

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 10, 1971
Senate called to order by the President.

Prayer by the Rev. Bruce Meyer of Augusta.

Reading of the Journal of yesterday.

House Papers

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

Communication

State of Maine

Department of Education

Augusta, Maine 04330

February 9, 1971

Honorable Members of the 105th Legislature:

Transmitted herewith is the report prepared by the Maine Education Council in response to an order of the 104th Legislature directing the Council to review school construction aid percentages.

For the Maine
Education Council,
(Signed) LINCOLN T. FISH,
Chairman
(S. P. 213)

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

Sent down for concurrence.

Senate Papers**Joint Resolution**

Mr. Johnson of Somers set presented the following Joint Resolution and moved its adoption:

STATE OF MAINE

IN THE YEAR OF OUR LORD
ONE THOUSAND NINE HUN-
DRED AND SEVENTY-ONE

JOINT RESOLUTION IN
RECOGNITION OF THE OUT-
STANDING SERVICES OF
REVEREND HOWARD O.
HOUGH, D.D.

WHEREAS, at the commence-
ment of the One Hundred and Fifth
Session of the Maine Legislature,
there comes from the City of Port-
land a man of outstanding works
whose voice is known above all
others throughout our State and
whose spiritual guidance has

brought peace and joy into count-
less homes for more than thirty-
eight years; and

WHEREAS, through his vision
and perseverance the first radio
church in the United States was
born which for more than three
decades brought the Word of God
and messages of divine inspiration
and solace to thousands of Maine
people whose infirmities, age and
residence forbade church atten-
dance; and

WHEREAS, as pastor of this
unique First Radio Parish Church
of America, founded April 19, 1926,
he became the spiritual leader of
untold thousands of Maine citizens;
and

WHEREAS, his spreading re-
nown and reputation presented him
with ever widening opportunities
for public service, he gave freely
of his ministry through the years
to many of the educational institu-
tions of the State, its hospitals,
nursing homes, and shut-ins in
their homes; and

WHEREAS, During World War
II at the request of Mr. William
Newell, president of the Bath Iron
Works, he organized a personal
service and morale department for
that shipyard, as well as Todd-Bath
and the South Portland Shipyards
and through these offices minis-
tered, to, comforted, and assisted
many thousands of workers; and

WHEREAS, in addition to his
service to people of all faiths
throughout the State as an ecu-
menical pioneer, he early under-
stood the importance of higher
education to youth and was among
the foremost leaders who per-
suaded the Legislature to enlarge
the stature of a struggling law
school conducted by Portland Uni-
versity, which led to its foundation
as an important part of the great
institutions in Portland and Gor-
ham now serving thousands of our
young people; and

WHEREAS, upon retirement
from his duties with the church
of the air, his continuing desire
to serve the less fortunate, along
with the support of leading Maine
businessmen, resulted in the found-
ing of Friendship, Inc. which did
then and continues today to take
into hospitals, nursing homes and

private homes the warmth of personally shared comfort and spiritual ministrations so often unavailable to the forgotten elderly who are confined in these institutions; and

WHEREAS, he has also served frequent sessions of the Maine Legislature as a guest chaplain since 1926, and continues to serve in this capacity during the One Hundred and Fifth Legislature; now, therefore, be it

RESOLVED: That we, the members of the House of Representatives and the Senate of the One Hundred and Fifth Legislature of the State of Maine, do hereby make this public tribute to the Reverend Howard O. Hough, Doctor of Divinity, in grateful appreciation for the continued and lasting contributions of a true public servant; and be it further

RESOLVED: That a copy of this resolution, signed by the Speaker of the House of Representatives and the President of the Senate and duly attested by the Clerk of the House and the Secretary of the Senate, be transmitted forthwith by the Secretary of the Senate to this honorable gentleman in recognition of his outstanding service. (S. P. 211)

Which was Read and Adopted.
Sent down for concurrence.

Appropriations and Financial Affairs

Mr. Minkowsky of Androscoggin presented,

Bill, "An Act Relating to Appropriation and Allocations to the Governor's Committee on Employment of the Handicapped." (S. P. 214) (L. D. 660)

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

Sent down for concurrence.

Business Legislation

Mr. Minkowsky of Androscoggin presented,

Bill, "An Act Relating to Employees and Agents of Collection Agencies." (S. P. 215) (L. D. 661)

Mr. Harding of Aroostook presented,

Bill, "An Act to Permit the Offering of Group Auto Insurance to Combinations of Persons." (S. P. 216) (L. D. 662)

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Trust Assets of Banks and Trust Companies." (S. P. 217) (L. D. 663)

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

Sent down for concurrence.

County Government

Mr. Tanous of Penobscot presented,

Bill, "An Act Increasing Salary of Register of Deeds, Penobscot County." (S. P. 218) (L. D. 664)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Tanous of Penobscot presented,

Bill, "An Act Permitting the State Park and Recreation Commission to Sell Snowmobile Trail Marking Signs and Charts." (S. P. 219) (L. D. 665)

Mr. Moore of Cumberland presented,

Bill, "An Act Relating to Open Season on Sable (Marten) and Fisher." (S. P. 220) (L. D. 666)

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

Sent down for concurrence.

Judiciary

Mr. Tanous of Penobscot presented,

Bill, "An Act Relating to Trespass on Private Roads." (S. P. 221) (L. D. 667)

The same Senator presented,

Bill, "An Act Relating to Disturbing Schools." (S. P. 222) (L. D. 668)

The same Senator presented,

Bill, "An Act Relating to Acknowledgment by a Notary of Instrument by a Corporation in Which He is Interested." (S. P. 223) (L. D. 669)

The same Senator presented,

Bill, "An Act Relating to Charitable Organizations' Im-

munity in Civil Actions." (S. P. 224) (L. D. 670)

The same Senator presented, Bill, "An Act Relating to Governmental Immunity in Civil Actions." (S. P. 225) (L. D. 671)

The same Senator presented, Bill, "An Act to Amend the Laws Relating to the Trustee of Wages." (S. P. 226) (L. D. 672)

The same Senator presented, Bill, "An Act Relating to Comparative Negligence in Civil Actions." (S. P. 227) (L. D. 673)

Mr. Clifford of Androscoggin presented,

Bill, "An Act Increasing Fees of Witnesses in the Courts." (S. P. 228) (L. D. 674)

Mr. Tanous of Penobscot presented,

Bill, "An Act to Amend the Laws Relating to Forcible Entry and Detainer." (S. P. 229) (L. D. 675)

The same Senator presented, Bill, "An Act Relating to Removal of Packing from Journal Boxes of Railroad Equipment." (S. P. 230) (L. D. 676)

The same Senator presented, Bill, "An Act Relating to Criminal Trespass in Buildings and on Premises." (S. P. 231) (L. D. 693)

The same Senator presented, Bill, "An Act Relating to Expert Witness Fees as Court Costs." (S. P. 232) (L. D. 694)

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

Sent down for concurrence.

Labor

Mr. Tanous of Penobscot presented,

Bill, "An Act Amending the Minimum Wage Law." (S. P. 233) (L. D. 695)

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

Sent down for concurrence.

Legal Affairs

Mr. Clifford of Androscoggin presented,

Bill, "An Act Changing the Name of Maine State Association of Plumbing Contractors, Inc." (S. P. 234) (L. D. 696)

Mr. Tanous of Penobscot presented,

Bill, "An Act Relating to Temporary Registrations for Snowmobiles." (S. P. 235) (L. D. 697)

Mr. Dunn of Oxford presented, Bill, "An Act Prohibiting Water Skiing Between Sunset and 9 a.m." (S. P. 236) (L. D. 698)

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

Sent down for concurrence.

State Government

Mr. Tanous of Penobscot presented,

Bill, "An Act Pertaining to the Salary of the Administrative Hearing Commissioner." (S. P. 237) (L. D. 699)

Mr. Minkowsky of Androscoggin presented,

Bill, "An Act Relating to Fees and Compensation of the State Board of Administrators of Medical Care Facilities." (S. P. 238) (L. D. 754)

(On motion by Mr. Minkowsky of Androscoggin, tabled and tomorrow assigned, pending Reference to Committee.)

Mr. Bernard of Androscoggin presented,

Bill, "An Act to Reestablish the Observance of Memorial Day on May 30th and Veterans Day on November 11th." (S. P. 239) (L. D. 700)

Mr. Tanous of Penobscot presented,

Bill, "An Act Relating to Powers and Duties of the Attorney General." (S. P. 240) (L. D. 701)

The same Senator presented, Bill, "An Act Relating to Computation of Housing Expenses for Members of the Legislature." (S. P. 241) (L. D. 702)

Which, except for the tabled matter, were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Bernard of Androscoggin presented,

Bill, "An Act Exempting Sales to Certain Institutions from Sales Tax." (S. P. 242) (L. D. 703)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Wyman of Washington presented,

Bill, "An Act Relating to Disability Retirement and Retirement Allowances under State Retirement System." (S. P. 243) (L. D. 704)

Mr. Chick of Kennebec presented,

Bill, "An Act Exempting Kents Hill School from the Maine State Retirement System." (S. P. 244) (L. D. 705)

Mr. Tanous of Penobscot presented,

Bill, "An Act Relating to Service Retirement of Liquor Inspectors." (S. P. 245) (L. D. 706)

Mrs. Carswell of Cumberland presented,

Bill, "An Act Providing Educational Assistance for Widows of Veterans and Wives of Totally Disabled Veterans." (S. P. 246) (L. D. 707)

Which were referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, that the Rules of the Senate be amended by adding two new Rules, 12A and 12B, as follows:

12A. When a motion has once been made and carried in the affirmative or negative, it shall not be in order for any member of the Senate who voted in the minority to move a reconsideration thereof; but any Senator who voted with the majority, or in the negative on a tie vote, may move to reconsider on the same or succeeding day. A motion to reconsider shall not be postponed or laid on the table without a certain time assigned for its further consideration. When a motion for reconsideration has been decided the vote shall not be reconsidered. A motion to reconsider shall not be in order more than once on the same question.

12B. When a member of the Senate shall move, or give notice of

his intention to move, a reconsideration of any vote, the papers to which the motion relates shall remain in possession of the Secretary until the question of reconsideration shall have been decided, or the right to move such a question is lost.

Which was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: If you will refer to Page 95 of your legislative handbook you will see that Rules 36 and 37 of the House are here embodied in this proposed change in rules or addition of rules for the Senate.

It has been customary in the matter of reconsideration to do just what this proposed rule provides, and there is no change contemplated in our procedure. This merely formalizes what has been the practice of this body. Accordingly, Mr. President, I move passage of the order.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

The motion prevailed.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that the Legislative Finance Officer be authorized to approve the expenses of his office and accounts for payment. (S. P. 212)

Which was Read and Passed.
Sent down for concurrence.

Committee Reports House

Ought to Pass

The Committee on Education on, Bill, "An Act to Increase the Borrowing Capacity of the Four Corners Community School District." (H. P. 96) (L. D. 140)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on

Bill, "An Act Relating to Shooting at or Near Wildlife Decoys." (H. P. 99) (L. D. 143)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on,

Bill, "An Act Relating to the Use of Power Boats on Snow's Pond in the Town of Dover-Foxcroft, Piscataquis County." (H. P. 148) (L. D. 203)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on,

Bill, "An Act Relating to Certain Penalties Under Fish and Game Laws." (H. P. 170) (L. D. 228)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on,

Bill, "An Act Relating to Use of Power Boats on Long Pond, Franklin County." (H. P. 226) (L. D. 308)

Reported that the same Ought to Pass.

The Committee on Judiciary on,

Bill, "An Act Relating to Mental Illness and Mental Retardation of Persons in State Penal, Correctional and Juvenile Institutions." (H. P. 68) (L. D. 109)

Reported that the same Ought to Pass.

The Committee on Liquor Control on,

Bill, "An Act Repealing Bond for Liquor Licensees of Hotels, Clubs and Restaurants." (H. P. 41) (L. D. 73)

Reported that the same Ought to Pass.

The Committee on Liquor Control on,

Bill, "An Act Repealing the Requirement of Notarizing Applications for Liquor Licenses." (H. P. 42) (L. D. 74)

Reported that the same Ought to Pass.

The Committee on Liquor Control on,

Bill, "An Act Relating to Maine Beer Wholesalers Association, Inc." (H. P. 120) (L. D. 164)

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 Judiciary on, Bill, "An Act Relating to Falsely Assuming to be a Municipal Police Officer." (H. P. 70) (L. D. 111)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-11).

The Committee on Judiciary on, Bill, "An Act Relating to Trespass on Enclosed or Cultivated Lands." (H. P. 71) (L. D. 112)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-12).

Come from the House, the reports Read and Accepted, and the Bills Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

The Committee on State Government on,

Bill, "An Act Relating to Violations of Parking Regulations at the State House." (H. P. 136) (L. D. 191)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-13).

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. Johnson of Somerset, tabled and specially assigned for February 17, 1971, pending Acceptance of the Committee Report.

Divided Report

The Majority of the Committee on Fisheries and Wildlife on,

Bill, "An Act Relating to Inspection of Fish, Game and Equipment by Game and Coastal Wardens." (H. P. 189) (L. D. 246)

Reported that the same Ought to Pass.

(Signed)

Senators:

HOFFSES of Knox
ANDERSON of Hancock
BERNARD

of Androscoggin

Representatives:

LEWIN of Augusta
BUNKER of Gouldsboro
LEWIS of Bristol
KELLEY of Machias
KELLEY of Southport
PORTER of Lincoln
PARKS of Presque Isle
CALL of Lewiston
MANCHESTER

of Mechanic Falls

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

(Signed)

Representative:

BOURGOIN of Fort Kent.

Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Indefinitely Postponed.

Which reports were Read.

Mr. Hoffses of Knox then moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Hoffses of Knox to Accept the Majority Ought to Pass Report of the Committee.

Ought to Pass

Mr. Moore for the Committee on Election Laws on,

Bill, "An Act Relating to Qualification of Candidates for the Legislature." (S. P. 95) (L. D. 259)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill 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 Voluntary Sales Tax Registrants." (H. P. 162) (L. D. 216)

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

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

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

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

Bill, "An Act Relating to Voter Registration for Certain Members of the Armed Forces." (H. P. 473) (L. D. 514)

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

Enactors

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

An Act Relating to Witnesses in Workmen's Compensation Hearings. (S. P. 61) (L. D. 93)

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

An Act Designating November 11th As Armistice Day. (H. P. 32) (L. D. 56)

An Act to Clarify the Laws of the Department of Veterans Services. (H. P. 49) (L. D. 83)

An Act Relating to Certificates of Authority to Inspect Elevators for Insurance Purposes. (H. P. 57) (L. D. 98)

An Act Relating to Property, Capital Stock and Indebtedness of Eastport Water Company. (H. P. 79) (L. D. 119)

An Act Relating to Capital Stock and Indebtedness of Northern Water Company. (H. P. 104) (L. D. 169)

An Act Relating to Capital Stock and Indebtedness of the Waldoboro Water Company. (H. P. 105) (L. D. 170)

An Act Relating to Time of Annual Meeting of Mount Desert Island Regional School District. (H. P. 111) (L. D. 155)

An Act Relating to Property, Capital Stock and Indebtedness of the Skowhegan Water Company. (H. P. 121) (L. D. 165)

An Act Relating to Property, Capital Stock and Bonds of the Hartland Water Company. (H. P. 156) (L. D. 211)

An Act Relating to Capital Stock, Property and Indebtedness of North Berwick Water Company. (H. P. 157) (L. D. 212)

An Act Relating to Capital Stock of Southwest Harbor Water Company. (H. P. 158) (L. D. 213)

An Act Relating to Holding Property by Greenville Water Company, formerly Greenville Light and Power Company. (H. P. 159) (L. D. 214)

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

Emergency

An Act to Correct an Error in Filing Fee for a Financing Statement Under Uniform Commercial Code. (S. P. 1) (L. D. 15)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Authorizing the City of Augusta to Lease Area Within Proposed Civic Center. (H. P. 135) (L. D. 190)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

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

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)

Tabled — February 5, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Insist.

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

Tabled— February 5, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Berry of Cumberland, the Senate voted to Insist and Ask for a Committee of Conference.

Thereupon, the President appointed the following Conferees on the part of the Senate:

Senators:
BERRY of Cumberland
KATZ of Kennebec
VIOLETTE of Aroostook

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.