

# 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**

Thursday, February 18, 1971  
Senate called to order by the President.

Prayer by the Rev. Fr. Leonard E. Leclair of Augusta.

Reading of the Journal of yesterday.

**Papers from the House**  
**Non-concurrent 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)

The Committee on Reference of Bills suggested that this Bill be referred to the Committee on Appropriations and Financial Affairs.

In the Senate January 27, 1971, referred to the Committee on Education.

In the House February 3, 1971, referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the Senate February 10, 1971, that Body having Voted to Insist.

Comes from the House, that Body having Voted to Insist.

Thereupon, the Senate voted to Recede and Concur.

**Joint Order**

ORDERED, the Senate concurring that 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) and Bill "An Act to Authorize the Construction of Self-liquidating Housing for the University of Maine and the Issuance of Bonds of the State of Maine in an Amount Not Exceeding \$10,000,000 for the Financing Thereof" (H. P. 524) be referred to the Committee on Appropriations and Financial Affairs; and be it further

ORDERED, that the Committee on Appropriations and Financial Affairs initiate a joint hearing with the Committee on Education, the Committee on Education to submit their recommendation to the

Committee on Appropriations and Financial Affairs; and be it further

ORDERED, that the Committee on Appropriations and Financial Affairs report the Bills to the Legislature, giving consideration to the recommendation of the Committee on Education.

(H. P. 694)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

**Joint Order**

ORDERED, the Senate concurring, that the State Tax Assessor be directed to have published the telephone number for each sales tax divisional office in its respective local directory; and be it further

ORDERED, that a copy of this order be transmitted forthwith to said State Tax Assessor as notice of the Legislature's intent.

(H. P. 691)

Comes from the House, Read and Passed.

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: The purport of this order will be covered by the subsequent paper and, accordingly, I move this Joint Order be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Joint Order, House Paper 691, be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

**Joint Order**

ORDERED, the Senate concurring, that the number for each public telephone paid for with State funds be listed in each locality directory in all future publications; and be it further

ORDERED, that copies of this Order be transmitted forthwith to all departments, agencies and commissions as notice of the intent expressed herein.

(H. P. 692)

Comes from the House, Read and Passed.

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: The result of the passage of this order would see particularly our Augusta telephone directory include all the numbers that are in the present separate telephone directory issued by the Bureau of Public Improvements. Around the State it would result in probably a small increase in the number of listings.

There would be considerable expense involved here. I think to a certain extent there may be additional listings needed, but I don't believe there is any call for this expenditure of money that would be required as a result of the order. Anybody can call the State House who is looking for a number and will get it. The statewide information service now by dialing "Information" is available, and I think the expense to the State would be unjustified.

I move indefinite postponement of this order.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Joint Order, House Paper 692, be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

#### **Joint Order**

ORDERED, the Senate concurring, that the Legislative Research Committee study and investigate the operation of the Municipal Securities Approval Board and the statutes relating thereto all in order that the Legislature may determine whether further legislative action is necessary to protect the credit, health, peace and safety of the State of Maine and specifically to determine whether the purposes and powers of the Municipal Securities Approval Board over securities and obligations authorized by them should be expanded or modified; and be it further

ORDERED, that the Maine Municipal Securities Approval Board and Securities Division of the Department of Banks and Banking provide the committee with such information and technical assistance as the committee deems necessary or desirable in carrying out the purposes of this order; and be it further

ORDERED, that the committee report the results of its findings and recommendations, including any necessary legislation, at the next regular session of the Legislature; and be it further

ORDERED, upon passage, that copies of this order be transmitted forthwith to the Maine Municipal Securities Approval Board and the Department of Banks and Banking.

(H. P. 693)

Comes from the House, Read and Passed.

Which was Read.

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

#### **Joint Resolution**

##### **STATE OF MAINE**

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVENTY-ONE  
JOINT RESOLUTION IN  
RECOGNITION OF WORLD CUP  
COMPETITION AT SUGARLOAF

WHEREAS, Sugarloaf U.S.A. will host the Arlberg-Kandahar and World Cup Competitions and a total of six events; and

WHEREAS, the Sugarloaf Mountain Corporation and the Sugarloaf Area Association, among many, are dedicated to the success of this venture; and

WHEREAS, the eyes of the world will be focused on the State of Maine by means of the news media starting February 18, 1971; and

WHEREAS, this event is a milestone in the history of the State and a great tribute to those citizens as well as the facilities at Sugarloaf; now, therefore, be it

RESOLVED: That we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, extend to H. King Cummings, Harry Baxter and G. Norton Luce of the Sugarloaf Mountain Corporation, to Edward

Rogers, President of the Sugarloaf Area Association and to the countless persons and competitors involved our warmest congratulations and best wishes for the success of this great event; and be it further

**RESOLVED:** That copies of this resolution, signed by the Speaker of the House of Representatives and the President of the Senate, with the great seal of the State of Maine attached, be transmitted forthwith to said Sugarloaf Mountain Corporation and Sugarloaf Area Association as a tangible token of the sentiments expressed herein.

(H. P. 690)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

### **House Papers**

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

### **Communication**

#### **STATE OF MAINE**

Department of Education  
Augusta, Maine

February 18, 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 Legislative Document 1228.

For the Maine Education Council,  
(Signed)

LINCOLN T. FISH

Chairman

(S. P. 205)

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

Sent down for concurrence.

### **Senate Papers**

#### **Business Legislation**

Mr. Bernard of Androscoggin presented, Bill, "An Act relating to Discrimination in Insurance." (S. P. 294) (L. D. 846)

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

Sent down for concurrence.

### **County Government**

Mr. Schulten of Sagadahoc presented, Bill, "An Act Increasing Payments to Sagadahoc County Law Library." (S. P. 295) (L. D. 847)

Mr. Greeley of Waldo presented, Bill, "An Act to Increase the Salaries of County Officers of Waldo County." (S. P. 296) (L. D. 853)

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

Sent down for concurrence.

### **Health and Institutional Services**

Mrs. Carswell of Cumberland presented, Bill, "An Act Relating to the Regional Care Facility for the Severely and Profoundly Mentally Retarded at Bangor." (S. P. 297) (L. D. 854)

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

Sent down for concurrence.

### **Judiciary**

Mr. Harding of Aroostook presented, Bill, "An Act Relating to Use of Electronic Recording Equipment in the District Court and before Administrative Agencies." (S. P. 298) (L. D. 885)

Mr. Tanous of Penobscot presented, Bill, "An Act Creating a New Business Corporation Act." (S. P. 293) (L. D. 1093)

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

Sent down for concurrence.

### **Liquor Control**

Mr. Marcotte of York presented, Bill, "An Act Relating to Business Hours for Taverns." (S. P. 299) (L. D. 856)

Which was referred to the Committee on Liquor Control and Ordered Printed.

Sent down for concurrence.

### **State Government**

Mr. Hichens of York presented, Bill, "An Act Establishing a Maine State Liquor Control Board." (S. P. 300) (L. D. 857)

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

Sent down for concurrence.

### Transportation

Mr. Greeley of Waldo presented, Bill, "An Act to Revise Certain Motor Vehicle Laws." (S. P. 301) (L. D. 858)

Which was referred to the Committee on Transportation 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 Assistance to Blind Persons in Marking Absentee Ballots." (H. P. 336) (L. D. 445)

Bill, "An Act Prohibiting Candidate from Notarizing an Absentee Ballot." (H. P. 337) (L. D. 446)

Bill, "An Act Determining Position of Names of Candidates on Primary Ballots and General Election Ballots." (H. P. 387) (L. D. 502)

#### Leave to Withdraw

The Committee on Natural Resources on, Bill, "An Act Exempting Directional Signs of Nonprofit Organizations from Outdoor Advertising Law." (H. P. 21) (L. D. 30)

Reported that the same be granted Leave to Withdraw.

The Committee on Labor on, Bill, "An Act Relating to Interest on Compensation Payable Under Workmen's Compensation Law." (H. P. 230) (L. D. 312)

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 Legal Affairs on, Bill, "An Act to Remove the Word Steam from the Boiler Law." (H. P. 177) (L. D. 161)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act Changing the Name of the Preachers' Aid So-

ciety of the Maine Conference of the Methodist Church." (H. P. 237) (L. D. 319)

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.

### Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Repealing the Law Prohibiting Hitchhiking." (H. P. 131) (L. D. 186)

Reported that the same Ought Not to Pass.

(Signed)

Senators:

QUINN of Penobscot

KELLAM of Cumberland

CLIFFORD

of Androscoggin

Representatives:

SILVERMAN of Calais

COTE of Lewiston

CROSBY of Kennebunk

BRAWN of Oakland

PECTEAU of Biddeford

NORRIS of Brewer

EMERY of Rockland

GAUTHIER of Sanford

CURTIS of Bowdoinham

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

Signed:

Representative:

SMITH

of Dover-Foxcroft

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 of the Committee Accepted in concurrence.

### Senate

#### Ought to Pass

Mr. Minkowsky for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Charges for Care and Treatment of Persons in State Institutions." (S. P. 99) (L. D. 263)

Reported that the same Ought to Pass.

Mr. Hichens for the Committee on Health and Institutional Services on, Bill, "An Act Creating the Model White Cane Law for the Blind." (S. P. 142) (L. D. 381)

Reported that the same Ought to Pass.

Mr. Greeley for the Committee on Health and Institutional Services on, Bill, "An Act Relating to Community Mental Retardation Services." (S. P. 153) (L. D. 422)

Reported that the same Ought to Pass.

Mrs. Carswell for the Committee on Business Legislation on, Bill, "An Act Relating to Definitions and Credit Cards Under Truth-in-Lending Law." (S. P. 140) (L. D. 379)

Reported that the same Ought to Pass.

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

#### Divided Report

The Majority of the Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 57) (L. D. 96)

Reported that the Same Ought Not to Pass.

Signed:

Senators:

CLIFFORD

of Androscoggin

JOHNSON of Somerset

WYMAN of Washington

Representatives:

HODGDON of Kittery

STILLINGS of Berwick

MARSTALLER of

Freeport

DONAGHY of Lubec

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

Signed:

Representatives:

COONEY of Webster

FARRINGTON

of Old Orchard Beach

GOODWIN of Bath

STARBIRD

of Kingman Township

CURTIS of Orono

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and tomorrow assigned pending Acceptance of Either Report.

#### Divided Report

The Majority of the Committee on State Government, on Bill, "An Act Relating to Employment of a Legislator Following His Term in Office." (S. P. 121) (L. D. 300)

Reported that the same Ought Not to Pass.

Signed:

Senators:

CLIFFORD

of Androscoggin

JOHNSON of Somerset

WYMAN of Washington

Representatives:

DONAGHY of Lubec

MARSTALLER of

Freeport

STILLINGS of Berwick

CURTIS of Orono

GOODWIN of Bath

FARRINGTON

of Old Orchard Beach

HODGDON of Kittery

COONEY of Webster

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

Signed:

Representative:

STARBIRD

of Kingman Township

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President: I would move that we accept the Minority Ought to Pass Report of the Committee, and I would like to speak to my motion.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that the Senate accept the Minority Ought to Pass Report of the Committee.

The Chair recognizes the same Senator.

Mr. LEVINE: Mr. President and Members of the Senate: When this legislation was presented the aim of it was to give the legislature a better image with the people and to help us pass better legislation.

I wasn't too optimistic about this legislation passing, but I felt if it didn't pass this session — and I

suppose it is the wrong attitude to take to put in a bill and not be sure that it is going to pass — but I felt that if this legislation did not pass this time maybe our conscience would bother us a little and some of us who might be here next time might feel guilty and change our minds and, if some other legislation of this kind were presented, we would vote for it.

When I presented this legislation I didn't mean to punish any legislators that intend to go at some time or another into the lobbying profession. I didn't mean to punish any legislators who intend to get appointed jobs from our Executive Branch. My interest mainly was in getting better legislation through both branches.

As I mentioned at the committee hearing, I had a discussion once about the same subject with a professional man. I talked to some doctors, a few of them, psychiatrists. And I tried to evaluate their ideas about the working of the mind of a person. They told me that unconsciously a lot of people will do things that might turn out to be wrong, but while they are doing it they might not think they are doing anything wrong. Any of us voting on any legislation, and if we intend to lobby next year, subconsciously — we are not going to do it intentionally — but subconsciously we have to vote the wrong way, although not intending to do anything wrong. The same thing would apply to anybody who has approached the Chief Executive or the Chief Executive has approached him for some juicy appointment. There is no question in my mind that a person would be put in a straight-jacket. He will come in here, he will be an honest man and intend to vote right, but his vote might go in the wrong direction.

It is not going to hurt any of us. Some of the other states have passed the same kind of legislation and it is working well there. Although we have been fortunate in the State of Maine, I think, that we have never had any great abuses by either of the branches of this legislature. We are a small state and we are basically honest people. I might go a little bit

further; I think we are a little bit more honest in the legislature than some of the legislators in other states. I haven't seen anything in the papers that the legislators have done a lot of things wrong, especially to help themselves financially. But by passing this legislation, I think, it will give us a chance to make up our minds ourselves.

A lot of people tell me we need lobbyists, we need them bad, and they will tell us how to vote. I don't think that any of us here need anybody to tell us how to vote and explain to us the bills. I mentioned in committee that if it is hard for anybody to understand a bill that I should be the one it should be hard for, and I don't see it that way. I understand most bills. Maybe some people don't understand me at times on account of my language, but it is something I can't help, and I can get through all right and vote intelligently. As most of you noticed, I don't always vote party lines. I feel that I have to vote what I think in my best judgment is the best for the people in my district and for the people of the State of Maine. All of us should adopt the same attitude.

When I come here to this body in the morning I never am ready for any speeches, I don't write out anything ahead; whatever I say comes from my heart. That is why I would urge this body to vote for this legislation. It is a good bill and it is in the right direction. There might be a few of us in the first year or two who might suffer financially by not being able to lobby for a year or two, but I think the State will benefit by it more than it will lose. Thank you.

The PRESIDENT: The Senator from Kennebec, Senator Levine, moves that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act Relating to Employment of a Legislator Following His Term of Office." Is this the pleasure of the Senate?

The Chair recognizes the Senator from Somerset, Senator Johnson.

Thereupon, on motion by Mr. Johnson of Somerset, a division



was had. Eight Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion did not prevail.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE: Mr. President, I would like to thank the seven Senators. I thought I would be the only one voting for the motion. Thank you.

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

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

### Second Readers

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

#### House

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

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

Bill, "An Act Relating to Powers of State Park and Recreation Commission." (H. P. 276) (L. D. 365)

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

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

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

#### House — As Amended

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

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

#### Senate — As Amended

Bill, "An Act Relating to Waiver of Certification of Certain Water Utilities." (S. P. 157) (L. D. 426)

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

Sent down for concurrence.

#### Enactors

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

An Act Relating to Rate of Contributions of Employees Under State Retirement System. (H. P. 87) (L. D. 127)

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

Which were Passed to be Enacted and, having been signed by the President, were 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 Relating to Certain Penalties Under Fish and Game Laws." (H. P. 170) (L. D. 228)

Tabled—February 12, 1971 by Senator Harding of Aroostook.

Pending—Passage to be Engrossed.

On motion by Mr. Harding of Aroostook, retabled and specially assigned for February 25, 1971, pending Passage to be Engrossed.

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

JOINT ORDER—Relative to Chief Committee Clerk be Authorized to Employ Four Student Interns. (S. P. 247)

Tabled—February 17, 1971 by Senator Schulten of Sagadahoc.

Pending—Consideration.

On motion by Mr. Schulten of Sagadahoc, the Senate voted to Recede from its former action whereby the Joint Order received Passage.

House Amendment "A", Filing No. H-20, was Read.

Mr. Schulten of Sagadahoc then presented Senate Amendment "A" to House Amendment "A".

Senate Amendment "A", Filing No. S-7, to House Amendment "A" was Read and Adopted, and House Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

Thereupon, the Joint Order, as Amended, received Passage in non-concurrence.

Sent down for concurrence.

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

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)

Tabled—February 17, 1971 by Senator Dunn of Oxford.

Pending—Motion by Senator Katz of Kennebec to Refer to Committee on Education.

On motion by Mr. Katz of Kennebec, the motion was then withdrawn.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: This Resolution back in the 103rd Legislature was considered by the Committee on Education, and rightly so because it was policy that was involved. At this time this is an extension of the pledging of the credit of the State and it is a little different matter. It is a matter of cost of putting it out to Referendum which, I believe, is about \$3,000.

I move that this be sent to the Appropriations Committee.

The PRESIDENT: The Senator from Oxford, Senator Dunn, now moves that Senate Paper 285 be referred to the Committee on Appropriations and Financial Affairs. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

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(Off Record Remarks)

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On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.