

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 24, 1971

Senate called to order by the President.

Prayer by Dr. Howard O. Hough of Falmouth.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

WHEREAS, the Legislative Research Committee warned if river driving activities continued in the State such would be the object of more stringent laws; and

WHEREAS, the Great Northern Paper Company forecasts the end of its log drives on the West Branch of the Penobscot by 1972, at the latest; and

WHEREAS, the Scott Paper Company following this lead has pledged to terminate pulpwood drives on the Kennebec River by October 1, 1976; and

WHEREAS, these companies must overcome sizable economic and other difficulties to honor such commitments; and

WHEREAS, in accepting the inspiring responsibility of phasing out the traditional river drive, needless legislation has been averted and has further credited their stewardship; now, therefore, be it

ORDERED, the Senate concurring, that the members of the Senate and House of Representatives of the One Hundred and Fifth Legislature, now assembled, do recognize and hereby thank the Great Northern and Scott Paper Companies and affiliates for their sincere cooperation with the Legislative Research Committee in solving a most difficult problem for the public good and general betterment of restoring Maine's magnificent waterway system; and be it further

ORDERED, that duly authenticated copies of this Order be transmitted forthwith by the Secretary of the Senate to said company officials in recognition of their outstanding efforts.

(H. P. 795)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President and Members of the Senate: I have very briefly read this joint order, and I think basically the idea is a good one. I think it is good to recognize and to commend those people in the state who recognize the problems of pollution and who are making serious efforts to do something about it so that our future waterways, our air, and all other types of pollution are properly taken care of.

However, in reading this joint order, I do feel that this order would place the legislature in a rather subservient position. I refer specifically to Paragraph 6, line 3, where it says, "now assembled, do recognize and hereby thank the Great Northern and Scott Paper Companies," for what they anticipate doing in cleaning up and eliminating this problem in the rivers. I think it is fine to do it, however, my reason for speaking is that I do not think the legislature should go on record as subserviently thanking anyone in the state for doing a job that common sense and good business judgment tells them that they have got to do anyway.

I would request that this joint order be tabled until the next legislative day, pending a more relevant wording of the legislative position in this matter.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and tomorrow assigned, pending Passage.

Joint Resolutions

(For text of Joint Resolution, House Paper 797, see House Report of February 23, 1971.)

Comes from the House Read and Adopted.

Which was Read and Adopted in concurrence.

(For Text of Joint Resolution, House Paper 796, see House Report of February 23, 1971.)

Comes from the House Read and Adopted.

Which was Read.

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

Mr. **KATZ** of Kennebec: Mr. President, this Resolution asks the legislature to assume a position with respect to apparently a federal program of which I have no knowledge. I would appreciate anybody who is knowledgeable, perhaps from the potato area, explaining just exactly the implication.

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

Thereupon, on motion by Mr. Berry of Cumberland, the Joint Resolution was tabled and tomorrow assigned, pending Adoption.

The **PRESIDENT**: The Chair at this time would ask the Sergeant-at-Arms to escort the Senator from Penobscot, Senator Tanous, to the rostrum to assume the duties of President pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Tanous to the rostrum where he assumed the duties of President pro tem, and President MacLeod retired from the Senate Chamber.

House Papers

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

Communications

STATE OF MAINE

State Treasurer

Augusta, Maine

February 23, 1971

To the Honorable Senate and House of Representatives:

As required by the Constitution of the State of Maine, I have the honor to submit herewith the biennial report of the financial transactions of the Treasury Department of the State of Maine for the two years ended June 30, 1970.

Most respectfully submitted,
(Signed)

NORMAN K. FERGUSON

Treasurer of State

(S. P. 338)

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

Sent down for concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Bernard of Androscoggin presented, Resolve Providing for Purchase of Fifty Copies Each of History of the District of Maine, Survey of the State of Maine and Tidewater Ice of the Kennebec. (S. P. 326) (L. D. 975).

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

Sent down for concurrence.

Business Legislation

Mr. Tanous of Penobscot presented, Bill, "An Act Clarifying the Laws Relating to Corporations Without Capital Stock." (S. P. 327) (L. D. 986)

Mr. Hoffes of Knox presented, Bill, "An Act Relating to Installation of Sprinkler Systems in Existing Hotels." (S. P. 328) (L. D. 976)

The same Senator presented, Bill "An Act Relating to Installations of Sprinkler Systems in New Hotels." (S. P. 329) (L. D. 977)

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

Sent down for concurrence.

Election Laws

Mr. Shute of Franklin presented, Bill, "An Act Relating to Voting by New Residents in Presidential Elections." (S. P. 330) (L. D. 985)

Which was referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Costs of Investigation Where Injunction Is Issued under Unfair Trade Practices Law." (S. P. 331) (L. D. 978)

Mr. Quinn of Penobscot presented, Bill, "An Act to Provide Mandatory Penalties for Commission of a Crime With a Dangerous Weapon." (S. P. 332) (L. D. 983)

Mr. Katz of Kennebec presented, Bill, "An Act Relating to Probable Cause Arrests in Misdemeanor Violations." (S. P. 333) (L. D. 979)

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

Sent down for concurrence.

Labor

Mr. Tanous of Penobscot presented, Bill, "An Act Providing for Double Compensation for Injuries to Minors under Workmen's Compensation Law if Employment in Violation of Law." (S. P. 334) (L. D. 980)

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

Sent down for concurrence.

Natural Resources

Mr. Bernard of Androscoggin presented, Bill, "An Act Providing for Licensing of Open-pit Type Lagoons of Certain Pollution Abatement Facilities." (S. P. 335) (L. D. 987)

Mr. Berry of Cumberland presented, Bill, "An Act Providing a Moratorium on the Construction of Certain Industries." (S. P. 336) (L. D. 988)

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

Sent down for concurrence.

At this point President MacLeod returned to the rostrum and thanked Senator Tanous for performing the duties assigned to him as President pro tem.

Whereupon the Sergeant-at-Arms escorted Senator Tanous to his seat on the floor, amid the applause of the Members of the Senate.

Orders

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring that Trooper Roger E. Drake, Security Officer of the Senate, be and hereby is authorized to attend the National Seminar on Legislative Security; and be it further

ORDERED, that the said Roger E. Drake be allowed his necessary expenses including seminar fees, if any.

(S. P. 337)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriations from the Unappropriated Surplus of the General Fund to the Treasurer of State to meet the State's obligation on guaranteed loans to the Maine Sugar Industry. (S. P. 339)

Which was Read.

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

The Chair recognizes the Senator from Aroostook, Senator Violette.

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I do not oppose this order this morning, but I do want to point out a certain situation regarding the consequence of this order and a resulting bill which would be issued from the Appropriations and Financial Affairs Committee.

This would, in effect, require taking out of the present surplus the amount of money which has to be put up by the state, by the Maine Industrial Building Authority, to take care of obligations on default of the Maine Sugar Industry bond payments.

Now, I am not going to talk about sugar beets this morning; I will spare you that dilemma. But I do want to talk about the consequences budgetwise. When our state is faced with having to make up MIBA obligations it can proceed in two ways. It can proceed by issuance of bonds by approval of the Governor and Council, or it can proceed by taking the money out of the state's contingency fund. Either way, I think, is quite appropriate. However, I have not had time to explore all the legal consequences of such a bill were it passed, but I assume this would be money that would go into the contingency fund out of current money which the state has available in order to finance this matter. The other alternative is the issuance of bonds.

Now, our state, by the people in referendum, has already approved the issuance of such bonds by the MIBA — I think I am correct on

that. Now we have the situation here which we are facing this year where, in order to meet our needs, we don't have enough money. Whether we have a surplus or whether we have current revenue, we do not have enough money to meet what I would think the majority of legislators would feel ought to be done if we had the money to do it. I know how reluctant everybody is and everybody is going to be to raise new tax revenues in order to meet many of these needs.

Now, it seems to me that if we have a sound method of financing the payment of these obligations, which is by bonds, that undoubtedly we ought to consider it, instead of depleting our money which would be available for legislative purposes and for the current needs of the state, which we have to face here in this legislature, by removing undoubtedly what would be close to a million dollars out of surplus if we proceed in this direction.

I just want to point this out to the members of the Senate. I am not going to oppose the order, but I think we ought to very, very seriously consider the consequences of removing that kind of money from the money that this legislature would have at this time, during the course of the legislature, available to meet the legislative needs that are facing us.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think we have here a difference in philosophy, and I certainly respect that of Senator Violette.

The opposed philosophy to his is that bonding is something that we resort to when we have to, and that we do not find it pleasureable to bond for what is practically current services. These are measures to which we have to resort when we are in a tough financial situation.

The bonding method, of course, was set up, quite properly so, so that no one can interfere if it is necessary to sell bonds to guarantee MIBA loans, and they

will be sold automatically. However, we find ourselves currently faced with a surplus of approximately \$11.6 million at the present time, and it appears worthy to give very serious consideration to paying this exceptional demand on us out of surplus.

I appreciate very much Senator Violette's willingness to cooperate in moving this along, and I would trust that as matters progress we would be able to find this to be the acceptable solution, with the concern and help of everybody, because I am sure we all recognize in the legislature that the sugar industry situation affects everybody in the state one way or another.

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

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: There was distributed to you Senators this morning the report of the State of Maine Treasurer, Norman K. Ferguson. I think if the Senators took the time time to look at the bottom of Page 5 on this report, they would see that it shows a total of an authorized but unused figure, and also bond anticipation loan dated April 1, 1971 of \$1 million.

It was my understanding that the Governor and Executive Council had already authorized the issuance of the money for this bond, and I just wonder what state of flux we find ourselves in now.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The current status of the matter is that this request for the issuance of bonds was tabled by the Governor's Council.

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

Thereupon, the Joint Order received Passage and, under suspension of the rules, was sent down forthwith for concurrence.

On motion by Mr. Berry of Cumberland,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill providing emergency appropriation from the Unappropriated Surplus of the General Fund to the State Department of Health and Welfare to continue the A.A.B.D., the A.F.D.C. and Medical Care programs for the forthcoming month of March.

(S. P. 340)

Which was Read and Passed.

Thereupon, under suspension of the rules, sent down forthwith for concurrence.

Committee Reports House

Change of Reference

The Committee on Legal Affairs on, Bill, "An Act to Require the Maine State Housing Authority to Adopt a State Housing Code." (H. P. 198) (L. D. 333)

Reported that the same be referred to the Committee on Judiciary.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence and the Bill referred to the Committee on Judiciary.

Leave to Withdraw

The Committee on Legal Affairs on, Resolve, to Reimburse Ray C. and Athene M. Towne of Hinckley for Well Damage by Highway Construction. (H. P. 132) (L. D. 187)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on, Bill, "An Act Relating to Service of Justices of the Supreme Judicial Court and the Superior Court for Retirement." (H. P. 67) (L. D. 108)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act to Prevent Pollution of the Waters of Nokomis Pond, Penobscot and

Somerset Counties." (H. P. 273) (L. D. 362)

Reported that the same Ought to Pass.

The Committee on Transportation on, Bill, "An Act Relating to Inspection of Motorcycles and Motor Driven Cycles." (H. P. 282) (L. D. 371)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Resolve, Relating to Fishing in Mopang Lake, Washington County. (H. P. 341) (L. D. 450)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Relating to Membership of the Advisory Committee for a Research and Advance Study Center at the University of Maine in Portland." (H. P. 385) (L. D. 500)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Piranhas, Catfish and Fresh-Water Fish." (H. P. 388) (L. D. 503)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to the Conservation and Management of Migratory Birds." (H. P. 412) (L. D. 539)

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 Accepted in concurrence, the Bills and Resolve Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Use of Motorboats on Ox Brook Lakes, Washington County." (H. P. 296) (L. D. 396)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-29).

(On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned pending Adoption of Committee Amendment "A".)

The Committee on Public Utilities on, Bill, "An Act Creating the Dexter Utility District." (H. P. 360) (L. D. 482)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-30).

The Committee on Education on, Bill, "An Act Relating to School Administrative District Assessments." (H. P. 482) (L. D. 623)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-28).

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, except for the tabled matter, Adopted in concurrence 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 to Authorize Augusta Water District and Augusta Sanitary District to Exchange Customer Accounting Records." (H. P. 239) (L. D. 321)

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

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

Bill, "An Act Relating to Exemptions for Public Utilities to the Revised Boiler Law." (H. P. 361) (L. D. 468)

Bill, "An Act Relating to Fee for Certificate to Cremate Bodies of Deceased Persons." (H. P. 392) (L. D. 507)

Bill, "An Act Appropriating Funds for World Cup Races at Sugarloaf in 1971." (H. P. 472) (L. D. 602)

Resolve, Permitting the County of Piscataquis to Expend Money for Public Ambulance Service." (H. P. 729) (L. D. 817)

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

House — As Amended

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

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

Bill, "An Act to Clarify the Recreation Authority Act." (H. P. 81) (L. D. 121)

(On motion by Mr. Berry of Cumberland, tabled and specially assigned for March 4, 1971, pending Passage to be Engrossed.)

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

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

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed, as Amended, in concurrence.

Senate — As Amended

Bill, "An Act Relating to When Overtime Pay Commences for Employees." (S. P. 56) (L. D. 92)

Bill, "An Act Creating the Maine Commercial Feed Law." (S. P. 79) (L. D. 173)

Which were 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 to Designate an Official Mineral for the State of Maine. (S. P. 98) (L. D. 262)

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

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 Violations of Parking Regulations at the State House. (H. P. 136) (L. D. 191)

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

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

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

These being emergency measures and, except for the tabled matter having received the affirmative votes of 29 members of the Senate, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

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

This being an emergency measure and having received the affirmative votes of 29 members of the Senate was Finally Passed 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 from 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)

Tabled—February 17, 1971 by Senator Hoffses of Knox.

Pending—Acceptance of Report.

On further motion by the same Senator, retabled and tomorrow assigned, pending Acceptance of the Committee Report.

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

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)

Tabled—February 23, 1971 by Senator Bernard of Androscoggin.

Pending—Passage to be Engrossed.

Thereupon, on motion by the same Senator, the Bill was Passed to be Engrossed.

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.