

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

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1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

HOUSE

Friday, February 4, 1972

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

Prayer by the Rev. Mr. Elmer Bentley of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Order:

WHEREAS, the harmony of the universe is a comfortable marriage which is full and rich and continually expanding in beauty and in power; and

WHEREAS, Leland and Hazel King have enjoyed harmony of such dimensions for the past fifty years; and

WHEREAS, Leland is a retired state employee and former officer of the Maine Senate; and

WHEREAS, the Kings are celebrating these happy years and special family relations of the Golden Anniversary of their wedding; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine now assembled in special legislative session join the Golden Wedding Anniversary celebration of our friend and colleague and his dear bride by extending our warmest congratulations on this memorable occasion, along with our very best wishes for the years to come; and be it further

ORDERED, that a suitable copy of this Joint Order be immediately transmitted to Mr. and Mrs. King of Jefferson as a small memento of our esteem. (S. P. 747)

Came from the Senate read and passed.

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

Report of Committee Ought to Pass with Committee Amendment

Report of the Committee on Public Utilities on Bill "An Act relating to Transit Districts" (S.

P. 704) (L. D. 1885) reporting "Ought to pass" as amended by Committee Amendment "A" 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 and accepted in concurrence and the Bill read twice. Committee Amendment "A" (S-323) was read by the Clerk and adopted in concurrence, and the Bill assigned for third reading the next legislative day.

Non-Concurrent Matter

Joint Order relative to study and analysis of offices, departments, boards, commissions and other State Agencies (H. P. 1564) which was passed in the House on February 2.

Came from the Senate passed as amended by Senate Amendment "A" in non-concurrence.

In the House:

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

Mr. MARTIN: Mr. Speaker, I do not seem to find the amendment on my desk and wonder if someone could explain what the amendment is.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to anyone who may answer if they choose.

The Chair recognizes the gentleman from Falmouth, Mrs. Payson.

Mrs. PAYSON: Mr. Speaker and Ladies and Gentlemen of the House: In answer to Mr. Martin's question, the amendment was put on our desks yesterday and all it does is change the name in the Joint Order of the Commission to the Maine Management and Cost Survey to conform with that which is now being used by the Management Consultant Firm which develops preliminary material and had it printed. And in order not to have to throw out the material because of an improper heading, we agreed to change the title here in Maine.

Thereupon, the House voted to recede and concur.

Orders

On motion of Mr. Farrington of Old Orchard Beach, it was

ORDERED, that Rev. Roger Bolduc of Old Orchard Beach be invited to officiate as Chaplain of the House on Wednesday, February 9, 1972.

On motion of Mrs. Baker of Orrington, it was

ORDERED, that Thomas Marsteller and Douglas Tibbetts of Freeport be appointed to serve as Honorary Pages for today.

On motion of Mrs. Kilroy of Portland, it was

ORDERED, that Kathy McCormick of Union be appointed to serve as Honorary Page for today.

On motion of Mr. Rocheleau of Auburn, it was

ORDERED, that Rev. Paul Plante of Auburn be invited to officiate as Chaplain of the House on Friday, February 11, 1972.

House Reports of Committees Leave to Withdraw

Covered by Other Legislation

Mr. Carey from the Committee on Appropriations and Financial Affairs on Resolve Appropriating Moneys for Spruce Budworm Control (H. P. 1455) (L. D. 1898) reported Leave to Withdraw, as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Shaw from the Committee on Appropriations and Financial Affairs reported "Ought to pass" on Bill "An Act Providing Funds for County Access Road to Katahdin Iron Works" (H. P. 1514) (L. D. 1956)

Mr. Ross from the Committee on Election Laws, acting in accordance with Joint Order (H. P. 1558), reported a Bill (H. P. 1567) (L. D. 2022) under title of "An Act to Clarify Party Enrollment Requirements for Filing Nomination Petitions under the Election

Laws" and that it "Ought to pass"

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

Ought to Pass with Committee Amendment

Mr. Curtis from the Committee on Legal Affairs on Resolve in Favor of Robert D. Lust for Automobile Damage (H. P. 1492) (L. D. 1935) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted and the Resolve read once. Committee Amendment "A" (H-526) was read by the Clerk and adopted, and the Resolve assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to pass" on Bill "An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions" (H. P. 1494) (L. D. 1937)

Report was signed by the following members:

Mr. HOFFSES of Knox
— of the Senate.
Messrs. TANGUAY of Lewiston
LIZOTTE of Biddeford
MADDOX of Vinalhaven
STILLINGS of Berwick
FAUCHER of Solon
SLANE of Portland
— of the House.

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

Report was signed by the following members:

Messrs. SHUTE of Franklin
FORTIER of Oxford
— of the Senate.
Messrs. IMMONEN of West Paris
HAWKENS of Farmington
BAILEY of Woolwich
GAGNON of Scarborough
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Berwick, Mr. Stillings.

Mr. STILLINGS: Mr. Speaker and Members of the House: I recognize that this is a liquor bill with a very close split report and

I am sure it will receive adequate debate. I would hope, however, that we could accept the majority report today without debate and debate it Monday as a third reader. I would move that we accept the Majority "Ought to pass" Report.

Whereupon, Mr. Bailey of Woolwich requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Berwick, Mr. Stillings, that the House accept the Majority "Ought to pass" Report. A vote has been requested on the motion. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

The Bill was read twice and assigned the next legislative day.

Passed to Be Engrossed

Bill "An Act relating to the Assumption of Responsibility for Juvenile Probationers in Cumberland County by State Division of Probation and Parole" (H. P. 1479) (L. D. 1922)

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

**Third Reader
Amended**

Bill "An Act relating to Housing and Food Supplies Furnished by State Departments" (H. P. 1504) (L. D. 1946)

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

Mr. Donaghy of Lubec offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-527) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DONAGHY: Mr. Speaker, Ladies and Gentlemen of the House: It was through an error this bill was presented without amendment, which was supposed to have been put on before it was presented.

It simply exempts Baxter State Park where it is actually a separate entity with its own funds, who feel that they should have cer-

tain provisions for food and housing. People up there that were lost or something like this and it is a different situation than in our other institutions.

Thereupon, House Amendment "A" was adopted, the Bill passed to be engrossed as amended and sent to the Senate.

Amended Bills

Bill "An Act relating to Municipal Finance" (S. P. 700) (L. D. 1881)

Bill "An Act Authorizing the Supreme Judicial Court to Provide for Juries of Fewer than 12" (H. P. 1478) (L. D. 1921)

Bill "An Act relating to Property of Cobbossee-Annabessacook Authority" (H. P. 1534) (L. D. 1977)

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
Emergency Measure**

An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act (S. P. 693) (L. D. 1874)

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. 110 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Salaries of County Commissioners of Waldo County (S. P. 694) (L. D. 1875)

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. 102 voted in favor of same and none 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 Filing Final County Estimates after Adjournment of the Legislature (H. P. 1459) (L. D. 1902)

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. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Increasing Funds for Lincoln County Court House Capital Improvements (H. P. 1461) (L. D. 1904)

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. 106 voted in favor of same and none 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 Loans to Candidates for Practice of Osteopathic Medicine in Maine (H. P. 1476) (L. D. 1919)

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. 103 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Tabled and Assigned**

An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control (H. P. 1510) (L. D. 1952)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Parks of Presque Isle, tabled pending

passage to be enacted and specially assigned for Monday, February 7.)

Passed to Be Enacted

An Act to Create the Maine Municipal Bond Bank (S. P. 701) (L. D. 1882)

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.

Enactor**Tabled and Assigned**

An Act Regulating Certain Vehicles and Snowmobiles in Wildlife Management Areas and Sanctuaries (S. P. 713) (L. D. 1987)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Porter of Lincoln, tabled pending passage to be enacted and specially assigned for Monday, February 7.)

An Act relating to Use of Artificial Lights for Lighting Game (H. P. 1471) (L. D. 1914)

An Act relating to Closed Season on Deer on Swan Island, Hancock County (H. P. 1472) (L. D. 1915)

An Act relating to Authorized Equipment Purchases at the Bangor State Hospital (H. P. 1474) (L. D. 1917)

An Act Correcting an Inconsistency in the Pharmacy Laws (H. P. 1475) (L. D. 1918)

An Act Providing for the Observance of the 200th Anniversary of the American Revolution (H. P. 1503) (L. D. 1945)

An Act Creating a State Employees' Suggestion Awards Board (H. P. 1507) (L. D. 1949)

An Act to Exempt Incorporated Volunteer Ambulance Corps from Sales and Use Taxes (H. P. 1511) (L. D. 1953)

An Act relating to Property Tax Exemption of Certain Pollution Control Facilities (H. P. 1560) (L. D. 2020)

Finally Passed

Resolve in Favor of Cole's Express for Truck Damage (H. P. 1490) (L. D. 1933)

Resolve to Reimburse Mrs. Clarisse Fournier of Jackman for Property Damage due to Highway

Maintenance (H. P. 1491) (L. D. 1934)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolves finally passed, all signed by the Speaker and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act relating to the Community School District Law (H. P. 1463) (L. D. 1906)

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. 106 voted in favor of same and none 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 Change of Name and Powers of Anson Academy (H. P. 1484) (L. D. 1927)

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. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act relating to Kents Hill School (H. P. 1489) (L. D. 1932)

An Act relating to Veterans Preference in State Employment (H. P. 1516) (L. D. 1958)

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.

By unanimous consent, the foregoing Enactors were ordered sent forthwith to the Senate.

The following paper from the Senate was received out of order by unanimous consent:

ORDERED, the House concurring, that when the House and

Senate adjourn they adjourn to Monday, February 7, at 3 o'clock in the afternoon. (S. P. 749)

Came from the Senate read and passed.

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

Orders of the Day

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

Majority Report (10) — "Ought not to pass" — Committee on Health and Institutional Services on Bill "An Act relating to the Administration of State Funds Appropriated to Charitable and Benevolent Institutions" (H. P. 1528) (L. D. 1971) and Minority Report (3) reporting "Ought to pass."

Tabled — February 3, by Mr. Lewis of Bristol.

Pending — Motion of Mrs. Payson of Falmouth to accept Majority Report.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There has been a great deal of confusion surrounding this bill and we have been playing with it here in this body for the last couple of days. I think we are back on the right track, but in order to do the job, the best place to do it is back in committee. So I am going to move that this bill be recommitted to the Committee on Health and Institutional Services.

Whereupon, the Reports and Bill were recommitted to the Committee on Health and Institutional Services and sent up for concurrence.

Mrs. Cummings of Newport was granted unanimous consent to address the House.

Mrs. CUMMINGS: Mr. Speaker and Members of the House: Governor Curtis promised in writing that he would set a date for the question of ballot reform to come before the citizens of Maine. Then he reneged on this promise. It was taken to court and both sides were given five days to file their legal arguments, which

again delays the decision until next week. I would like to quote from an editorial that appeared in the Portland Evening Express.

"We think we know how the judge will rule because the ballot reform group wisely took the precaution of asking for a special election which the Constitution allows. Thus, Governor Curtis, as we read the Constitution, cannot let this lie over until November. The basic issue here is whether or not the Democrats are trying to thwart the popular will, and it is apparent that they are. All that

is sought is the right of the people to pass upon the bill they have initiated, and the Court must uphold that constitutional right."

It is indeed unfortunate, to put it mildly, when the highest elected official in our State chooses to distort the law in order to disregard the legally recorded wishes of the Maine voters.

On motion of Mr. Porter of Lincoln,

Adjourned until Monday, February 7, at three o'clock in the afternoon.