

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 23, 1971
Senate called to order by the President.

Prayer by the Rev. Elmer M. Bentley of Augusta.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

House Paper 691 — Joint Order relative to Publication of Telephone Number for Each Sales Tax Divisional Office.

In the House February 17, 1971 Read and Passed.

In the Senate February 18, 1971, Indefinitely Postponed in non-concurrence.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

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

The President appointed the following Conferees on the part of the Senate:

Senators:

HOFFSES of Knox
MOORE of Cumberland
MINKOWSKY
of Androscoggin

Joint Order

WHEREAS, Mrs. Carmen Thibodeau is a young woman of boundless energy and initiative employed by the State of Maine; and

WHEREAS, these attributes, coupled with her high innate intelligence, have proven to be of invaluable assistance to a planning project; and

WHEREAS, she has received a citation from the United States Department of the Interior for this contribution in a highly successful planning effort of the Maine Departments of Inland Fisheries and Game and Sea and Shore Fisheries; now, therefore, be it

ORDERED, the Senate concurring, that we the Members of the One Hundred and Fifth Legislature now assembled, join in recognition of the inspiring services and achievements of Mrs. Carmen Thibodeau which have

gone above and beyond her normal responsibilities and express our congratulations for such meritorious service worthy of the commission's award, along with our best wishes for the future; and be it further

ORDERED, that a duly authenticated copy of this order be transmitted forthwith to Mrs. Thibodeau in honor of the occasion.

(H. P. 755)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

Joint Order

WHEREAS, the Naval Air Station at Brunswick will become the command center for all Navy antisubmarine patrol activities on the Atlantic seaboard; and

WHEREAS, Rear Admiral Mayo A. Hadden, Jr., Commander, Fleet Air Wings, Atlantic Fleet, his staff, and an additional patrol squadron involving approximately 400 men will be added to the base payroll by June 30, 1971; and

WHEREAS, the additional squadron and command will be the equivalent of an industry with a three million dollar annual payroll for 400 to 450 persons; and

WHEREAS, there will be an injection of new money into the State's economy; and

WHEREAS, its wide range and speed of response make Navy Maritime Air, America's primary defense against the growing Soviet submarine threat; now, therefore, be it

ORDERED, the Senate concurring, that the Senate and the House of Representatives of the One Hundred and Fifth Legislature now assembled welcome Admiral Hadden and his staff and the men of squadron VP-8 and hope each of them come to know Maine's hospitality and enjoy the unbounded beauty and spiritual refreshment that we feel are unique in the State of Maine; and be it further

ORDERED, that a duly authenticated copy of this Order, signed by the President of the Senate and the Speaker of the House of Representatives and bearing the great seal of the State of Maine,

be transmitted by the Secretary of the Senate to Admiral Hadden and his command.

(H. P. 756)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

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

Communications

STATE OF MAINE
DEPARTMENT OF STATE
AUGUSTA, MAINE

February 20, 1971

To the Honorable Senate of the
105th Legislature of the State
of Maine:

I have the honor to herewith transmit initiative petitions relating to "An Act Relating to Form of Ballots in General Elections."

This measure has been filed in this office in accordance with the provisions of Article IV, Part Third, Section 18 of the Constitution of the State of Maine. This measure is proposed by what is purported to be approximately 41,157 signatures. These petitions were filed on February 20, 1971.

Respectfully,

Signed:

JOSEPH T. EDGAR
Secretary of State
(S.P. 324)

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

Under suspension of the Rules, sent down forthwith for concurrence.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the communication, together with Bill, "An Act Relating to Form of Ballots in General Elections," Initiated Bill (I. B. 2) and accompanying petitions, be referred to the Joint Standing Committee on Judiciary for an investigation and report as

to the sufficiency of the petitions with the power to subpoena witnesses.

(S. P. 325)

Which was Read and Passed and, under further suspension of the Rules, sent down forthwith for concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Katz of Kennebec presented, Bill, "An Act Providing Funds to Establish Exemplary Area-wide Multi-service Programs for Older People." (S. P. 292) (L. D. 927)

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

Sent down for concurrence

County Government

Mr. Danton of York presented, Bill, "An Act Repealing Effective Date Limitation for County Salaries." (S. P. 315) (L. D. 929)

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

Sent down for concurrence.

Health and Institutional Services

Mr. Bernard of Androscoggin presented, Bill, "An Act to Amend the Eating Place Licensing Law." (S. P. 316) (L. D. 930)

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

Sent down for concurrence.

Judiciary

Mr. Violette of Aroostook presented, Bill, "An Act to Provide for Hospitalization of Those Addicted or Habituated to Dangerous Drugs." (S. P. 317) (L. D. 931)

Mr. Quinn of Penobscot presented, Bill, "An Act Authorizing the Piscataquis County Treasurer to Pay over a Portion of the Funds from the Estate of Joseph Masteika to Certain Heirs of Joseph Masteika." (S. P. 318) (L. D. 932)

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

Sent down for concurrence.

Labor

Mr. Marcotte of York presented, Bill, "An Act Relating to Payment for Sustenance during Rehabilitation under Workmen's Compensation Law." (S. P. 319) (L. D. 933)

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

Sent down for concurrence.

Legal Affairs

Mr. Bernard of Androscoggin presented, Bill "An Act Authorizing Use of Name Maine School of Underwater Diving." (S. P. 320) (L. D. 934)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Bernard of Androscoggin presented, Bill, "An Act Relating to Changes of Fishing Regulations by the Legislature." (S. P. 321) (L. D. 935)

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

Sent down for concurrence.

Transportation

Mr. Marcotte of York presented, Bill, "An Act Providing Funds for Additional Branch Offices for the Motor Vehicle Division of the Office of Secretary of State." (S. P. 322) (L. D. 936)

Mr. MacLeod of Penobscot presented, Bill, "An Act Relating to Manufacturer's Warranty Concerning Ability of Passenger Motor Vehicles to Sustain Shock." (S. P. 323) (L. D. 937)

Which were 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 Providing for Tire Requirements for Vehicles Upon

Public Highways." (H. P. 212) (L. D. 279)

Bill, "An Act Expressing the Legislative Intent in Construction of an East-West Highway." (H. P. 214) (L. D. 281)

Bill, "An Act Authorizing the Issuance of a Motor Vehicle Operator's License to Persons Legally Blind for Identification Only." (H. P. 246) (L. D. 327)

Bill, "An Act Relating to Open Season on Fisher." (H. P. 339) (L. D. 448)

Bill, "An Act Relating to Posting Beaver Flowages." (H. P. 340) (L. D. 449)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Actions to Stay or Prevent Public Nuisances." (H. P. 102) (L. D. 146)

Reported that the same be granted Leave to Withdraw.

The Committee on Transportation on, Bill, "An Act Increasing Fees for Inspection of Motor Vehicles." (H. P. 215) (L. D. 282)

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 Public Utilities on, Bill, "An Act to Authorize Augusta Water District and Augusta Sanitary District to Exchange Customer Accounting Records." (H. P. 239) (L. D. 321)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to Surety Bonds of Contractors for Public Works." (H. P. 240) (L. D. 375)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act to Authorize Savings Bank Loans Covered by Mortgage Guaranty Insurance." (H. P. 327) (L. D. 436)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Relating to Exemptions for Public Utilities

to the Revised Boiler Law." (H. P. 361) (L. D. 468)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act Relating to Fee for Certificate to Cremate Bodies of Deceased Persons." (H. P. 392) (L. D. 507)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Appropriating Funds for World Cup Races at Sugarloaf in 1971." (H. P. 472) (L. D. 602)

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 Legal Affairs on, Resolve, to Reimburse William Scott of East Machias for Loss of Bee Hives. (H. P. 75) (L. D. 116)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-23).

The Committee on State Government on, Bill, "An Act to Clarify the Recreation Authority Act." (H. P. 81) (L. D. 121)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-26).

The Committee on Legal Affairs on, Resolve, in Favor of Ervin Bubier of Wilton for Damage by Bears. (H. P. 155) (L. D. 210)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-24).

The Committee on Taxation on, Bill, "An Act Relating to Administration of the State Income Tax." (H. P. 164) (L. D. 227)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-27).

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

Which reports were Read and Accepted in concurrence, and the

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

The Committee on Legal Affairs on, Bill, "An Act Relating to Mailing Address of Grantees or Mortgagees on Deeds and Other Conveyances." (H. P. 300) (L. D. 400)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-25).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-25) and House Amendment "A" (H-31).

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

Ought to Pass in New Draft

The Committee on County Government on, Bill, "An Act Permitting Counties to Raise Money for Public Ambulance Service." (H. P. 29) (L. D. 53)

Reported that the same Ought to Pass in New Draft under New Title: "Resolve, Permitting the County of Piscataquis to Expend Money for Public Ambulance Service." (H. P. 729) (L. D. 817)

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

Which report was Read and Accepted in concurrence, the Resolve in New Draft. Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Requiring Referendum Elections on Certain Municipal Public Works Appropriations." (H. P. 103) (L. D. 147)

Reported that the same Ought Not to Pass.

Signed:

Senators:

QUINN of Penobscot

CLIFFORD

of Androscoggin

KELLAM of Cumberland

Representatives:

SMITH

of Dover-Foxcroft

COTE of Lewiston

BRAWN of Oakland

FECTEAU of Biddeford

NORRIS of Brewer

CROSBY of Kennebunk

CURTIS of Bowdoinham

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

Signed:

Representatives:

SILVERMAN of Calais

EMERY of Rockland

GAUTHIER of Sanford

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read.

On motion by Mr. Quinn of Penobscot, tabled and specially assigned for February 26, 1971, pending Acceptance of Either Report.

Senate

Ought to Pass — As Amended

Mr. Tanous for the Committee on Labor on, Bill, "An Act Relating to When Overtime Pay Commences for Employees." (S. P. 56) (L. D. 92)

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

Mr. Peabody for the Committee on Agriculture on, Bill, "An Act Creating the Maine Commercial Feed Law." (S. P. 79) (L. D. 173)

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

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

Second Readers

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

House

Bill, "An Act Relating to Attempts Before the Industrial Accident Commission." (H. P. 269) (L. D. 358)

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

House — As Amended

Bill, "An Act Relating to Persons Ineligible to Serve as Election Officials." (H. P. 224) (L. D. 306)

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

Senate

Bill, "An Act Relating to Compensation of the Panel of Mediators." (S. P. 18) (L. D. 46)

Bill, "An Act Relating to Lascivious Speech or Behavior in Public Places." (S. P. 85) (L. D. 179)

Bill, "An Act Authorizing the Recording of Certified Copies of Petitions, Decrees and Orders Filed Pursuant to the Federal Bankruptcy Act." (S. P. 113) (L. D. 292)

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

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Clarifying and Revising Certain Election Laws." (S. P. 72) (L. D. 151)

Bill, "An Act Relating to Use of Power Boats on Long Pond, Oxford County." (S. P. 110) (L. D. 289)

Bill, "An Act Relating to Extension of Time for Operation of Certain Wastewater Treatment Plants Without a Certified Operator." (S. P. 144) (L. D. 383)

(On motion by Mr. Bernard of Androscoggin, Tabled and Tomorrow Assigned pending Passage to be Engrossed.)

Which were Read a Second Time and except for the tabled matter,

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 Shooting at or Near Wildlife Decoys. (H. P. 99) (L. D. 143)

An Act Increasing Borrowing Capacity of Ashland Water and Sewer District. (H. P. 274) (L. D. 363)

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

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 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 Relating to Definition of Agricultural Societies to Qualify for Stipend. (H. P. 219) (L. D. 301)

This being an emergency measure and having received the affirmative votes of 25 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 Allocate Money from the General Highway Fund for State Aid Construction. (H. P. 248) (L. D. 329)

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

Mr. KATZ of Kennebec: Mr. President, I can't risk the temptation to ask — this is an \$8.8 million appropriation, and I am sure we will be fighting about \$50 appropriations a little bit later — so I can't resist the temptation to ask someone to explain this bill.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to any Senator who may answer if he desires.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: This is state aid construction money, that is, construction and reconstruction. It is set up so the towns will be able to tell whether money is available or not at the coming town meetings. This procedure has been going on for about sixty years at each session of the legislature, and I see no reason to change it now.

This is a larger amount of money this biennium than it was two years ago, and the reason for that is that we have changed the number of units available, matching units for the towns and cities, from four to six units, which took \$1.1 million extra. We also increased the bonus on reconstruction from twenty per cent to forty per cent, and this took \$400,000 extra. So I move, Mr. President, that this bill be enacted.

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

Mr. KATZ of Kennebec: Mr. President, I am aware of the fact that it is a routine appropriation, but perhaps I had better direct a specific question through the Chair. We are going to have some real problems with highway financing later this session. Is it the impression of the Chairman of the Committee on Transportation that passage of this will put additional pressure on the need for financing, or will that come by itself later on, quite independent of what we do with this bill?

The PRESIDENT: The Senator has posed an additional question through the Chair, which the Senator from Waldo may answer if he desires.

The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: This money is set up at the present time by statute and it is in the allocation bill, and I see no reason to hold this up for the simple reason that the towns and cities should know when they have their town meetings whether this money is available or not. This is applicable to every town and city in the State of Maine.

Thereupon, this being an emergency measure and having received the affirmative votes of 26 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 Relating to the Powers of Houlton Water Company to Issue Bonds, Notes and Other Certificates of Indebtedness. (H. P. 303) (L. D. 403)

This being an emergency measure and having received the affirmative votes of 26 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 \$27,680,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 303)

Tabled—February 19, 1971 by Senator Katz of Kennebec.

Pending—Reference.

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

Sent down for concurrence.

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

JOINT ORDER—Relative to Joint Standing Committee on Education Hiring Staff.

Tabled—February 19, 1971 by Senator Katz of Kennebec.

Pending—Passage.

On further motion by the same Senator, retabled and specially assigned for February 25, 1971, pending Passage.

Mr. Berry of Cumberland was granted unanimous consent to briefly address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: Last Thursday there was a bank robbery in Limerick, and the outstanding police work that was done there certainly merits attention and public recognition. I think here in the legislature we are frequently prone to criticize state employees, but I would draw your attention to the fact that the game wardens and state police involved did an outstanding job in apprehending the culprit who allegedly took quite a bit of money from a local bank. This was a fine piece of police work and they deserve our appreciation.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.