrence.

House Reports of Committees Ought Not to Pass

Covered by Other Legislation

Mr. Lynch from the Committee on Education on Bill "An Act relating to Age of Compulsory Education" (H. P. 182) (L. D. 240) reported "Ought not to pass," as covered by other legislation.

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

Leave to Withdraw

Mr. Woodbury from the Committee on Education on Bill "An Act relating to Tuition by Administrative Units Not Maintaining an Approved Secondary School" (H. P. 671) (L. D. 908) reported Leave to Withdraw.

Mr. Williams from the Committee on Public Utilities reported same on Bill "An Act Entering the State of Maine into the Interstate Mining Compact" (H. P. 203) (L. D. 286)

Reports were read and accepted and sent up for concurrence.

Referred to Committee on Judiciary

Mr. Shaw from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing for a Full-time County Attorney for Cumberland County" (H. P. 194) (L. D. 332) reported that it be referred to the Committee on Judiciary.

Report was read and accepted, the Bill referred to the Committee on Judiciary and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Evans from the Committee on Agriculture reported "Ought to pass" on Bill "An Act Regulating Imitation Milk and Milk Products" (H. P. 376) (L. D. 491)

Mr. Tyndale from the Committee on Education reported same on Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22" (H. P. 645) (L. D. 875)

Mr. Bunker from the Committee on Fisheries and Wildlife reported same on Bill "An Act relating to Carrying Life Saving Devices in Canoes" (H. P. 115) (L. D. 159)

Mrs. Cummings from the Committee on Health and Institutional Services reported same on Bill "An Act relating to Salary of Executive Secretary of the Board of Barbers" (H. P. 65) (L. D. 106)

Mr. Shute from the Committee on Public Utilities reported same on Bill "An Act to Authorize the Beaver Cove Water Company to Utilize the Water of Moosehead Lake" (H. P. 541) (L. D. 713)

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

Ought to Pass with Committee Amendment

Mr. Bither from the Committee on Education on Bill "An Act to

Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75 and 77" (H. P. 646) (L. D. 876) 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-39) was read by the Clerk and adopted, and the Bill assigned for third reading the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to Notice of Hearings before the Administrative Hearing Commissioner" (H. P. 418) (L. D. 545)

Bill "An Act Revising Probate Rules and Blanks" (H. P. 456) (L. D. 611)

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)

Bill "An Act relating to Arson" (H. P. 491) (L. D. 632)

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 Bill

Bill "An Act relating to Payments by the State for Damage by Dogs and Wild Animals" (H. P. 252) (L. D. 334)

Was 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 Employees and Agents of Collection Agencies (S. P. 215) (L. D. 661)

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

An Act relating to Membership on Zoning Boards of Appeal (H. P. 866) (L. D. 923)

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:

Senate Divided Report—Majority (6) "Ought to pass" Minority (4) "Ought not to pass"—Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans" (S. P. 370) (L. D. 951)

Tabled—March 4, by Mr. Jalbert of Lewiston.

Pending—Motion of Mr. Martin of Eagle Lake to indefinitely postpone Reports and Bill.

On motion of Mr. Birt of East Millinocket, retabled pending the motion of Mr. Martin of Eagle Lake to indefinitely postpone Reports and Bill, and specially assigned for Wednesday, March 10.

Mr. Murray of Bangor was granted unanimous consent to address the House.

Mr. MURRAY: Mr. Speaker and Ladies and Gentlemen of the House: I rise this morning to point out the fact that today is March 5, the 73rd birthday of the senior member from the Bangor delegation. I would like to wish Mr. Curran, the man who remains very young in spirit always, a very happy birthday. Thank you.

The SPEAKER: The Chair wishes to thank Mr. Murray for calling this to the attention of the House because this gentleman is beloved by members on both sides of the aisle.

On motion of Mr. Porter of Lincoln,

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