

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, February 17, 1971
Senate called to order by the President.

Prayer by the Rev. Douglas H. Robbins of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Non-concurrent Matter

Senate Paper (S. P. 247) — Joint Order relative to Chief Committee Clerk to be Authorized to Employ 4 Student Interns.

In the Senate February 11, 1971, Read and Passed.

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-20) in non-concurrence.

On motion by Mr. Schulten of Sagadahoc, tabled and tomorrow assigned, pending consideration.

House Papers

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

Senate Papers
County Government

Mr. Dunn of Oxford presented, Bill, "An Act Increasing Payments to Oxford County Law Library." (S. P. 273) (L. D. 809)

Mr. Conley of Cumberland presented, Bill, "An Act Increasing Salary of Sheriff of Cumberland County." (S. P. 274) (L. D. 810)

Mr. Peabody of Aroostook presented, Bill, "An Act Increasing Salaries of County Officials of Aroostook County." (S. P. 275) (L. D. 811)

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

Sent down for concurrence.

Education

Mr. Chick of Kennebec presented, Bill, "An Act Clarifying the Secondary School Tuition Law." (S. P. 276) (L. D. 859)

Mr. Katz of Kennebec presented, Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 277) (L. D. 860)

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

Sent down for concurrence.

Judiciary

Mr. Johnson of Somerset presented, Bill, "An Act Relating to the Sale of Marijuana." (S. P. 278) (L. D. 812)

Mr. Kellam of Cumberland presented, Bill, "An Act to Conform Maine's Corporation Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Corporations." (S. P. 279) (L. D. 813)

The same Senator presented, Bill, "An Act to Conform Maine's Trust Law to the Internal Revenue Code to Permit Tax Exempt Status under Federal Law for Certain Trusts." (S. P. 280) (L. D. 814)

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

Sent down for concurrence.

Legal Affairs

Mr. Fortier of Oxford presented, Resolve to Reimburse Ida M. Reiss of Andover for Well Damage Resulting from Highway Construction. (S. P. 281) (L. D. 815)

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

Sent down for concurrence.

State Government

Mr. Dunn of Oxford presented, Bill, "An Act Relating to Statement Setting Forth the Total Necessary to Retire All Outstanding Bonds on Ballots for Bond Issues." (S. P. 282) (L. D. 838)

The same Senator presented, Bill, "An Act Relating to Temporary Loans by State." (S. P. 283) (L. D. 839)

Mr. Kellam of Cumberland presented, Resolution, Proposing an Amendment to the Constitution Providing for the Appointment of the Attorney General by the Governor. (S. P. 284) (L. D. 840)

Mr. Katz of Kennebec presented, Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds not

Exceeding Four Million Dollars for Loans for Maine Students in Higher Education." (S. P. 285) (L. D. 845)

(See action later in today's session.)

Mr. Chick of Kennebec presented, Bill, "An Act Relating to Salary of Commissioner of Education." (S. P. 286) (L. D. 841)

Mr. Fortier of Oxford presented, Bill, "An Act Creating the Bureau of Property Taxation Within the Department of Finance and Administration." (S. P. 287) (L. D. 877)

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

Sent down for concurrence.

Taxation

Mr. Kellam of Cumberland presented, Bill, "An Act Exempting Certain Incorporated Nonprofit Nursing Homes from the Sales Tax." (S. P. 288) (L. D. 842)

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

Sent down for concurrence.

Transportation

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Public Policy That Use of Maine's Highways is a Privilege." (S. P. 289) (L. D. 843)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Hoffses of Knox presented, Bill, "An Act Relating to Retirement of Penal and Correctional Institution Heads." (S. P. 290) (L. D. 844)

Which was referred to the Committee on Veterans and Retirement 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 the Legislative Research Committee be directed 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 the committee report its findings and recommendations at the next special or regular session of the 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 the 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 committee shall have the authority to employ professional and clerical assistance as they deem necessary within the limits of funds provided.

(S. P. 291)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President and Members of the Senate: This order is basically the same as a prior order submitted, however, the study on the Maine Turnpike will be conducted by the Legislative Research Committee rather than by the original plan to go to a special legislative committee.

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

Thereupon, on motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.

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 to Amend the Boiler Law to Include Steam and Hot Water Heating and Supply Boilers." (H. P. 118) (L. D. 162)

Bill, "An Act Relating to Eye Protection for Persons Riding Motorcycles." (H. P. 153) (L. D. 208)

Ought to Pass

The Committee on County Government on, Resolve, Authorizing the County Commissioners of Sagadahoc County to Pay Medical Bills for Certain Deputy Sheriffs. (H. P. 181) (L. D. 239)

Reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Relating to Preparation of List of Residents by Assessors." (H. P. 185) (L. D. 278)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Creating a Second Assistant County Attorney for Kennebec County." (H. P. 241) (L. D. 322)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Relating to Powers of State Park and

Recreation Commission." (H. P. 276) (L. D. 365)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act Regulating the Use of Power Boats on Lily Pond, Lincoln County." (H. P. 295) (L. D. 395)

Reported that the same Ought to Pass.

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for February 24, 1971, pending Acceptance of the Committee Report.)

The Committee on Education on, Bill, "An Act Relating to Secondary Tuition Payments to the Governor Baxter State School for the Deaf." (H. P. 334) (L. D. 443)

Reported that the same Ought to Pass.

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

Which reports were Read and, except for the tabled matter, Accepted in concurrence, the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Senate

Ought to Pass — As Amended

Mr. Marcotte for the Committee on Public Utilities on, Bill, "An Act Relating to Waiver of Certification of Certain Water Utilities." (S. P. 157) (L. D. 426)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-6).

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:

House

Bill, "An Act to Allocate Money from the General Highway Fund for State Aid Construction." (H. P. 248) (L. D. 329)

Bill, "An Act Increasing Borrowing Capacity of Ashland

Water and Sewer District." (H. P. 274) (L. D. 363)

Bill, "An Act Relating to Filing Certificate of Agent's Appointment by Certain Carriers." (H. P. 275) (L. D. 364)

Bill, "An Act Relating to the Powers of Houlton Water Company to Issue Bonds, Notes and Other Certificates of Indebtedness." (H. P. 303) (L. D. 403)

Bill, "An Act Relating to Application to Public Utilities of the Law Relating to the Regulation of Elevators." (H. P. 304) (L. D. 404)

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

House — As Amended

Bill, "An Act Relating to Definition of Agricultural Societies to Qualify for Stipend." (H. P. 219) (L. D. 301)

Which was read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

Enactors

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

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

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

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

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

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

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

An Act Relating to Falsely Assuming to be an Officer. (H. P. 70) (L. D. 111)

An Act Relating to Trespass on Enclosed or Cultivated Lands. (H. P. 71) (L. D. 112)

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)

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

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

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

Constitutional Amendment

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)

This being a Constitutional Amendment and having received the affirmative votes of 28 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

Emergency

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

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 to Increase the Borrowing Capacity of the Four Corners Community School District. (H. P. 96) (L. D. 140)

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:

HOUSE REPORT — Ought to Pass with Committee Amendment "A" Filing H-3 from the Committee on State Government on Bill, "An Act Relating to Violations of Parking Regulation at the State House." (H. P. 136) (L. D. 191)

Tabled—February 10, 1971 by Senator Johnson of Somerset.

Pending—Acceptance of Report.

Mr. Johnson of Somerset then moved the pending question.

Thereupon, the Ought to Pass Report of the Committee was 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 President laid before the Senate the second tabled and specially assigned matter:

JOINT ORDER—Relative to Special Joint Select Committee to study Maine Turnpike Authority. (S. P. 205)

Tabled—February 11, 1971 by Senator Berry of Cumberland.

Pending—Passage.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Marcotte.

Mr. MARCOTTE of York: Mr. President and Members of the Senate: In light of my introduction of an order covering the same subject earlier in today's session, I now request leave to withdraw this order.

The PRESIDENT: The Senator from York, Senator Marcotte, requests leave to withdraw Senate Paper 205. Is this the pleasure of the Senate?

The motion prevailed. Thereupon, the Joint Order was withdrawn.

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

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

Tabled—February 12, 1971 by Senator Hoffses of Knox.

Pending—Passage to be Engrossed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I feel that perhaps there should be a little explanation to this bill before we consider it further.

The question has been raised as to federal regulation governing this particular matter. I would point out that the federal law applies only to the shooting of migratory birds with rifle or handgun. It makes no stipulation as to the shooting at anyone's decoys. This particular piece of legislation would spell that out, and would further spell out the meaning of "near a hunter's decoys."

Now, I would further point out that anyone who feels that this might create a situation whereby an individual could practically seal off an area where migratory waterfowl are frequenting by placing decoys strategically around the area, this would not apply to the use of shotguns with legal shot which are allowed in the pursuit of migratory waterfowl. With that brief explanation, I would move the pending question.

The PRESIDENT: Is it now the pleasure of the Senate that this bill be passed to be engrossed in concurrence?

The motion prevailed.

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

Bill, "An Act Repealing the Law Relating to Sterilization." (H. P. 529) (L. D. 691)

Tabled—February 16, 1971 by Senator Violette of Aroostook.

Pending—Reference.

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

Mr. QUINN of Penobscot: Mr. President and Members of the Senate: Because of legal ramifications on this bill, I move that it be referred to the Committee on Judiciary in non-concurrence.

The PRESIDENT: The Senator from Penobscot, Senator Quinn, moves that House Paper 529, Legislative Document 691, be referred to the Committee on Judiciary in non-concurrence and sent down to the House for concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby, Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds not Exceeding Four Million Dollars for Loans for Maine Students in Higher Education, (S. P. 285), was referred to the Committee on State Government.

The PRESIDENT: The Chair

recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill is identical to one that the 104th Legislature passed that was considered by the Committee on Education. I move this bill be referred to the Committee on Education.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Dunn.

Thereupon, on motion by Mr. Dunn of Oxford, tabled and tomorrow assigned, pending the motion by Mr. Katz of Kennebec that the Resolution be referred to the Committee on Education.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.