

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

SENATE

Thursday, January 21, 1971

Senate called to order by the President.

Prayer by Mr. Julius G. Sussman of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion of Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 26, at 10 o'clock in the morning. (S. P. 122)

Which was Read and Passed.

Sent down forthwith for concurrence.

House Papers

Bills today received from the House requiring Reference to Committees were acted upon in concurrence.

Senate Papers

County Government

Mr. Violette of Aroostook presented, Bill, "An Act Relating to Fire Protection for Township 16, Range 4, Aroostook County." (S. P. 108) (L. D. 287)

Which was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Waiver of Examination for Certain Practical Nurses." (S. P. 109) (L. D. 288)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Fisheries and Wildlife

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

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Quinn of Penobscot presented, Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties." (S. P. 111) (L. D. 290)

Mr. Shute of Franklin presented, Bill, "An Act to Clarify Certain Forestry Laws." (S. P. 112) (L. D. 291)

Mr. Quinn of Penobscot presented, 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)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Minkowsky of Androscoggin presented, Bill, "An Act Exempting Motion Picture Projectionist from Liability under Regulation of Motion Pictures for Exhibition to Minors." (S. P. 114) (L. D. 293)

Mr. Hoffses of Knox presented, Resolve, to Reimburse Myron F. Roberts of Camden for Property Damage by Highway Construction. (S. P. 115) (L. D. 294)

The same Senator presented, Bill, "An Act Relating to Aids to Navigation and Regulatory Markers and Removal of Hazards for Safe Passage of Watercraft." (S. P. 116) (L. D. 295)

Mr. Quinn of Penobscot presented, Bill, "An Act Authorizing a Mortgagee to Bid and Purchase Real Estate Sold under Power of Sale." (S. P. 117) (L. D. 296)

Mr. Moore of Cumberland presented, Bill, "An Act Relating to Certain Agreements in Construction Contracts" (S. P. 118) (L. D. 297)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Liquor Control

Mr. Shute of Franklin presented, Bill, "An Act Providing for Adult Identification Cards Under Liquor Law." (S. P. 119) (L. D. 298)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Moore of Cumberland presented, Bill, "An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities." (S. P. 120) (L. D. 299)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Levine of Kennebec presented, Bill, "An Act Relating to Employment of a Legislator Following His Term in Office." (S. P. 121) (L. D. 300)

Which was referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Referred From 104th Legislature

The President laid before the Senate the following Bills which were referred to this Legislature from the 104th:

Bill, "An Act to Encourage and Assist the Expansion of Scheduled 'Third-Level' Air Carrier Operations Serving the State of Maine." (S. P. 123)

Bill, "An Act Relating to Sale of Dogs from Kennels and Pet Shops." (S. P. 124)

Bill, "An Act Creating the Maine Labor Relations Act." (S. P. 125)

Bill, "An Act Defining the Crime of Theft Known as Shopstealing and Establishing Rights and Penalties." (S. P. 126)

Bill, "An Act Providing for a Chief Administrative Officer of and Increasing Salaries of County Commissioners of Androscoggin County." (S. P. 127)

Bill, "An Act to Create a Commission to Prepare a Consumer Credit Code." (S. P. 128)

On motion by Mr. Berry of Cumberland, these Bills were Indefinitely postponed.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that there be created a Joint Select Committee on Constitutional State Reapportionment and Congressional Redistricting, consisting of 7 members on the part of the Senate, to be appointed by the President of the Senate, and 12 members on the part of the House, to be appointed by the Speaker of the House. The Committee is directed to consider the apportionment and assignment of councillor districts, senatorial districts and districts for Representatives of the Legislature, as well as such matters as relate to the apportionment and assignment of Congressional Districts, and report to this Legislature by bill or otherwise.

Any necessary expenses to carry out the duties of the committee shall be paid from the Legislative Appropriation. (S. P. 106)

Which was Read and Passed.

Sent down for concurrence.

The President appointed the following Committee members on the part of the Senate (the first-named Senator to act as Chairman):

Senators:

BERRY of Cumberland
MOORE of Cumberland
WYMAN of Washington
TANOUS of Penobscot
VIOLETTE of Aroostook
CONLEY of Cumberland
CLIFFORD

Androscoggin.

On motion by Mrs. Carswell of Cumberland,

WHEREAS, the administration of State Government and its agencies have serious financial implications for the taxpayers; and

WHEREAS, public funds were used for a study of the administration of the Augusta State Hospital; and

WHEREAS, a report known as the Baumgarten Report was completed with recommendations in 1968 at an approximate public expense of \$1,800 and is now in the possession of the State Department of Mental Health and Corrections; and

WHEREAS, the health and well being of the people of the State

of Maine is of great concern to the Legislature; and

WHEREAS, this report could provide valuable information for legislative deliberations; now, therefore, be it

ORDERED, that the Department of Mental Health and Corrections be ordered and directed to furnish forthwith, printed or reproduced, copies of the Baumgarden Report to each legislator requesting such report.

Which was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I have tried without success to get a copy of this report, and I believe the message read this morning speaks for itself. So I would hope that somebody would table this matter until later in today's session, and I believe that the reproduction will be ready soon.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Passage.

Committee Reports House Ought to Pass

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Open Season for Bass by Ice Fishing." (H. P. 38) (L. D. 70)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Daily Bag Limit of Certain Fish Taken by Ice Fishing." (H. P. 40) (L. D. 72)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills Read Once and tomorrow assigned for Second Reading.

The Committee on Fisheries and Wildlife on Bill, "An Act Relating

to Open Season for Fishing." (H. P. 39) (L. D. 71)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Indefinitely Postponed.

Which report was Read.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: This particular L. D. which received the unanimous Ought to Pass Report of the Committee and the action taken by the other branch is somewhat conflicting, however, the Committee has studied this matter a little further since our hearing, and it was felt that there were several matters in this bill which were not acceptable and that another document should be prepared which would contain those things which were acceptable and would strike out those which we do not feel are acceptable to the well-being of our fisheries in the State.

So I would therefore move you that Legislative Document 71, House Paper 39, be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that Bill, An Act Relating to Open Season for Fishing, be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Ought to Pass

Mr. Quinn for the Committee on Judiciary on Bill, "An Act Appropriating Funds to Administrative Hearing Commissioner for Subpoenas to Parents of Minors." (S. P. 9) (L. D. 23)

Reported that the same Ought to Pass.

Mr. Kellam for the Committee on Transportation on Bill, "An Act Authorizing Secretary of State to Issue Summary of Motor Vehicle Laws to Tourists." (S. P. 5) (L. D. 19)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bills Read Once and

tomorrow assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Relating to Nonlapsing Funds for Armory Construction." (H. P. 26) (L. D. 35)

Bill, "An Act Validating Certain Proceedings at Town Meeting of Winslow." (H. P. 37) (L. D. 69)

Which were Read a Second Time and Passed to be Engrossed in concurrence.

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Relating to Sales of Beverages in Nonreturnable Bottles." (H. P. 76) (L. D. 149)

Tabled—January 14, 1971 by Senator Johnson of Somerset.

Pending—Reference.

On motion by Mr. Johnson of Somerset, Referred to the Committee on Legal Affairs in non-concurrence.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

JOINT RESOLUTION
Memorializing Congress to call a Convention for the Purpose of Amending the United States Constitution to Provide for Intergovernmental sharing of Federal Income Tax Revenue. (S. P. 107)

Tabled—January 20, 1971 by Senator Violette of Aroostook.

Pending—Adoption.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would like to speak briefly to this joint resolution memorializing Congress for the purpose of revenue sharing.

This is a matter which has been going around for some time, and it has of late received a great deal of support by the several county

officers throughout the country, municipal city officers, governors and state legislators.

I think perhaps it would be fitting and proper that we point out to this legislature that there are approximately nine states in this country which are virtually bankrupt, and innumerable cities, all caused by inflation, by demands placed upon the municipalities and the states for ever-increasing services, highways, education, and all of the other matters.

Now, this resolution which I introduced is an exact copy of that which was presented through the Council of State Government to be introduced to all of the legislatures.

It does have one particular matter in it which is distasteful to myself. It is distasteful to almost every legislator here. And for that reason many of us have had grave reservations about introducing such a memorial to Congress. It is the matter of a constitutional convention, which could and would open a Pandora's box. We are all frightened of it; we do not want it. On the other hand, we do want, we do need, and many of the states less fortunate than Maine, as I said before, are in dire need of some revenue-sharing relief from the problems which they are facing today.

I discussed this on the phone yesterday with the representative of the Council of State Government in New York. He is equally disturbed over this particular constitutional convention clause. He did assure me that he will be coming to Maine sometime next month, and that we can perhaps work out some method whereby we can encourage and, if you will, try to force the federal government in some of the revenue-sharing which they now have and which, you might be interested to know, 93 per cent of all of the income tax collected is collected by the federal government. So with that fact, you can see how difficult it is and how the federal government has pre-empted practically every possible chance for states to impose more taxes and to help in their financial dilemma.

Now I do plan, when we can dress this matter up, when we can have a meaningful revenue-sharing program, without the possibility of opening our Congress up for a convention which could lead to innumerable other matters which we certainly do not want, I will be introducing another resolution at a later date, which I hope will be agreeable to all parties concerned, and that we can proceed with the revenue-sharing aspect.

I learned from today's paper that the President in his message to Congress will strongly propose revenue sharing to help the states, the cities and the counties in this land of ours. So, Mr. President, I therefore move that this joint resolution be withdrawn at this time.

The PRESIDENT: The Senator from Knox, Senator Hoffses, now moves that Senate Paper 107 be withdrawn. Is this the pleasure of the Senate?

The motion prevailed.

On motion by Mr. Berry of Cumberland,
Senate at ease.

Called to order by the President.

Papers from the House Joint Order

ORDERED, the Senate concurring, that the biweekly salaries appearing on Exhibits A and B attached hereto and made a part hereof, for the officers and employees of the Senate and the House of Representatives, respectively, shall become effective as of January 6, 1971 and remain in effect for the duration of the regular or special sessions as the case may be; and be it further

ORDERED, that the Legislative Finance Officer, on lists submitted to him by the Secretary of the Senate and the Clerk of the House, is authorized and directed to certify vouchers of said officers and employees submitted to him in conformance with this order to the State Controller, which vouchers shall bear the approval of the Chairman of the Joint Standing Committee on Appropriations and Financial Affairs, to be paid in biweekly installments; and be it further

ORDERED, that any change in such salaries so ordered shall be made only by concurrent order of the Legislature. (H. P. 251)

The undersigned, the President of the Senate, Kenneth P. MacLeod, and the Speaker of the House, David J. Kennedy, agree that the following salaries for Senate personnel for the 105th Legislature are appropriate and consequently are hereby approved:

EMPLOYEE BI-WEEKLY

Sylvia Lehr, Secretary to the President	\$220.00
Robert Sellar, Doorkeeper	150.00
Ruby Clark, Secretary to Assistant Secretary	230.00
George Neale, Postmaster	260.00
Imelda Vautour, Recording Secretary	240.00
Robert W. Beauchaine, Sergeant-at-Arms	190.00
Theresa Morrison, Page	160.00
Charlotte Carrie, Page	160.00
May Ross, Index Secretary	300.00
Sue Jenkins, Assistant Reporter	270.00
Dorothy Rollins, Senate Stenographer	200.00
Marion De ar born, Senate Stenographer	200.00
Patricia A. Rollins, Secretary to Majority Floorleader	220.00
Mary Porter, Secretary to the Secretary	300.00
George MacDonald, Reporter	550.00
Grace Ridlon, Secretary to Minority Floorleader	210.00
Trooper Roger E. Drake, Security	310.00
Wayne Pierce, Assistant Sergeant-at-Arms	170.00

Dated at Augusta, Maine, this 14th of January, 1971.

Kenneth P. MacLeod
President of the Senate

Roger N. Woodcock Jr., Sergeant-at-Arms 190.00

Larry B. Choate, Assistant Sergeant-at-Arms 190.00

Burleigh Martin, III, Page 160.00

Gordon W. Gamage, Page 160.00

Elwood L. Overlock, Doorkeeper 140.00

Frank Wood, Document Clerk 270.00

Charles H. Hammond, Clerk in Document Room 200.00

Elizabeth F. Bartlett, Secretary to Speaker 200.00

Catherine M. Fenderson, Secretary
to Clerk 290.00

Jane E. Bailey, Secretary to Clerk
250.00

Carolyn D. Morang, Secretary to
Assistant Clerk 250.00

Germaine C. Longley, Legislative
Docket Clerk 270.00

Judith Brimigion, Assistant
Legislative Docket Clerk 270.00

Lynda May Ouellette, Journal Copy
Clerk 250.00

Frederick W. Pelton, Amendment
Clerk 220.00

Richard W. Cox, House Reporter
600.00

Greta H. Merrill, Assistant House
Reporter 350.00

Norma A. Morrisette, Transcribing
Clerk 190.00

Proofreader (later in session)
180.00

Maxine Scott, Clerk-Stenographer,
Majority Party 190.00

Joan V. M c C l a y , Clerk-
Stenographer, Minority Party 190.00

Comes from the House, Read and
Passed.

Which was Read and Passed in
concurrence.

The President laid before the
Senate the third tabled and
specially assigned matter:

JOINT ORDER—Relative to
Payment of Advances on Account
of Compensation to Officers of the
Senate and House of
Representatives. (H. P. 107)

Tabled—January 20, 1971 by
Senator Berry of Cumberland.

Pending—Consideration.

On motion by the same Senator,
the Senate voted to Adhere.

(Off Record Remarks)

The Adjournment Order having
been returned from the House,
Read and Passed in concurrence,
on motion by Mr. Hoffses of Knox,
Adjourned until Tuesday, January
26, at 10 o'clock in the morning.