

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, March 3, 1971

Senate called to order by the President.

Prayer by the Rev. Daniel C. Tuttle of East Winthrop.

Reading of the Journal of yesterday.

Papers from the House Non-concurrent Matter

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

In the House February 9, 1971, Passed to be Engrossed.

In the Senate February 26, 1971, Passed to be Engrossed as Amended by Senate Amendment "C" (S-16), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "C", as Amended by House Amendment "A" (H-37), in non-concurrence.

On motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending Consideration.

Joint Order

ORDERED, the Senate concurring, that the Legislative Research Committee be directed to make a comprehensive study of County Government in the State of Maine and all associated agencies; and be it further

ORDERED, that the Committee reports its recommendations, together with such legislation as it deems appropriate, at the next special session or regular session of the Legislature.

(H. P. 926)

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: This order has considerable significance on the several problems affecting county government, and I think it advisable to call the attention of the Senate to the potential involved here for studying the impact of county government as it is set up now in several fields.

In one area we are seeing more attention being paid to the legal resources to be supplied to the needy people who cannot afford legal resources, and at present these expenses are paid by the county and the court where located. This has become a significant item in some county budgets.

We also have the question arising as to the position of the legislature in approving county budgets. Is this the way to do it? What is the status of county delegations? What is the relationship of the legislature at large to the county as far as the budget is concerned?

Considering the fact that the county, as such, does not have a legislative branch of government, we have a little odd situation here which, for one, has concerned me a great deal in my experience in Augusta. At the local level we have voters and we have a board of selectmen, and at the state level we have the legislature and the governor, but at the county level we have only the county commissioners, and we have no legislative body to see what happens at the county level.

Another aspect of the study well should be the judicial system in the several counties. At the present time the judicial system returns to the counties monies, and yet we know the county judicial system is not always handled the way it should be. Its housekeeping is not up to date, the quarters for the courts are really in the hands of the county, which has little at stake here. So the possibility of changing this presents itself as a very attractive situation. Consequently, I think a great deal of attention should be attached to this order, and I would hope that it might survive and become treated by the Legislative Research Committee as it should be.

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

Thereupon, on motion by Mr. Hoffses of Knox, the Joint Order was placed on the Special Legislative Research Table.

House Papers

Bills and Resolves today received from the House requiring

Reference to Committees were acted upon in concurrence.

Senate Papers Appropriations and Financial Affairs

Mr. Moore of Cumberland presented, Resolve to Provide Funds for a Feasibility Study for New Marine Facilities for the Port of Portland. (S. P. 386) (L. D. 1141)

Mr. Wyman of Washington presented, Bill, "An Act Appropriating Moneys for Additional General Purpose Education Subsidies to Certain Units for the Fiscal Year 1970-1971." (S. P. 387) (L. D. 1142)

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

Sent down for concurrence.

Education

Mr. Violette of Aroostook presented, Bill, "An Act Relating to Powers and Duties of School Directors." (S. P. 388) (L. D. 1143)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Shute of Franklin presented, Bill, "An Act Relating to Open Season on Deer in Management Units." (S. P. 389) (L. D. 1179)

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

Sent down for concurrence.

Judiciary

Mr. Shute of Franklin presented, Bill, "An Act Relating to Mental Examination of Persons Accused of Crime." (S. P. 383) (L. D. 1169)

Mr. Hichens of York presented, Bill, "An Act to Provide for the Interception of Wire and Oral Communications." (S. P. 390) (L. D. 1145)

Mr. Shute of Franklin presented, Bill, "An Act Relating to Use of Previous Convictions under the Implied Consent Law." (S. P. 391) (L. D. 1144)

Mr. Conley of Cumberland presented, Bill, "An Act Increasing Salaries of Justices of the Supreme

Judicial Court and the Superior Court and Judges of the District Court." (S. P. 392) (L. D. 1170)

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

Sent down for concurrence.

Labor

Mr. Conley of Cumberland presented, Bill, "An Act to Increase the Fee for Steam Engineer and Fireman Licenses." (S. P. 393) (L. D. 1171)

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

Sent down for concurrence.

Public Utilities

Mr. Moore of Cumberland presented, Bill, "An Act Relating to Service Charges for Sewage Disposal." (S. P. 394) (L. D. 1172)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

Taxation

Mr. Moore of Cumberland presented, Bill, "An Act to Limit the Tax Exemption for Certain Corporations Which Conduct Their Operations Primarily for the Benefit of Nonresidents of the State." (S. P. 395) (L. D. 1173)

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

Sent down for concurrence.

Transportation

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Notice of Suspension of Motor Vehicle Driving Privileges." (S. P. 396) (L. D. 1174)

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

Sent down for concurrence.

Committee Reports House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 1-7A of the Joint Rules:

Bill, "An Act Providing Workshops for Ballot Clerks and

Wardens for Elections." (H. P. 225) (L. D. 307)

Ought to Pass

The Committee on Public Utilities on, Bill, "An Act Increasing the Indebtedness of Veazie Sewer District." (H. P. 501) (L. D. 647)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act to Regulate Sewer Utilities." (H. P. 503) (L. D. 649)

Reported that the same Ought to Pass.

The Committee on Education on, Bill, "An Act Providing for Termination of the Old Town Great Works School District." (H. P. 523) (L. D. 686)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act Repealing Law Relating to Permits for Aircraft Pilots to Transport Fish and Game." (H. P. 526) (L. D. 688)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Increasing the Number of Members on the Board of Trustees of the Bath Water District." (H. P. 539) (L. D. 712)

Reported that the same Ought to Pass.

Which report was Read.

On motion by Mr. Moore of Cumberland, tabled and specially assigned for March 5, 1971, pending acceptance of the Committee Report.

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

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

Divided Report

The Majority of the Committee on County Government on, Bill, "An Act Creating County Commissioner Districts for Hancock County." (H. P. 330) (L. D. 439)

Reported that the same Ought

to Pass as Amended by Committee Amendment "A" (H-34).

Signed:

Senators:

PEABODY of Aroostook

MARTIN of Piscataquis

Representatives:

WIGHT of Presque Isle

DYAR of Strong

BERNIER of Westbrook

IMMONEN of West Paris

CHURCHILL of Orland

MILLS of Eastport

PONTBRIAND of Auburn

KELLEY of Southport

HAWKENS of Farmington

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

Signed:

Senator:

DANTON of York

Representative:

KELLEHER of Bangor

Comes from the House, the Majority Ought to Pass as Amended report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-34).

Which reports were Read and the Majority Ought to Pass as Amended Report of the Committee Accepted in Concurrence.

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

Senate

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 Expenditure of Municipal Funds for Roads Used by Nonresidents." (S. P. 143) (L. D. 382)

Bill, "An Act Relating to Increase of Assessments on Real Estate." (S. P. 145) (L. D. 384)

Which were sent to the House.

Ought to Pass

Mr. Hichens for the Committee on Taxation on, Bill, "An Act Exempting Sales to Certain Institutions from Sales Tax." (S. P. 242) (L. D. 703)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Kellam for the Committee on Legal Affairs on, Resolve to Reimburse Myron F. Roberts of Camden for Property Damage by Highway Construction. (S. P. 115) (L. D. 294)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-18).

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

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

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

Mr. Hoffses for the Committee on Liquor Control on, Bill, "An Act Providing for Adult Identification Cards under Liquor Law." (S. P. 119) (L. D. 298)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-20).

Mr. Chick for the Committee on Education, on Bill, "An Act Relating to Reimbursement to Administrative Units for Unusual Enrollment Increases." (S. P. 259) (L. D. 765)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-19).

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 Membership on Zoning Boards of Appeal." (H. P. 866) (L. D. 923)

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

House — As Amended

Bill, "An Act Classifying Mousam River, Main Stem, West Branch." (H. P. 202) (L. D. 269)

(See action later in today's session.)

Bill, "An Act Relating to Initiative of Articles to be Included in School Administrative District Budget Meetings." (H. P. 689) (L. D. 795)

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

Senate

Bill, "An Act Appropriating Funds for Defaulted Maine Sugar Industries, Inc. Loans." (S. P. 370) (L. D. 951)

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

Sent down for concurrence.

Enactors

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

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

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

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

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

An Act Relating to Charges for Care and Treatment of Persons in State Institutions. (S. P. 99) (L. D. 263)

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

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)

An Act Relating to Definitions and Credit Cards Under Truth-in-Lending Law. (S. P. 140) (L. D. 379)

An Act Relating to Community Mental Retardation Services. (S. P. 153) (L. D. 422)

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

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

An Act Relating to Service of Justices of the Supreme Judicial Court and the Superior Court for Retirement. (H. P. 67) (L. D. 108)

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

An Act to Authorize Augusta Water District and Augusta Sanitary District to Exchange Customer Accounting Records. (H. P. 239) (L. D. 321)

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

An Act to Prevent Pollution of the Waters of Nokomis Pond, Penobscot and Somerset Counties. (H. P. 273) (L. D. 362)

(On motion by Mr. Johnson of Somerset, tabled and specially assigned for March 9, 1971, pending Enactment.)

An Act Relating to Inspection of Motorcycles and Motor Driven Cycles. (H. P. 282) (L. D. 371)

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

An Act Relating to Transporting Piranhas, Catfish and Fresh-water Fish. (H. P. 388) (L. D. 503)

An Act Relating to the Conservation and Management of Migratory Birds. (H. P. 412) (L. D. 539)

Which, except for the tabled matters, 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 School Administrative District Assess-

ments. (H. P. 482) (L. D. 623)

This being an emergency measure and having received the affirmative votes of 24 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

Resolve, Relating to Fishing in Mopang Lake, Washington County. (H. P. 341) (L. D. 450)

This being an emergency measure and having received the affirmative votes of 22 members of the Senate, with 2 members voting in the negative, 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 pro tem laid before the Senate the first tabled and specially assigned matter:

HOUSE REPORTS—From the Committee on Legal Affairs on Bill, "An Act Requiring Referendum Elections on Certain Municipal Public Works Appropriations." (H. P. 103) (L. D. 147) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—February 26, 1971 by Senator Quinn of Penobscot.

Pending—Acceptance of Either Report.

Mr. Quinn of Penobscot then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Hoffses of Knox, tabled and tomorrow assigned pending the motion by Mr. Quinn of Penobscot to accept the Majority Ought Not to Pass Report of the Committee.

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

JOINT ORDER—Relative to State Government Committee Reporting out a Bill Relative to Stepchildren. (S. P. 399)

Tabled—March 2, 1971 by Senator Violette of Aroostook.

Pending—Passage.

Thereupon, the Joint Order received Passage and was sent down for concurrence.

Reconsidered Matters

On motion by Mr. Hoffses of Knox, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Relating to Length of Certain Motor Vehicles," (H. P. 213) (L. D. 280) was Passed to be Engrossed as Amended.

On further motion by the same Senator, tabled and tomorrow assigned, pending Passage to be Engrossed.

On motion by Mr. Danton of York, the Senate voted to

reconsider its action of earlier in today's session whereby Bill, "An Act Classifying Mousam River, Main Stem, West Branch," (H. P. 202) (L. D. 269) was Passed to be Engrossed as Amended.

On further motion by the same Senator, tabled and tomorrow Assigned, pending Passage to be Engrossed.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.