

# 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, February 9, 1971  
Senate called to order by the President.

Prayer by the Rev. Walter R. Brown of Randolph.

Reading of the Journal of yesterday.

**House Papers**

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

**Communications**

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine

February 5, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature  
Sir:

The Speaker today appointed the following members to serve on the Advisory Committee of Health and Welfare:

Mr. GILL of South Portland  
Mrs. DOYLE of Bangor

Respectfully,  
S/BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

(Off Record Remarks)

**Senate Papers  
Appropriations  
and Financial Affairs**

Mr. Danton of York presented, Bill, "An Act Appropriating Funds for Drug Rehabilitation in York County." (S. P. 206) (L. D. 639)

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

Sent down for concurrence.

**Fisheries and Wildlife**

Mr. Anderson of Hancock presented, Bill, "An Act to Authorize the Commissioner of Inland Fisheries and Game to Appoint a Special Warden or Caretaker." (S. P. 207) (L. D. 640)

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

Sent down for concurrence.

**Legal Affairs**

Mr. Danton of York presented, Bill, "An Act Relating to Voting on Charter Amendments under Municipal Home Rule Law." (S. P. 208) (L. D. 641)

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

Sent down for concurrence.

**Natural Resources**

Mr. Danton of York presented, Bill, "An Act to Create the Saco River Environmental Advisory Committee." (S. P. 209) (L. D. 642)

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

Sent down for concurrence.

**Transportation**

Mr. Hichens of York presented, Bill, "An Act Relating to the Color of School Buses no longer Used for School Purposes." (S. P. 210) (L. D. 643)

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

Sent down for concurrence.

**Orders**

On motion by Mr. Marcotte of York,

WHEREAS, the private and special laws of 1941, chapter 69 created the Maine Turnpike Authority for purposes of providing an expressway from a point at or near Kittery to a point at or near Fort Kent, Aroostook County; and

WHEREAS, the Federal Government and the State of Maine have set up a system of interstate highways; and

WHEREAS, pursuant to said Act an expressway was built between Kittery and Augusta; and

WHEREAS, a portion of the Maine Turnpike has been designated for inclusion in said interstate highway system; and

WHEREAS, payment of tolls on said highway places a burden on

users of that section of designated highway; and

WHEREAS, existing tolls create congestion on Route No. 1 and other alternate routes; 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 of the Maine Turnpike Authority, its financial structure and the feasibility of reverting the Maine Turnpike to the State of Maine; and be it further

ORDERED, that said committee 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; 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 reports 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 \$3,000 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 witnesses and approved by the chairman of the committee.

(S. P. 205)

Which was Read.

On motion by Mr. Berry of Cumberland, tabled and specially assigned for February 11, 1971, pending Consideration.

### 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 Regulating Use of Power boats on Certain Portion of East Machias River, Washington County." (H. P. 191) (L. D. 248)

Bill, "An Act Relating to Jurisdiction of Juvenile Courts Over Offenses Relating to Bombs." (H. P. 2) (L. D. 2)

### Leave to Withdraw

The Committee on State Government on, Bill, "An Act Relating to Determining Salary of the

Administrative Assistant to the Chief Justice." (H. P. 138) (L. D. 193)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on, Bill, "An Act Relating to Out - of - State Service Under Retirement Law." (H. P. 142) (L. D. 197)

Reported that the same be granted Leave to Withdraw.

The Committee on Agriculture on, Bill, "An Act Relating to Enforcement of Laws Dealing with Cruelty to Animals." (H. P. 174) (L. D. 232)

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 Taxation on, Bill, "An Act Relating to Voluntary Sales Tax Registrants." (H. P. 162) (L. D. 216)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Provide an Effective Income Tax Warrant Procedure." (H. P. 163) (L. D. 220)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Payment of Tax by Use Fuel Dealers." (H. P. 166) (L. D. 222)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Redemption of Cigarette Tax Stamps." (H. P. 167) (L. D. 223)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Exempting Certain Scientific Laboratories from the Sales and Use Tax." (H. P. 168) (L. D. 224)

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 in New Draft

The Committee on Election Laws on, Bill, "An Act Relating to Voter Registration for Certain Members of the Armed Forces." (H. P. 13) (L. D. 13)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 473) (L. D. 514).

Come from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

Which report was Read and Accepted in concurrence and the Bill, in New Draft, 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 to Clarify and Revise the Maine State Retirement Law." (H. P. 88) (L. D. 128)

RESOLUTION, proposing an Amendment to the Constitution to Reduce the Voting Age to Eighteen Years. (H. P. 35) (L. D. 67)

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

##### Senate

RESOLUTION, Proposing an Amendment to the Constitution Providing that the Term of Office of the Governor Continues Until His Successor has Qualified. (S. P. 12) (L. D. 40)

Bill, "An Act Relating to Jurisdiction of the District Court in Civil Actions." (S. P. 52) (L. D. 90)

Bill, "An Act Relating to Registration Fee for Legislative Counsel or Agent." (S. P. 76) (L. D. 171)

Bill, "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 75." (S. P. 197) (L. D. 548)

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

Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act Relating to Penalty for Larceny." (S. P. 40) (L. D. 89)

Resolve Authorizing the State Tax Assessor to Convey by Sale the Interest of the State in Certain Lands in the Unorganized Territory. (S. P. 89) (L. D. 218)

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

Sent down for concurrence.

**Orders of the Day**

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

Senate Reports — from the Committee on State Government on Bill, "An Act Relating to Offices of Health and Welfare Department Located Outside of Augusta." (S. P. 21) (L. D. 49) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — January 27, 1971 by Senator Wyman of Washington.

Pending — Acceptance of Either Report.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I am very serious about my proposal to effect some economy within the State Department of Health and Welfare.

In the City of Portland we have an office on Middle Street for Child and Family Services which pays \$27,000 annually for rent. At 477 Congress Street they pay over \$6,000 a year rent. On High Street, \$1,440 a year rent. On Casco Street, \$4,059 a year rent. And on Congress Street, \$5,040 a year rent. A total of \$43,000 is being spent annually for rent for this Department's offices only.

Besides being economically unsound, it is also not very convenient for the persons who have to use these services. Now, when I say this, I mean that when we think of an individual needing Health and Welfare services, we must think of the total individual. Under the circumstances, if a man and his family need some type of

family assistance to get over a hurdle they have to go down to one of these offices. If they need services for the blind they have to travel to another office, services for alcoholism, another office. So by the time that they have traveled to four offices they are pretty tired out, and by the time they get to the fifth one I don't know just how discouraged they must feel.

Considering this, and also the duplication, I do feel that this bill really got what I call a terrible report. It came out Ought to Pass, two; Ought Not to Pass, ten, I guess it was. But I would not be practicing good economy if I asked the Senate to continue to table this bill because I do realize that this is a very costly procedure also.

Now, I checked with the Legislative Finance Office, and I understand that the Department is still negotiating for offices. It seems that perhaps they may be successful, so I will not ask for my bill to be tabled further. However, I would hope that the Appropriations Committee keep my statement in mind, and that come June, should the Department have been unable to negotiate successfully, I would hope that the Appropriations Committee would take this matter up and do something about it. Thank you.

The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The Committee heard this bill, and actually in the beginning I believe they really had no strong feelings one way or the other. However, after they looked the bill over they realized that the good Senator had got her point through with the Department of Health and Welfare, and it was the feeling that perhaps this was a good reason for the bill.

However, when the bill is read, if you will read it - it is L.D. 49 - it says: "Offices established in a municipality outside of Augusta to aid in carrying out the

duties and functions of this Title shall be located, to the greatest extent possible, within the confines of a single building." Well, it actually doesn't force them to do anything. It says, "to the greatest extent possible", which is an unlimiting factor there, so that they can still have their offices wherever they wish.

The present amount of dollars they are paying for leases there is \$43,000. We had no objection to that. We felt that \$43,000 was what they were paying, and the good Senator did say that she wanted economy and she wanted more efficiency, which is what we want. However, the gentleman that was stirred up over in the Department came over - they were the only two people that did speak for the bill - and he said, "Yes, we are going to do exactly that. In fact, in the Part II Budget we have written in \$74,000 so we can do this." So, if we are up to \$43,000 and now we are going to get \$74,000, I can't see where efficiency and economy will come in.

I certainly feel that five offices down there, if you go to all of them, in other words, the Blind and the Aged, Aid to Dependent Children, and so forth, maybe some social workers would like to see this in one building so they could go and have all their business done at one time, however, I think that the average citizen who is involved in getting these services would probably go to just one of these offices.

Of course, as I say, the Committee had no strong feelings one way or the other, and it is a shame perhaps that this bill couldn't be tabled a little further to use it as leverage of some type to get something done over there, which the good Senator would like and desires to have done. I would request a division on the motion.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Majority Ought Not to Pass Report of the Committee? A division has been requested.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President, would you please clarify what the motion is? I didn't really make a motion, however, if there is something that can be done, other than to keep printing this on the calendar, I would appreciate the good Senator, Senator Johnson, explaining this to me, and I would be willing to continue the fight for the bill.

The PRESIDENT: The Chair would answer the Senator by saying that there was no motion made, and when no motion was made the Chair put the motion to accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I don't know what the feeling is of the Senate in tabling these bills for any length of time. I would have no objection to seeing it tabled and having something worked out possibly that would be advantageous in the direction which this bill is intended to take.

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

Thereupon, on motion by Mr. Berry of Cumberland, the Bill was retabled and specially assigned for February 11, 1971, pending Acceptance of Either Report.

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

Bill, "An Act Relating to Defenses on Retail Installment Sales Agreements." (H. P. 381) (L. D. 496)

Tabled — February 4, 1971 by Senator Kellam of Cumberland.

Pending — Reference.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This is a bill of Representative Carter's relative to a holder in due course situation. As it happens, I have a bill in of substantially if not exactly the very same item, and my thought on the matter is that it is a legal

matter and it would be better served to have the bill considered by the Judiciary Committee. Therefore, I move that the bill be referred to the Judiciary Committee.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, now moves that Legislative Document 496 be referred to the Committee on Judiciary in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed and the Bill was referred to the Committee on Judiciary in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Appropriating Funds for the Completion of Renovating Kupelian Hall, Pineland Hospital and Training Center." (H. P. 409) (L. D. 536)

Tabled — February 5, 1971 by Senator Minkowsky of Androscoggin.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed in concurrence.

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(Off Record Remarks)

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On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.