

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

Wednesday, February 3, 1971
Senate called to order by the President.

Prayer by the Rev. Charles E. Karsten of Readfield.

Reading of the Journal of yesterday.

House Papers

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

Communications

STATE OF MAINE
Maine Education Council

February 1, 1971

To the Honorable Senate and House of Representatives of the 105th Legislature:

Transmitted herewith is the report on Collective Bargaining for Public Higher Education Personnel completed by the Maine Education Council at the direction of the 104th Legislature.

Respectfully submitted,
(Signed)

LINCOLN T. FISH
Chairman
Maine Education Council
(S. P. 169)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine

February 2, 1971

The Honorable Harry N. Starbranch
Secretary of the Senate
State House
Augusta, Maine

Dear Mr. Starbranch:

Pursuant to Senate Rule 32, I hereby appoint the following to serve during the 105th Legislature: Robert W. Beauchaine as Sergeant-at-Arms, Wayne E. Pierce as Assistant Sergeant-at-Arms, George D. Neale as Postmaster, Robert Sellar as Doorkeeper,

Theresa M. Morrison and Charlotte E. Carrie as Pages.

Respectfully yours,
(Signed)

KENNETH P. MacLEOD
President of the Senate

Which was Read and Ordered Placed on File.

MAINE STATE HIGHWAY COMMISSION

Augusta, Maine

January 27, 1971

To the Honorable Senate and House of Representatives of the One Hundred and Fifth Legislature

In accordance with the wishes of the 104th Maine Legislature as expressed in the provisions of L. D. 1189, An Act to Study Desirability of Extending Route 161 from St. Francis to Canada, the State Highway Commission herewith submits the enclosed report.

Respectfully,
MAINE STATE HIGHWAY COMMISSION

David H. Stevens, Chairman
Bertrand A. Lacharite
Steven D. Shaw

(Signed) By: DAVID H. STEVENS
Chairman
(S. P. 184)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

Senate Papers

Mr. Sewall of Penobscot presented the following Joint Resolution and moved its adoption:

STATE OF MAINE
IN THE YEAR OF OUR LORD
ONE THOUSAND NINE
HUNDRED AND SEVENTY-ONE

JOINT RESOLUTION TO CEASE
STATE ENCOURAGEMENT OR
DEVELOPMENT OF OIL
RELATED INDUSTRIES ALONG
THE MAINE COAST UNTIL
PENDING LITIGATION IS
RESOLVED.

WHEREAS, the proposed development of facilities associated with the transportation, storage and refining of oil and oil products within the boundaries of the State of Maine is receiving continued

attention from all of the citizens of the State of Maine; and

WHEREAS, increasingly numerous incidents such as the foundering of the "Arrow" off Nova Scotia, oil drilling disasters in Louisiana and California and oil spills in the waters of other coastal states have proven damaging to the vital interests of the citizens of these states; and

WHEREAS, Maine has a tourist industry of inestimable value, including vacation facilities having a value in excess of \$270 million and an annual tourist expenditure level in excess of \$400 million; and

WHEREAS, sixty per cent of Maine's capital investment in vacation facilities are located on the coast of Maine due to its unique aesthetic characteristics; and

WHEREAS, oil spillage and pollution would greatly endanger the fishing industry of Maine which now produces a product having a value in excess of \$140 million annually; and

WHEREAS, a law passed at the Special Session of the 104th Legislature designed to protect the vital interests of this State in controlling the handling of oil and preventing oil pollution has now been rendered ineffective by injunctive procedures brought on behalf of a group of oil companies; and

WHEREAS, it has come to the attention of the Legislature that certain governmental agencies have been actively promoting and encouraging the establishment of oil related industries along the Maine coastline; now, therefore, be it

RESOLVED: That the 105th Legislature of the State of Maine, having regard for its vital interest in the preservation of its unique natural resources for the benefit of our citizens and in its valuable tourist and fishing industries, hereby directs each and every agency, commission and department of the government of this State to forthwith halt any further encouragement of or assistance in the location within the boundaries of this State of any further

expansion of business activities dealing with the drilling for, refining, transportation or storage of oil or oil products until the litigation concerning the validity of Chapter 572 of the Public Laws of 1969 has been resolved; and be it further

RESOLVED: That copies of this Joint Resolution, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to each department, agency and commission as notice of the Legislature's intent. (S. P. 185)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: The resolution which you have before you resulted from my very deep concern of the impact of the oil industry on our coastal waters and coastal regions.

The last session of this legislature passed what has been called "landmark legislation" to protect this region. This legislation was called the coastal conveyance of petroleum and established a fund for the clean-up of oil spills. It also establishes absolute liability for these spills to a degree that has disturbed the large oil industry in the country, because at the present time this matter is before the courts. So that, in effect, we are without protection from oil spills along our coast.

It seemed to me it was totally unbecoming for agencies of this government to be promoting an oil refinery which would, of course, result in the use of supertankers and other means to bring this product in and to transport it out, which would seriously endanger this entire region.

This resolution, in effect, makes known the intentions of this legislature to the various agencies of the Maine State Government, and asks them to cease and desist from further promotional efforts until such time as the courts have passed on the constitutionality of the coastal conveyance bill. I don't believe that this is an unreasonable request.

However, it has been pointed out to me, with justification, that the resolution is possibly a little too broad in that it could affect normal expansion of inland oil activity. I didn't intend for it to do this and, for that reason, Mr. President, I would hope that somebody would table this resolution until tomorrow.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Adoption.

Appropriations and Financial Affairs

Mr. Dunn of Oxford presented, Bill, "An Act Providing Funds for the Maine Police Academy." (S. P. 170) (L. D. 522)

Mr. Conley of Cumberland presented, Bill, "An Act Increasing Salaries of Official Court Reporters." (S. P. 171) (L. D. 523)

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

Sent down for concurrence.

County Government

Mr. Graham of Cumberland presented, Bill, "An Act to Authorize Cumberland County to Raise Money for a Bridge at Harpswell." (S. P. 172) (L. D. 524)

Mr. Peabody of Aroostook presented, Bill, "An Act Relating to Expenses of Chief Administrative Officer of County Commissioners of Aroostook County." (S. P. 173) (L. D. 525)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Moore of Cumberland presented, Bill, "An Act Relating to Trapping Muskrats." (S. P. 174) (L. D. 526)

The same Senator presented, Bill, "An Act Relating to Weight and Number of Whitefish Taken from Waters of the State." (S. P. 175) (L. D. 527)

The same Senator presented, Bill, "An Act Relating to Ice Fishing in the Allagash Waterway." (S. P. 176) (L. D. 528)

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

Sent down for concurrence.

Health and Institutional Services

Mr. Hichens of York presented, Bill, "An Act Relating to Group Fishing Permits for Inmates and Patients at State Institutions." (S. P. 177) (L. D. 529)

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

Sent down for concurrence.

Judiciary

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Board of Examiners for the Examination of Applicants for Admission to the Bar and Applicants for Such Examinations." (S. P. 178) (L. D. 530)

The same Senator presented, Bill, "An Act Relating to Recording Floor Plans and Definition of Building under Unit Ownership Act." (S. P. 179) (L. D. 531)

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

Sent down for concurrence.

Legal Affairs

Mr. Conley of Cumberland presented, Bill, "An Act to Amend the Charter of Portland Widows' Wood Society." (S. P. 180) (L. D. 532)

Mr. Johnson of Somerset presented, Bill, "An Act Relating to Contracts of Teachers with Municipalities." (S. P. 183) (L. D. 535)

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

Sent down for concurrence.

State Government

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Financial Report of State Housing Authority." (S. P. 181) (L. D. 533)

The same Senator presented,

Bill, "An Act to Place the State Department of Audit Under the Legislative Research Committee." (S. P. 182) (L. D. 534)

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

Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to State Income Tax Deduction for Student Tuition Payments." (H. P. 17) (L. D. 26)

Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 36) (L. D. 68)

Resolve, Proposing an Amendment to the Constitution on Reducing the Voting Age to Eighteen Years. (H. P. 53) (L. D. 87)

Resolve, Proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 84) (L. D. 124)

Bill, "An Act Providing for Item Veto at School Administrative District Budget Meetings." (H. P. 94) (L. D. 138)

Leave to Withdraw

The Committee on County Government on, Resolve, Designating a Certain Highway in York County as James W. Cleary Memorial Highway. (H. P. 24) (L. D. 33)

Reported that the same be granted Leave to Withdraw.

The Committee on Agriculture on, Bill, "An Act Providing for Date of Packaging of Certain Refrigerated Products." (H. P. 46) (L. D. 78)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Providing Clerical Assistance to Legislators." (H. P. 134) (L. D. 189)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Business Legislation on Bill, "An Act Relating to Certificates of Authority to Inspect Elevators for Insurance Purposes." (H. P. 57) (L. D. 98)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Property, Capital Stock and Indebtedness of Eastport Water Company." (H. P. 79) (L. D. 119)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Capital Stock and Indebtedness of Northern Water Company." (H. P. 104) (L. D. 169)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Capital Stock and Indebtedness of the Waldboro Water Company." (H. P. 105) (L. D. 170)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Relating to Time of Annual Meeting of Mount Desert Island Regional School District." (H. P. 111) (L. D. 155)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Property, Capital Stock and Indebtedness of the Skowhegan Water Company." (H. P. 121) (L. D. 165)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Property, Capital Stock and Bonds of the Hartland Water Company." (H. P. 156) (L. D. 211)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Capital Stock, Property and Indebtedness of North Berwick Water Company." (H. P. 157) (L. D. 212)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Capital Stock of Southwest Harbor Water Company." (H. P. 158) (L. D. 213)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Relating to Holding Property by Greenville Water Company, formerly Greenville Light and Power Company." (H. P. 159) (L. D. 214)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act Clarifying School Construction Aid on a Special Project in School Administrative District No. 22." (H. P. 184) (L. D. 242)

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.

Ought to Pass — As Amended

The Committee on State Government on Bill, "An Act to Clarify the Laws of the Department of Veterans Services." (H. P. 49) (L. D. 83)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-8).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Election Laws on Bill, "An Act Relating to Boards of Registration for Certain Municipalities Under Election Laws." (H. P. 61) (L. D. 102)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-7).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read.

On motion by Mr. Shute of Franklin, tabled and tomorrow assigned, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on State Government on Bill, "An Act Designating November 11th as Armistice Day." (H. P. 32) (L. D. 56)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-9).

Signed:

Senators:

JOHNSON of Somerset
CLIFFORD

of Androscoggin

Representatives:

HODGDON of Kittery
FARRINGTON

of Old Orchard Beach
GOODWIN of Bath
STARBIRD

of Kingman Township
CURTIS of Orono
STILLINGS of Berwick
HANSON of Gardiner
MARSTALLER

of Freeport
DONAGHY of Lubec

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representative:

COONEY of Webster

Comes from the House, the Majority Ought to Pass as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-9).

Which reports were Read.

On motion by Mr. Wyman of Washington, tabled and tomorrow assigned, pending Acceptance of either Report.

Divided Report

The Majority of the Committee on Taxation on Bill, "An Act

Repealing the Provision That Maine Military Servicemen are Subject to the Income Tax Law." (H. P. 85) (L. D. 125)

Reported that the same Ought Not to Pass.

Signed:

Senators:

WYMAN of Washington
HICHENS of York
FORTIER of Oxford

Representatives:

TRASK of Milo
COLLINS of Caribou
McCLOSKEY of Bangor
CYR of Madawaska
DAM of Skowhegan
DRIGOTAS of Auburn
COTTRELL of Portland
ROSS of Bath
MORRELL of Brunswick

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

Signed:

Representative:

FINEMORE

of Bridgewater

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

Ought to Pass — As Amended

Mr. Levine for the Committee on Labor on Bill, "An Act Relating to Notification to Panel of Mediators in Labor Disputes." (S. P. 15) (L. D. 43)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-2)

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Second Readers

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

Senate

Bill, "An Act Relating to Controlled Atmosphere Storage Room for Apples." (S. P. 80) (L. D. 174)

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

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Conferring Degrees by Unity College. (H. P. 92) (L. D. 136)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve Designating Certain Bridge Across the Penobscot River as "Levi Lancaster Memorial Bridge." (H. P. 43) (L. D. 75)

Which was Finally Passed and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,
Adjourned until 9 o'clock tomorrow morning.