

# 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**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## HOUSE

Monday, February 7, 1972

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

Prayer by the Rev. Edith Morton of Oakland.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

### Papers from the Senate Report of Committee Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act relating to Actions to Quiet Title to the Fee Interest in Discontinued Roads and Ways" (S. P. 697) (L. D. 1878) reporting same in a new draft (S. P. 748) (L. D. 2021) under same title and that it "Ought to pass"

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

In the House, the Report was read and accepted in concurrence, the New Draft read twice and tomorrow assigned.

### Non-Concurrent Matter

An Act relating to the Change of Name of Junior Achievement of Greater Portland, Inc. (S. P. 699) (L. D. 1880) which was passed to be enacted in the House on February 3 and passed to be engrossed on February 1.

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

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

### Non-Concurrent Matter

Bill "An Act relating to Penalty for Dogs Killing or Wounding Wild Animals" (H. P. 1470) (L. D. 1913) which was passed to be engrossed in the House on January 31.

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

In the House:

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I would like to speak briefly on this. I am concerned with the present writing of this bill. I did speak to the sponsor and spoke to members of the other body. At the present time as this bill is written it refers to an offense against any other wild animal including a deer in closed season. If, for example, a dog attacks and kills a rabbit or gray squirrel, which is a game animal, outside of the season, this law, if enacted, would allow a law enforcement officer to penalize the owner with a fine of two hundred up to a thousand dollars.

Now we are talking here today about an animal who cannot read nor write, cannot read the present statutes, cannot watch TV and I doubt if he can interpret the language of man. We are saying that if this animal attacks or wounds a game animal that the owner can be fined. It seems strange to me that in relation to a poacher or night hunter, a person who we suppose can read and write and should have knowledge of the laws of the state, if he is caught he goes into court and is fined one hundred to two hundred dollars and often as not this is suspended, due to the fact he can't pay.

This bill would be more tasteful to me if we had gone at the poacher and night hunter. In the past we have tried to pass bills in this House to get a mandatory sentence for a night hunter, and it has never gone through. I feel at this time that we are really discriminating against the dog owner and the dog itself when we pass this type of legislation.

The amendment to this bill from the other body does provide a loosening of the provision. In essence it states that the owner of a dog who is being trained or is in a field trial can kill or wound, in this case probably a bird out of season. But certainly again, it would require some distinction here because I feel there are very few hunters in the State of Maine that have the financial backing or financial support to join with these clubs where they would be able to take advantage of this situation.

Whereupon, the House voted to recede and concur.

### Non-Concurrent Matter

Bill "An Act to Revise Certain Laws Relating to Banks" (H. P. 1559) (L. D. 2019) which was passed to be engrossed in the House on January 31.

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

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

### House Report of Committee Divided Report

Report "A" of the Committee on Education on Bill "An Act to Dissolve the Four Corners Elementary Community School District" (H. P. 1466) (L. D. 1909) reporting same in a new draft (H. P. 1568) (L. D. 2023) under title of "An Act Authorizing Oakfield to Withdraw from the Four Corners Elementary Community School District" and that it "Ought to pass"

Report was signed by the following members:

Mr. CHICK of Kennebec  
-of the Senate.  
Messrs. BITHER of Houlton  
LUCAS of Portland  
LAWRY of Fairfield  
HASKELL of Houlton  
MILLETT of Dixmont  
-of the House.

Report "B" of same Committee on same Bill reporting that it be referred to the 106th Legislature.

Report was signed by the following members:

Messrs. KATZ of Kennebec  
MINKOWSKY  
of Androscoggin  
-of the Senate.  
Messrs. SIMPSON of Standish  
MURRAY of Bangor  
WOODBURY of Gray  
LYNCH

of Livermore Falls  
-of the House.

Reports were read.

On motion of Mr. Millett of Dixmont, Report "A" "Ought to pass" was accepted, the New Draft read twice and tomorrow assigned.

### Third Reader Amended

#### Tabled and Assigned

Bill "An Act Authorizing Town of Dresden to Vote on Certain Liq-

uor Option Questions" (H. P. 1494) (L. D. 1937)

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

Mr. Lewis of Bristol offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-528) was read by the Clerk and adopted.

(On motion of Mr. Dam of Skowhegan, tabled pending passage to be engrossed and tomorrow assigned.)

### Passed to Be Engrossed

Bill "An Act Providing Funds for County Access Road to Katahdin Iron Works" (H. P. 1514) (L. D. 1956)

Bill "An Act to Clarify Party Enrollment Requirements for Filing Nomination Petitions Under the Election Laws" (H. P. 1567) (L. D. 2022)

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 relating to Transit Districts" (S. P. 704) (L. D. 1885)

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.

### Third Reader Reconsidered

Resolve in Favor of Robert D. Lust for Automobile Damage (H. P. 1492) (L. D. 1935)

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

On motion of Mr. Lewin of Augusta, the House reconsidered its action of February 4 whereby Committee Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. LEWIN: Mr. Speaker and Ladies and Gentlemen of the House: I will be brief this afternoon. Last summer, Robert Lust and his family from New York, on the way home from vacationing in Maine approached a portion of the highway under construction by

the State Highway Department. The flagman on duty waved the car through. It ran over a rock, damaging the oil pan. The car was taken to a nearby garage and temporary repairs costing a little over \$25 were made so Mr. Lust could get back to New York. There it was necessary to have a new pan installed costing a little over \$50. Thus the actual cost for damage was \$79.93.

In answer to a letter sent to Mr. Lust on the matter, the State Highway Department informed him that the Department by law could not pay the just claim; it should be presented to the Maine Legislature, and my name was given.

I sponsored L. D. 1935 and spoke on it before the Legal Affairs Committee. Mr. Richardson, representing the Highway Department, confirmed the fact that the flagman did wave the vehicle through.

Now Committee Amendment "A" would delete \$29.93 from the claim. And I ask you, ladies and gentlemen, is this good public relations when our own Maine DED is spending a lot of money every year to encourage people to vacation in our great state? And certainly we want Mr. Lust and his family back again.

I now move the indefinite postponement of Committee Amendment "A" to L. D. 1935.

The SPEAKER: The gentleman from Augusta, Mr. Lewin, moves the indefinite postponement of Committee Amendment "A".

The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAUN: Mr. Speaker, Ladies and Gentlemen: I did serve on this committee, and we were unanimous in our decision because we felt this job could be done for \$50 anywhere. Had this man had the whole job done here in the first place, we wouldn't have had this extra bill, and we feel that we are here to save the taxpayers money. And we had other people tell us that \$50 was all that the most expensive pan would cost to put on. Just because he had a makeshift job and then went back and had the whole job done later, I don't think is the responsibility of the taxpayers. I move that you

do not go along with indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Ladies and Gentlemen of the House: Likewise, I am a member of Legal Affairs Committee, and the only reason that I went along with the proposed committee amendment was because I felt it would avoid an unnecessary floor fight. But I do concur entirely with Mr. Lewin, that for \$79 we couldn't have better public relations, and I would hope that we would likewise defeat the committee amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Lewin, that Committee Amendment "A" (H-526) be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

99 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

The Resolve was passed to be engrossed without amendment and sent to the Senate.

#### **Passed to Be Enacted Emergency Measure**

An Act to Authorize Counties to Adopt a Food Stamp or Donated Food Program (H. P. 1460) (L. D. 1903)

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**

An Act Increasing the Borrowing Capacity of York Sewer District (H. P. 1499) (L. D. 1941)

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 neces-

sary; a total was taken. 110 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Finally Passed Emergency Measure**

Resolve to Correct an Error in the Service Retirement Allowances Under the State Retirement Law for Linwood A. Webber (H. P. 1521) (L. D. 1963)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and 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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

Resolve Providing a Retirement Allowance Under the State Retirement Law for Mrs. John Howe (H. P. 1522) (L. D. 1964)

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. 111 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Leo G. Bartlett (H. P. 1523) (L. D. 1965)

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 Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Emergency Measure**

Resolve Providing a Minimum Service Retirement Allowance

Under the State Retirement Law for Emil Arsenault (H. P. 1524) (L. D. 1966)

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. 111 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act to Amend the Laws Pertaining to the Protection and Improvement of Air by Establishing Ambient Air Quality Standards (H. P. 1549) (L. D. 2008)

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

An Act relating to Filling Vacancies in Board of Trustees of Sanford Sewerage District (H. P. 1501) (L. D. 1943)

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:

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

Tabled — February 4, by Mr. Parks of Presque Isle.

Pending — Passage to be enacted.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 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.

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

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

Tabled — February 4, by Mr. Porter of Lincoln.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago, we had this as a first and second reader and I got up and made a mild exception, and since then, I have been over to see the Fish and Game Commissioner. I don't know that he is terribly in favor of it either. If I read the bill itself right, we do not need it anyway because they could do it under the other public use part of the law. That is what bothered me.

I am under the impression with the amendment which covers sanctuaries, if anybody had a piece of land that they wanted the Fish and Game Department to patrol for them, all they have got to do is declare it a game sanctuary and call up the Department and say, "Well, I want my land to snowmobile on myself and drive my all-terrain vehicle on but I don't want anybody else to do it so you come down here and patrol it for me, keep them off."

More than that, we are giving the Fish and Game authority to regulate a pretty big part of our state, many areas of the state, and at this time I am going to make a motion to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that Senate Paper 713, L. D. 1987, be indefinitely postponed.

The Chair recognizes the gentleman from Scarborough, Mr. Gagnon.

Mr. GAGNON: Mr. Speaker, Ladies and Gentlemen of the House: I was down at the committee hearing on this bill, and at this time there were two members from the Maine Snowmobile Association present. I had also talked to some of the associations down in my area and along with Commissioner Marsh. Initially, the bill came out just covering game management areas and Com-

missioner Marsh felt that whereas they had more regulatory controls on the game management areas and, as indicated in this bill initially, none in the game sanctuaries which most of us know as game preserves, that it would be good for him to have the authority — although this bill does not make it a mandate for him to close areas, specific areas, where he felt there might be a problem with motorized equipment used in these areas.

Now, if the snowmobile associations have no objection to this, and the ones I have been in contact with in my local area and where we are trying to get some protection for the deer herds, especially in the smaller areas such as down in my neck of the woods, we have some very small sanctuaries with a high population very near to these sections, and thirty or forty snowmobiles in these small sanctuaries could certainly upset the balance.

Where none of the parties disagreed that this is objectionable, especially the snowmobile associations, I don't see where the Commissioner should not have the authority to close a specific area, although he indicated to me he had no intention of closing all areas for all times. I don't see why this bill is not in good form and should not be accepted.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. Porter.

Mr. PORTER: Mr. Speaker and Ladies and Gentlemen: There is a good deal of truth in the statement made by Mr. Lee; we are giving a great deal of authority to one individual and it does cover quite a large area of the state, combined acreage would be close to the size of the Baxter State Park. I think you will agree there is a problem here. Somebody should have regulations in these sanctuaries. If the Commissioner cannot do it, who will? Personally, I don't like the alternative.

Let us take an example. Down at the game farm in Gray, it is a fairly large sanctuary, and there are several deer wintering in that sanctuary this winter. Three weeks ago, the wardens flew over that

sanctuary and they were perfectly amazed to find the hundreds and hundreds of snowmobile tracks across that sanctuary. This year, with the little snow, the deer are able to get around, and probably no great damage has been done. But if next winter happens to be like last winter, then a great deal of damage could be done and regulations should be put in force.

Scattered around the State, there are a number of small sanctuaries. This winter, many of those sanctuaries have no deer whatsoever. Therefore, it would be unnecessary to restrict the use of snowmobiles in those sanctuaries. However, there are other small sanctuaries in which there are some deer; three, four, sometimes eight or ten. Somebody should be authorized to regulate the snowmobiles in those sanctuaries.

A snowmobile makes a good track for a dog to get into the deer yard and you know what the dog can do once he gets into that deer yard. Undoubtedly, many people going through a deer yard or going near a deer yard with a snowmobile would molest the deer and that certainly could be detrimental in the early spring when the does are heavy with lamb. I think something should be done.

This bill authorizes the Commissioner to make those regulations. Certainly, it would be very difficult for this Legislature to make regulations. I think it would be poor policy to close all sanctuaries, and yet, how are we to know which ones do need the regulations? The Commissioner would have this authority given to him by the Legislature. We should keep in mind that what the Legislature gives, the Legislature can take away.

I urge you to defeat the motion to indefinitely postpone this bill and then let us pass it and give the Commissioner the authority, and if he abuses that authority then that authority can be taken away from him.

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

Mr. KELLEY: I would like to point out to the House members

that the sanctuaries are created by an act of Legislature rather than just an individual or individuals that own the land, and that it does take an act of the Legislature to create these sanctuaries.

I was in the plane that flew over the Gray game preserve about three weeks ago, and believe me, we saw a few deer tracks, but snowmobile tracks were everywhere and they went through every thick bunch of brush that was on it and really covered it. I hope that we can defeat this motion.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the Legislature: I am probably one of the ones who has been approached by snowmobilers down in my district to say a little something, that they are not for the bill; and another thing, you read the bill itself, it is poorly drawn. I filed it immediately after reading it as a scooby dooby bill, and that is about what it is.

Now, the bill is no good without the amendment that came from the other branch of the Legislature. But what seems funny to me is that every time that this Legislature meets, they have got to somehow, if they possibly can, do away with all the rights they have to some department. In my third term here, I still can't understand why we must continually erode what little power we have left as Legislators to some department head.

Now, the thing that also hits me pretty hard is the fact that I was one of the fortunate ones that only got two days of deer hunting because I thought that we had the week of Thanksgiving. And I thought that it was a pretty kind of a low mean way of doing to wait until they thought every license had been bought that was possible, and then close the woods, which happened to be down in my district.

Now, I hunt in northern Hancock County in the Spectacle Pond area, and if we had a bill that would do something in case it can't be done, and I think it can with what we have for laws already, but in the year 1970, in that area, we didn't see but a very few deer,



and why? Because there were four mini-bikes that rode all over about every wood road there was in places where I hunted and if you got a sight of a deer at all, you had to go way back where the minibikes hadn't gone. Now, I have been hunting in that area since 1938, and this is an awful thing to say, but I have seen just three game wardens in all that time between 1938 and 1971.

Now, if there was some way that we were having a bill that would stop minibikes in the area where I wanted to hunt, and not on somebody's private property that is a sanctuary, and if there was some way it could be done without losing all the legislative power that we have to some department, I might look at it in a different light, but as it is, I am going to vote against this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Albion, Mr. Lee, that An Act Regulating Certain Vehicles and Snowmobiles in Wildlife Management Areas and Sanctuaries, Senate Paper 713, L. D. 1987, be indefinitely postponed. If you are in favor of the motion to indefinitely postpone you will vote yes; if you are opposed you will vote no.

A vote of the House was taken.

25 having voted in the affirmative and 76 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker and Members of the House: I am sure you have noticed on your desks this afternoon a resolution pertaining to Vietnam and peace. I agree with the points made therein, but

there is an important matter much closer to home.

Last week, Justice Reid issued an Order to the Governor to proclaim a referendum on ballot reform forthwith. Then, Justice Reid granted an additional five days for each side to prepare briefs on issues of law.

Today, Justice Reid has issued a second decision. The motion to dismiss was denied, but he did not issue an Order. The Court ruled that it was the duty of the defendant to issue the proclamation promptly. If he does so, there will be no need for an Order. The Governor must remember that 46,000 people initiated a bill to be referred to a special election, not general. In my opinion, the Governor is flaunting his office to thwart the wishes not only of the people but also of our courts.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker, is the House in possession of House Paper 1478, L. D. 1921?

The SPEAKER: The answer is in the affirmative, Bill "An Act Authorizing the Supreme Judicial Court to Provide for Juries of Fewer than 12," which has been passed to be engrossed as amended by Committee Amendment "A".

Thereupon, on motion of Mr. McTeague of Brunswick, the House reconsidered its action of February 4 whereby the Bill was passed to be engrossed as amended by Committee Amendment "A".

Whereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Porter of Lincoln,

Adjourned until nine o'clock tomorrow morning.