

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

Tuesday, March 9, 1971

Senate called to order by the President.

Prayer by the Rev. James Smith of Hallowell.

Reading of the Journal of yesterday.

Papers from the House Joint Order

WHEREAS, the temperature in the State House Building has reached intolerable levels; and

WHEREAS, temperatures of 80 degrees and above cannot be considered conducive to good work or high morale; and

WHEREAS, it is a wasteful, extravagant use of public funds to supply heat in excess of what is needed; now, therefore, be it

ORDERED, the Senate concurring, that the Director of Public Improvements be directed to investigate the heating plant and system of heat controls for the State House and to make such immediate corrections and improvements as are necessary to provide a more adequate heat range or explain in detail to the Legislature why the purpose of this Order cannot be accomplished; and be it further

ORDERED upon passage of this Order that the Director of Public Improvements be notified forthwith.

(H. P. 1006)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Without any legislative appropriation, I have conducted a little research into the question.

I find out that there are two thermostats in the Senate chamber and they are not controlled by keys; anybody could walk up and change the temperature. Fortunately, in the Senate we are a small body and the variation of our tastes is rather limited. Down at the other end of the corridor there are also two thermostats and if anyone is hot or cold they

can call a page and ask that the heat be turned up or down.

Most of the third floor has thermostats in the individual offices, but most of the State House does not. You have your choice of being too hot or too cold. The only way to control the heat is to turn the heat off or open a window or attempt to close radiators. It is a very, very old system, and I am told it would cost a very substantial amount of money to replace.

You will remember, if you were here in previous sessions, that we would like to blow fuses with great regularity in here because the electrical system was old and overworked. Under the circumstances, it is just a question of whether or not we want to pay the money to have our heating system replaced. I think that the purposes of the order having been served, I move that it be indefinitely postponed.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the joint order be indefinitely postponed in non-concurrence. Is this the pleasure of the Senate?

The motion prevailed.

Sent down for concurrence.

House Papers

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

Senate Papers Education

Mr. Martin of Piscataquis presented, Bill, "An Act Relating to Conferring Baccalaureate Degrees by John F. Kennedy College." (S. P. 424) (L. D. 1237)

The same Senator presented, Bill, "An Act Relating to Conferring Associate Degrees by John F. Kennedy College." (S. P. 425) (L. D. 1238)

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

Sent down for concurrence.

State Government

Mr. Dunn of Oxford presented, Bill, "An Act Relating to the Maine Law Enforcement and Criminal

Justice Academy." (S. P. 426) (L. D. 1246)

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

Sent down for concurrence.

Orders

On motion by Mr. Berry of Cumberland,

WHEREAS, the Maine Legislature in its past thirteen sessions since 1945 has rejected legislation that would provide for the inclusion of chiropractic services in the Maine Workmen's Compensation Law; and

WHEREAS, this session of the Legislature, bills have been introduced not only to include chiropractic services in Workmen's Compensation, but also to require payment for such services under Blue Cross-Blue Shield and to require all insurance policies to be rewritten to provide payment for chiropractic treatment under the guise of preventing discrimination in insurance; and

WHEREAS, these bills, though related, have been referred, without overt indication that they comprise components of a planned legislative program, to three separate Legislative Committees; and

WHEREAS, the definition of "chiropractic" has remained essentially unchanged since 1923 thereby giving rise to the question of the extent of its meaning and whether it does or should include the diagnosing of medical ills or the use of x-ray equipment and analysis of x-ray films and the diagnosis and treatment of medical ills not related to the human spinal column; and

WHEREAS, there is therefore considerable uncertainty as to the legal extent of the definition of the practice of "chiropractic" as it bears on the actual practice of chiropractic performed in the State of Maine, and as it relates to the diagnosis and treatment of human disease; and

WHEREAS, no objective study of the practice of chiropractic in the State of Maine has ever been conducted by the Legislative Re-

search Committee or by any other objective group representing the welfare of the people; and

WHEREAS, it is the responsibility of the Maine Legislature through the passage of legislation to protect the welfare of its citizens from such harm as may exist from the failure to define and license the various healing arts and to protect the integrity of public health and welfare programs such as Workmen's Compensation and public and private medical or health insurance; now, therefore, be it

ORDERED, the House concurring, that the Legislative Research Committee is directed to study the proper role of chiropractic in the State of Maine, with particular reference to its actual practice, to the education and training involved therein, to the tests and certifications required for the practice thereof, to its definition as presently contained in the Revised Statutes, Title 32, Section 451, to the rules and regulations promulgated thereunder and to its proper role in conjunction with Workmen's Compensation, Blue Cross-Blue Shield and other public and private medical health and accident insurance policies and programs; and be it further

ORDERED, that the Legislative Research Committee shall report its findings and conclusions together with any proposed legislation bearing upon the subject of this order to the next special or regular session of the Legislature; and be it further

ORDERED, that there is appropriated from the Legislative Account the sum of \$3,000 to the Committee to carry out the purposes of this Order; and be it further

ORDERED, that the Committee shall have the authority to employ such professional and technical assistance as it deems necessary within the limits of funds provided.

Which was Read.

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

Committee Reports

House

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Age of Compulsory Education." (H. P. 182) (L. D. 240)

Change of Reference

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing for a Full-time County Attorney for Cumberland County." (H. P. 194) (L. D. 332)

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

Comes from the House, the report Read and Accepted and the Bill referred to the Committee on Judiciary.

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

Leave to Withdraw

The Committee on Education on, Bill "An Act Relating to Tuition by Administrative Units Not Maintaining an Approved Secondary School." (H. P. 671) (L. D. 908)

Reported that the same be granted Leave to Withdraw.

The Committee on Public Utilities on, Bill, "An Act Entering the State of Maine into The Interstate Mining Compact." (H. P. 203) (L. D. 286)

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 Judiciary on, Bill, "An Act Relating to Notice of Hearings before the Administrative Hearing Commissioner." (H. P. 418) (L. D. 545)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Revising Probate Rules and Blanks." (H. P. 456) (L. D. 611)

Reported that the same Ought to Pass.

The Committee on Judiciary on, Bill, "An Act Relating to Arson." (H. P. 491) (L. D. 632)

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 Agriculture on, Bill, "An Act Relating to Payments by the State for Damage by Dogs and Wild Animals." (H. P. 252) (L. D. 334)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-38).

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and 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.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Temporary Lodging in County Jails of Returnees from Entrustment and Juvenile Absent Without Leave from Juvenile Institutions." (H. P. 460) (L. D. 615)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

PAGE of Fryeburg
HENLEY of Norway
HEWES of Cape Elizabeth
LUND of Augusta
BAKER of Orrington
KELLEY of Caribou
WHITE of Guilford

WHEELER of Portland
ORESTIS of Lewiston

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

Signed:

Representative:

CARRIER of Westbrook
Comes from the House, the Majority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and the Majority Ought to Pass Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to Tending Tree or Pole Sets Under the Trapping Laws." (S. P. 93) (L. D. 257)

Sent to the House.

Ought to Pass

Mr. Kellam for the Committee on Legal Affairs on, Bill, "An Act to Amend the Charter of Portland Widows' Wood Society." (S. P. 180) (L. D. 532)

Reported that the same Ought to Pass.

Mr. Wyman for the Committee on Taxation on, Bill, "An Act Repealing the Interim State Valuation of Municipalities." (S. P. 265) (L. D. 771)

Reported that the same Ought to Pass.

Mr. Fortier for the Committee on Taxation on, Bill, "An Act Exempting Certain Incorporated Nonprofit Nursing Homes from the Sales Tax." (S. P. 288) (L. D. 842)

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, Bill, "An Act Relating to Disposition of Por-

tion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset
WYMAN of Washington
CLIFFORD

of Androscoggin

Representatives:

HODGDON of Kittery
FARRINGTON
of Old Orchard Beach
CURTIS of Orono
STILLINGS of Berwick
DONAGHY of Lubec

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-26)

Signed:

Representatives:

COONEY of Webster
MARSTALLER

of Freeport

STARBIRD

of Kingman Township
GOODWIN of Bath

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This particular bill in its present form, the Committee felt, was not a good bill. But we are still doing some research on it and we feel that if we have a week we might come up with an amendment that might possibly make it a good bill. I would ask someone if they would table it for one week from today.

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

Thereupon, on Motion by Mr. Moore of Cumberland, tabled and specially assigned for March 16, 1971, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 13) (L. D. 41)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

CLIFFORD

of Androscoggin

Representatives:

HODGDON of Kittery

DONAGHY of Lubec

MARSTALLER

of Freeport

CURTIS of Orono

STILLINGS of Berwick

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

Signed:

Representatives:

FARRINGTON

of Old Orchard Beach

COONEY of Webster

STARBIRD

of Kingman Township

GOODWIN of Bath

Which reports were Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I was the sponsor of L. D. 41, and I would call the Senate's attention to it because it is a bill simple in intent and I think simple to understand.

It does two things, and I think that they are things that should be done. It deviates from existing law essentially in two respects. First, before the session, when the lobbyist registers with the Secretary of State's office, he must state the legislation to be opposed or promoted and the nature of the compensation to be paid during the session. Now, I think you will agree that it would be impossible for a lobbyist at the beginning of the session to tell the specific L. D., but I don't think this is the intent of the bill. If he is lobbying for the Central Maine Power Company, I think the areas of his interest should be pretty easy to understand.

Now, the second thing that it does is that, after the session is over, it puts on the shoulders of his employer the burden of filing a statement with the Secretary of

State. The lobbyist has no further responsibilities, but the employer of the lobbyist, in this case let's say Central Maine Power Company, must file with the Secretary of State a statement within thirty days of the adjournment of the session showing in detail all expenses paid, incurred or promised directly or indirectly in conjunction with legislation pending or considered, with the names of the payees and the amount paid to each, and so forth and so on.

It is a simple bill, it is a very modest bill. It is not an earth-shaking bill, but I think for the first time it can serve a useful purpose in shedding some light on this thing that we call lobbying or the "third house."

If you will notice in the statement of fact, it specifically says that the high moral standards of the members of the "third house" are fully recognized and are not in question. But I am deeply concerned, and I hope you share my feeling, that our sessions are becoming more and more complicated and the stakes are becoming higher and higher, and it is about time we at least took a first step in shedding some light on this thing that we call the "third house". I consequently move, Mr. President, that the Senate accept the Minority Ought to Pass report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that the Senate accept the Minority Ought to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

Thereupon, the Bill was Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

Resolve, Reimbursing Mrs. W. Ralph Green of Albion for Well Damage Due to Highway Maintenance. (H. P. 200) (L. D. 255)

Bill, "An Act Relating to Maine Chiropractic Association." (H. P. 238) (L. D. 320)

Bill, "An Act Relating to Operation of Snowmobiles in

Cemeteries." (H. P. 299) (L. D. 399)

Resolve Reimbursing Donald F. Bartlett for Damage Due to Highway Maintenance. (H. P. 301) (L. D. 401)

Bill, "An Act Relating to Licenses for Harness Horse Racing and Stipend Fund." (H. P. 321) (L. D. 430)

Bill, "An Act Amending and Restating the Act to Incorporate Dyer Library Association." (H. P. 350) (L. D. 459)

(On motion by Mr. Quinn of Penobscot, temporarily set aside.)

Bill, "An Act Relating to Name of the Electronic Technicians' Association, Inc." (H. P. 353) (L. D. 462)

Resolve to Reimburse Anthony Moscone for Loss of Cigarettes and Tobacco Products by Fire. (H. P. 368) (L. D. 481)

Bill, "An Act Relating to Qualifications of Candidates in Primary Elections." (H. P. 386) (L. D. 501)

Bill, "An Act Granting Permits to Blind Persons to Operate Vending Facilities in Public Buildings." (H. P. 425) (L. D. 559)

Bill, "An Act Relating to the Use of Drugs on Animals at Agricultural Fairs." (H. P. 953) (L. D. 991)

Bill, "An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition." (H. P. 952) (L. D. 990)

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

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed in concurrence.

The President laid before the Senate the matter previously set aside by Mr. Quinn of Penobscot:

Bill, "An Act Amending and Restating the Act to Incorporate Dyer Library Association, Inc." (H. P. 350) (L. D. 459)

Mr. Quinn of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-28 was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. QUINN: Mr. President and Members of the Senate: The purpose of this amendment is to clarify the references to the Internal Revenue Code of 1954.

The PRESIDENT: Is it now the pleasure of the Senate to Adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

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

An Act Relating to Employees and Agents of Collection Agencies. (S. P. 215) (L. D. 661)

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

An Act Relating to Membership on Zoning Boards of Appeal. (H. P. 866) (L. D. 923)

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

Tabled—March 3, 1971 by Senator Johnson of Somerset.

Pending—Enactment.

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

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

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

Tabled—March 4, 1971 by Senator Moore of Cumberland.

Pending—Enactment.

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary

presented to the Governor for his approval.

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

Senate Reports—from the Committee on State Government on Resolution Proposing an Amendment to the Constitution Providing for Annual Legislative Sessions. (S. P. 57) (L. D. 96) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 4, 1971 by Senator Berry of Cumberland.

Pending—Motion by Senator Levine of Kennebec to Accept the Minority Ought to Pass Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for March 11, 1971, pending the motion by Mr. Levine of Kennebec to Accept the Minority Ought to Pass Report of the Committee.

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

JOINT ORDER—Relative to State Government Committee Reporting out a Bill Relative to Stepchildren.

Tabled—March 4, 1971 by Senator Dunn of Oxford.

Pending—Passage.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: Since there is an L. D. covering this same subject being drafted at this time, I move that this order be indefinitely postponed.

The PRESIDENT: The Senator from Oxford, Senator Dunn, moves that Senate Paper 399 be indefinitely postponed. Is this the pleasure of the Senate?

The motion prevailed.

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

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

Tabled—March 5, 1971 by Senator Berry of Cumberland.

Pending—Adoption of Senate Amendment "A" — Filing S-25 to

Committee Amendment "A" — Filing H-33.

Thereupon, Senate Amendment "A" to Committee Amendment "A" was Adopted and Committee Amendment "A", as Amended by Senate Amendment "A" thereto, was Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

JOINT ORDER — Relative to Joint Select Committee of Inquiry to Study the Department of Mental Health and Corrections. (S. P. 423)

Tabled — March 5, 1971 by Senator Berry of Cumberland.

Pending — Passage.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: I feel that "innovation" is a foreign word and a lost art in this bureaucratic jungle. My order for an investigation is the result of public demand that something be done to further the health and well - being of state hospital patients.

Commissioner Kearns is not telling the truth when he says that the Baumgarten Report was made available to me on request. A Senate Order appeared to be a threat to this politician, and then the report was made available to both branches of the Legislature. However, it was addressed to the good Senator Hichens of the Health and Institutional Services Committee.

The legislative librarian was refused a copy of the Baumgarten Report when it first came out. I checked with the Attorney General's Office, and the decision that came back was that this was a matter of public information and that the librarian should have had a copy. However, she had to come to the Senate and ask Senators for copies of this report. She now has it for public use.

I feel that the men in these ivory towers truly believe that they are in the control tower. They feel that we come to Augusta every two years and invade their private

domain. They treat us rough, tell us little, and scream to the public that we don't give them enough money.

Well, in 1957 the Augusta State Hospital was accredited. I was a member of the House of Representatives at the time and recognized the good work that the good Dr. Sleeper, Superintendent, was doing. I issued an order to the House to commend the Doctor for having done such good work to receive accreditation for the hospital. Subsequently to that, more money was given to the department, more help was hired, and today, fourteen years after, the hospital is on the verge of losing its accreditation. I say, why, why, why? Let's find out.

Gentlemen of the Senate: When you consider this order, please let the aggrieved tell you what is being done and what is not being done. Let them tell you why, after all the money has been poured into this department, that there has been a grand jury investigation of the operation of the Bangor State Hospital, and why the Augusta State Hospital cannot recruit and retain professional and other help. Let the Maine State Nurses' Association tell you why they appointed a committee to work with me to try to solve this problem. Let others come to you, let the public come to you, and reveal their complaints.

I say, listen, please listen, and remember this is what our young people are saying today; listen, will you please listen. They are challenging some of our established institutions. In cases I don't wonder why, but all too often we listen too late. The complaints that have

been lodged so far have fallen on deaf ears and I say, "There but for the grace of God go we."

I also say that the Commissioner of Mental Health and Corrections is distorting the truth. He is a master at this art, as other Commissioners have been found to be.

I want you to know that I have worked for years to help improve our institutions, the social well-being of the people of the State of Maine. I will continue to work. I am very sad today to feel that the department that I have worked so hard for, and have poured so much money into, is treating me the way that they are today.

However, I am interested in the health and well-being of the people of the State of Maine, and I will continue to work with the department when I find that I can. However, I will not be a rubber-stamp for any department. My first interest is for the people of the State of Maine. I am not interested in getting along with bureaucrats. I am not afraid to invade their private domain every two years. I intend to continue, and I will leave no stone unturned to find a way to let the public tell you what is wrong. Thank you.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and specially assigned for March 11, 1971, pending Passage.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.