

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

Tuesday, January 26, 1971

Senate called to order by the President.

Prayer by the Rev. Ondon P. Stairs of Augusta.

Reading of the Journal of yesterday.

Communications**STATE OF MAINE**

Senate Chamber
President's Office
Augusta, Maine

January 21, 1971

The Honorable Harry N. Starbranch

Secretary of the Senate
Augusta, Maine

Dear Mr. Starbranch:

Pursuant to the authority vested in me by Section 43 of Title 22, Revised Statutes of Maine, I hereby appoint the Senator from Waldo, Senator Edwin H. Greeley, as a member of the Health and Welfare Advisory Committee.

Respectfully yours,

(Signed)

KENNETH P. MacLEOD

President of the Senate

Which was Read and Ordered
Placed on File.

STATE OF MAINE

Senate Chamber
President's Office
Augusta, Maine

January 21, 1971

The Honorable Harry N. Starbranch

Secretary of the Senate

State House
Augusta, Maine

Dear Mr. Starbranch:

Pursuant to Senate Order 60, I hereby appoint Senator Hollis J. Wyman and Senator Gerard P. Conley to fill the vacancies on the Special Interim Legislative Committee to Study the Maine Industrial Building Authority.

Respectfully yours,

(Signed)

KENNETH P. MacLEOD

President of the Senate

Which was Read and Ordered
Placed on File.

Senate Papers

Mr. Conley of Cumberland presented, Bill, "An Act to

Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376)

Mr. Shute of Franklin presented, Bill, "An Act Appropriating Funds for Capital Expenditures and Equipment at the University of Maine at Farmington." (S. P. 130) (L. D. 377)

(On motion by Mr. Katz of Kennebec, these two bills were tabled until later in today's session, pending Reference to Committee.)

Business Legislation

Mr. Johnson of Somerset presented, Bill, "An Act Increasing Compensation of Members of the Maine Insurance Advisory Board." (S. P. 131) (L. D. 343)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Harding of Aroostook presented, Bill, "An Act Relating to Holding Title to Land for Forty Years or More." (S. P. 132) (L. D. 344)

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

Sent down for concurrence.

State Government

Mr. Violette of Aroostook presented, Bill, "An Act to Regulate Surficial Mining Under the Maine Mining Commission." (S. P. 133) (L. D. 345)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Mr. Katz of Kennebec presented, Bill, "An Act Transferring Duties of the Art Commission to the Commission on the Arts and Humanities." (S. P. 134) (L. D. 346)

Mr. Johnson of Somerset presented, Bill, "An Act Relating to Insurance on State-owned Property." (S. P. 135) (L. D. 347)

Mr. Katz of Kennebec presented, Bill, "An Act Revising the Law

Relating to Traveling Libraries.”
(S. P. 136) (L. D. 348)

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

Sent down for concurrence.

Transportation

Mr. Kellam of Cumberland presented, Bill, “An Act to Authorize the Issuance of Bonds in the Amount of Sixteen Million Dollars on Behalf of the State of Maine to Build State Highways.” (S. P. 137) (L. D. 349)

Which was referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, the Part I budget recommendation under the Current Services Appropriation Act for the Department of Health and Welfare is over \$58 million for the coming biennium; and

WHEREAS, the number of eligible persons needing health and family assistance increased significantly beyond estimates for 18 consecutive months during the current 1970-1971 biennium and is expected to continue to increase at the rate of 450 cases per month resulted in the necessity to appropriate on an emergency basis \$5,000,000 to provide for department commitments for the balance of the biennium ending June 30, 1971 and the Department of Health and Welfare estimates that an additional minimum of \$7,258,799 will be necessary in the Part II budget to meet this need and to permit limited expansion of other programs; and

WHEREAS, it now appears virtually impossible to fund more fully the badly needed medicare program or to increase appreciably monthly payments to welfare recipients; and

WHEREAS, the Legislature is seriously concerned over the current role of the Department of Health and Welfare and the projected funds to be expended which far exceed all budgetary

expectations and limitations of the State; now, therefore, be it

ORDERED, the House concurring, that a Special Joint Select Committee of Inquiry be appointed to study, review and analyze the operations, rules, regulations, procedures and programs of the Department of Health and Welfare to ascertain that department appropriations are being administered in an effective and productive manner for the welfare of the citizens of Maine; and be it further

ORDERED, that said committee shall consist of 3 members of the Senate appointed by the President of the Senate and 7 members of the House appointed by the Speaker of the House of Representatives who shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this order; such sums to be paid out of the Legislative Appropriation; and said committee shall elect its own chairman and such other officers as it deems desirable; and be it further

ORDERED, that this special committee report its findings and recommendations forthwith to the 105th Legislature; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the committee and are directed to provide such technical and other assistance as the committee deems necessary or desirable to carry out the purposes of this order, including but not limited to personnel and staff as a part of their regular employment; and be it further

ORDERED, that there is allocated to this special committee from the Legislative Appropriation the sum of \$5,000 to carry out the purposes of this order; and be it further

ORDERED, that the special committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided; and be it further

ORDERED, that in the discharge of its duties, this special committee shall have the authority to administer oaths, issue subpoenas,

compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the State, to be taken in the manner prescribed by law for taking depositions in civil actions in the Superior Court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court of any county, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the committee by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the chairman of the committee. (S. P. 107)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

Leave to Withdraw

The Committee on Judiciary on Bill, "An Act Prohibiting the Turning Back or Adjusting of Speedometers or Odometers on Motor Vehicles." (H. P. 31) (L. D. 55)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on Bill, "An Act to Permit Sunday Hunting." (H. P. 28) (L. D. 37)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

HOFFSES of Knox
BERNARD of

Androscoggin

ANDERSON of Hancock

Representatives:

PARKS of Presque Isle

CALL of Lewiston

MANCHESTER of
Mechanic Falls

LEWIN of Augusta

PORTER of Lincoln

LEWIS of Pemaquid

KELLEY of West
Southport

KELLEY of Machias

BUNKER of Gouldsboro

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

(Signed)

Representative:

BOURGAIN of Fort Kent

Comes from the House, the Majority Ought Not to Pass Report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report Accepted in Concurrence.

Senate

Leave to Withdraw

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Resolve Regulating Fishing in Mousam Lake, Square Pond and Wilson Pond in York County. (S. P. 62) (L. D. 88)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Clifford for the Committee on State Government on, Bill, "An Act Relating to Use of Money by the Penobscot Bay and River Pilotage Commission." (S. P. 10) (L. D. 38)

Reported that the same Ought to Pass.

Mr. Hoffses for the Committee on Fisheries and Wildlife on, Resolve Providing Funds for Conservation Education. (S. P. 64) (L. D. 129)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Bill and Resolve Read Once and Tomorrow Assigned for Second Reading.

Second Readers

House

Bill, "An Act Relating to Open Season for Bass by Ice Fishing." (H. P. 38) (L. D. 70)

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

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

Senate

Bill, "An Act Authorizing Secretary of State to Issue Summary of Motor Vehicle Laws to Tourists." (S. P. 5) (L. D. 19)

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

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

Sent down for concurrence.

House Papers

Out of order and under suspension of the rules, Bills at this time received from the House requiring Reference to Committees were acted upon in concurrence.

Orders of the Day

The President laid before the Senate the following tabled and today assigned matter:

Senate Order—Relative to Baumgarden Report being furnished to Legislators.

Tabled—January 21, 1971 by Senator Berry of Cumberland.

Pending—Passage.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: Since the order has attained the purpose for which it was initiated, I move that it be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Carswell, now moves that Order Relative to Baumgarden Report being furnished to Legislators be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

The President laid before the Senate the first matter tabled earlier in today's session by Mr. Katz of Kennebec, Bill: "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376) Pending—Reference to Committee.

On motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending Reference to Committee.

The President laid before the Senate the second matter tabled earlier in today's session by Mr. Katz of Kennebec: Bill, "An Act Appropriating Funds for Capital Expenditures and Equipment at the University of Maine at Farmington." (S. P. 130) (L. D. 377)

Pending—Reference to Committee.

On motion by Mr. Sewall of Penobscot, retabled and tomorrow assigned, pending Reference to Committee.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.