

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

Friday, March 12, 1971

Senate called to order by the President.

Prayer by the Rev. Linwood Welch of Hallowell.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion of Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, March 16, 1971, at 10 o'clock in the morning.

(S. P. 442)

Which was Read and Passed.

Sent down forthwith for concurrence.

Papers from the House Non-concurrent Matter

Bill, "An Act Relating to Length of Certain Motor Vehicles." (H. P. 213) (L. D. 280)

In the House February 24, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (H-32).

In the Senate March 5, 1971, Indefinitely Postponed, in non-concurrence.

Comes from the House, that Body having Insisted.

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

Mr. **BERRY** of Cumberland: Mr. President and Members of the Senate: At a hearing held Wednesday before the Transportation Committee a statement was made by one of the representatives of the trucking industry that the increase in length was a matter of inches. I, being not one to not like to arbitrate, think that perhaps something could be worked out. Accordingly, I move that the Senate insist and request a committee of conference.

The **PRESIDENT**: The Senator from Cumberland, Senator Berry, moves that the Senate insist and request a committee of conference.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. **MARTIN** of Piscataquis: Mr. President, I move this item lie on the table until next Wednesday, March 17th.

The **PRESIDENT**: The Senator from Piscataquis, Senator Martin, moves that this matter be tabled and specially assigned for Wednesday, March 17th.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. **BERRY** of Cumberland: Mr. President, as to the timing of the motion, it seems to me that progress can be made in this area, and I would request a division.

Thereupon, a division was had. Ten Senators having voted in the affirmative, and fourteen Senators having voted in the negative, the motion to table did not prevail.

Whereupon, the Senate voted to Insist and ask for a Committee of Conference.

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

Senators:

BERRY of Cumberland
ANDERSON of Hancock
DANTON of York

Bill, "An Act Relating to Record of Plans by Registers of Deeds." (H. P. 728) (L. D. 816)

In the House February 25, 1971, Passed to be Engrossed.

In the Senate March 10, 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. Martin of Piscataquis, 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:

PEABODY of Aroostook
SCHULTEN of Sagadahoc
MARTIN of Piscataquis

House Papers

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

Senate Papers Business Legislation

Mr. Johnson of Somerset presented, Bill, "An Act Relating to Group Marketing of Property and Liability Insurance for Automobiles." (S. P. 443) (L. D. 1269)

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

Sent down for concurrence.

Education

Mr. Sewall of Penobscot presented, Bill, "An Act to Equalize Educational Expenditures and Local Tax Effort." (S. P. 444) (L. D. 1293)

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

Sent down for concurrence.

Fisheries and Wildlife

Mr. Hoffses of Knox presented, Bill, "An Act to Correct Certain Errors and Inconsistencies in the Fish and Game Laws." (S. P. 445) (L. D. 1280)

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

Sent down for concurrence.

Judiciary

Mr. Harding of Aroostook presented, Bill, "An Act Relating to Imposition of Sentence to the State Prison and Men's Correctional Center." (S. P. 446) (L. D. 1270)

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

Sent down for concurrence.

Labor

Mr. Shute of Franklin presented, Bill, "An Act Extending Collective Bargaining Rights of Public Higher Education Personnel." (S. P. 447) (L. D. 1337)

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

Sent down for concurrence.

Legal Affairs

Mr. Shute of Franklin presented, Bill, "An Act to Incorporate the Town of Carrabassett Valley." (S. P. 448) (L. D. 1294)

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

Sent down for concurrence.

Liquor Control

Mr. Conley of Cumberland presented, Bill, "An Act Relating to Definition of Restaurant under the Liquor Law." (S. P. 449) (L. D. 1295)

The same Senator presented, Bill, "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses." (S. P. 450) (L. D. 1296)

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

Sent down for concurrence.

Natural Resources

Mr. Graham of Cumberland presented, Bill, "An Act Phasing out Log Driving in the Inland Waters of the State." (S. P. 451) (L. D. 1297)

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

Sent down for concurrence.

Public Utilities

Mr. Chick of Kennebec presented, Bill, "An Act to Authorize the Hallowell Water District to Collect and Treat Sewage." (S. P. 452) (L. D. 1375)

Mr. Shute of Franklin presented, Bill, "An Act Relating to the Adequacy of Public Utility Service." (S. P. 453) (L. D. 1311)

Mr. Violette of Aroostook presented, Bill, "An Act Relating to Motor Carriers for Hire Transporting Certain Perishable Agricultural Commodities Grown in Maine." (S. P. 454) (L. D. 1312)

Mr. Moore of Cumberland presented, Bill, "An Act to Require Notice to Public Utilities of Certain Excavations." (S. P. 455) (L. D. 1313)

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

Sent down for concurrence.

State Government

Mr. Kellam of Cumberland presented, Bill, "An Act Providing for Full-time District Attorneys." (S. P. 456) (L. D. 1407)

Mr. Dunn of Oxford presented, Bill, "An Act to Create the Maine Municipal Finance Authority." (S. P. 457) (L. D. 1384)

Which were referred to the Committee on State Government 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 Prohibiting Administering Behavioral and Tranquilizing Drugs in Schools." (H. P. 591) (L. D. 786)

Bill, "An Act Relating to Applicability of Law on Sale and Possession of Cannabis, Marijuana." (H. P. 533) (L. D. 723)

Bill, "An Act Relating to the Detention of Juveniles." (H. P. 345) (L. D. 454)

Leave to Withdraw

The Committee on Health and Institutional Service on, Bill, "An Act Relating to Solicitation of Eye Services and Appliances." (H. P. 565) (L. D. 741)

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 — As Amended

The Committee on Business Legislation on, Bill, "An Act Amending Charter of Eliot and Kittery Mutual Fire Insurance Company." (H. P. 450) (L. D. 605)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-43).

The Committee on Education on, Bill, "An Act Increasing Indebtedness of Town of York School District." (H. P. 44) (L. D. 76)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-44)

The Committee on Transportation on, Bill, "An Act Relating to Payment of Fees to Secretary of State for Reports of Records." (H. P. 486) (L. D. 627)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-45).

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 Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

The Committee on Liquor Control on, Bill, "An Act Relating to Definition of Wholesaler under Liquor Law." (H. P. 428) (L. D. 562)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1067) (L. D. 1127)

The Committee on Legal Affairs on, Bill, "An Act Including Escalators and Manlifts in the Elevator Law." (H. P. 73) (L. D. 114)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1066) (L. D. 1126)

The Committee on Taxation on, Bill, "An Act Relating to the Property Tax Exemption for Parsonages." (H. P. 244) (L. D. 325)

Reported that the same Ought to pass in New Draft Under Same Title. (H. P. 1068) (L. D. 1128)

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

Which reports were Read and Accepted in concurrence, the Bills, in New Draft, Read Once and 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 to Permit the Offering of Group Auto Insurance to Combinations of Persons." (S. P. 216) (L. D. 662)

Sent to the House.

Leave to Withdraw

Mr. Danton for the Committee on Business Legislation on, Bill, "An Act Relating to Discrimination in Insurance." (S. P. 294) (L. D. 846)

Reported that the same be granted Leave to Withdraw.

Which Report was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Clifford for the Committee on State Government on, Bill, "An Act Revising the Law Relating to Traveling Libraries." (S. P. 136) (L. D. 348)

Reported that the same Ought to Pass.

Mr. Shute for the Committee on Liquor Control on, Bill, "An Act Relating to Business Hours for Taverns." (S. P. 299) (L. D. 856)

Reported that the same Ought to Pass.

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

Ought to Pass as Amended

The Committee on County Government on, Bill, "An Act Relating to Fire Protection for Township 16, Range 4, Aroostook County." (S. P. 108) (L. D. 287)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-31).

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

Second Readers

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

House

Resolve, to Reimburse Bernard Powers of Newry for Loss of Cigarettes. (H. P. 106) (L. D. 148)

Bill, "An Act to Clarify the Duty of Licensed Users to File Use Fuel Tax Reports." (H. P. 247) (L. D. 328)

Bill, "An Act Relating to Snow Removal on State Highways in Built-up Sections of Certain

Municipalities." (H. P. 311) (L. D. 411)

(On motion by Mr. Moore of Cumberland, tabled and specially assigned for March 17, 1971, pending Passage to be Engrossed.)

Bill, "An Act Relating to Temporary Registration Certificates for Vehicles." (H. P. 313) (L. D. 413)

(On motion by Mr. Marcotte of York, tabled and Tomorrow Assigned, pending Passage to be Engrossed.)

Resolve, Providing Retirement Benefit for Clyde Walker of Hallowell. (H. P. 319) (L. D. 419)

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Ernest F. Miller. (H. P. 373) (L. D. 479)

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen. (H. P. 374) (L. D. 480)

Bill, "An Act Relating to Definition of Retailer under Liquor Law." (H. P. 427) (L. D. 561)

Bill, "An Act Relating to Retirement of, and to Allowance for Widow of, the Administrative Hearing Commissioner." (H. P. 445) (L. D. 579)

Bill, "An Act Relating to Fees for Replacement of Number Plates for Motor Vehicles." (H. P. 511) (L. D. 656)

Bill, "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County." (H. P. 604) (L. D. 806)

Bill, "An Act Relating to Acquisition of Land for National Forests." (H. P. 1042) (L. D. 1100)

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

Bill, "An Act Providing Additional Driver License Examiners in the Division of Motor Vehicles." (H. P. 1043) (L. D. 1101)

Which was Read a Second Time.

The PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Greeley.

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would just like to give

a little explanation of what this bill does and the intent of the committee.

We had a lot of complaints back along about the lack of driver examiners, and this bill sets up five extra examiners. The Committee has also set up \$30,187 to pay for these five people from April 1st to June 30th. Now it is the intent of the Committee to put in the allocation bill in the first and second year of the biennium \$47,585 the first year and \$49,855 the second year.

As I understand it, these five examiners are going to be placed in Sanford, Rumford, Ellsworth, Lincoln-Millinocket area, and Houlton. I also understand that there are people available, and the Department has also started interviews to get these five people in the hopes that this bill will pass. This is an emergency measure when it comes in for enactment.

The PRESIDENT: Is it now the pleasure of the Senate that Legislative Document 1101 be passed to be engrossed in concurrence?

Thereupon the Bill was Passed to be Engrossed in concurrence.

The PRESIDENT: The Chair thinks this would be a very appropriate time to note today as being a very important day in the life of one of our members. It marks the Fiftieth Wedding Anniversary of Senator and Mrs. Ed Greeley. I think he must have been married at a very, very young age in order to have their Golden Wedding Anniversary today. I know the Senate joins me in wishing you and Mrs. Greeley a very happy anniversary and many more years of happiness in the future together. (Applause — the members rising.)

Mr. Greeley of Waldo was granted unanimous consent to address the Senate.

Mr. GREELEY: Mr. President, I want to thank the Senate. In four words, as Jackie Gleason used to say, "How sweet it is." I would also like to say that although I have been married fifty years, to tell you the truth, I am just beginning to get my feet placed. (Laughter)

Senate

Bill, "An Act Relating to Financial Report of State Housing Authority." (S. P. 181) (L. D. 533)

Bill, "An Act Pertaining to the Salary of the Administrative Hearing Commissioner." (S. P. 237) (L. D. 699)

Bill, "An Act Relating to Group Fishing Permits for Inmates and Patients at State Institutions." (S. P. 177) (L. D. 529)

Bill, "An Act Relating to Jurisdiction of the District Court in Proceedings to Quiet Title in Real Estate Matters." (S. P. 437) (L. D. 1147)

Bill, "An Act Providing Funds for Shalom House, Inc., a Halfway House, in Portland." (S. P. 272) (L. D. 800)

Resolution, Proposing an Amendment to the Constitution Reducing the Size of the House of Representatives and the Senate. (S. P. 436) (L. D. 1146)

Which were 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 Exempting Sales to Certain Institutions from Sales Tax. (S. P. 242) (L. D. 703)

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

An Act Relating to Reimbursement to Administrative Units for Unusual Enrollment Increases. (S. P. 259) (L. D. 765)

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

(On motion by Mr. Hoffses of Knox, tabled and specially assigned for March 16, 1971, pending Enactment.)

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

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

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

An Act Granting Permits to Blind Persons to Operate Vending

Facilities in Public Buildings. (H. P. 425) (L. D. 559)

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

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.

Resolve, to Reimburse Myron F. Robarts, of Camden for Property Damage by Highway Construction. (S. P. 115) (L. D. 294)

Resolve, Reimbursing Mrs. W. Ralph Green of Albion for Well Damage Due to Highway Maintenance. (H. P. 200) (L. D. 225)

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

(On motion by Mr. Greeley of Waldo, the above three matters were placed on the Special Highway Appropriations Table.)

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

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

Orders of the Day

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

HOUSE REPORTS—from the Committee on Liquor Control on Bill, "An Act Relating to Definition of Class 'A' Restaurant Under Liquor Laws." (H. P. 302) (L. D. 402) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled—March 11, 1971 by Senator Martin of Piscataquis.

Pending—Motion by Senator Shute of Franklin to Accept the Majority Ought Not to Pass Report.

On motion by Mr. Violette of Aroostook, retabled and Tomorrow Assigned, pending the motion by Mr. Shute of Franklin to Accept the Majority Ought Not to Pass Report of the Committee.

Reconsidered Matters

On motion by Mr. Hoffses of Knox, the Senate voted to reconsider its action of yesterday whereby Leave to Withdraw was granted on Bill, "An Act Relating to Issuance of Malt Liquor Licenses." (H. P. 429) (L. D. 563)

Thereupon, on further motion by the same Senator, the Bill was Recommended to the Committee on Liquor Control.

Sent down for concurrence.

On motion by Mr. Harding of Aroostook, the Senate voted to reconsider its action of yesterday whereby Leave to Withdraw was granted on Bill, "An Act to Revise Eligibility Requirements for Unemployment Compensation Benefits." (H. P. 423) (L. D. 557)

Thereupon, on further motion by the same Senator, the Bill was Recommended to the Committee on Labor.

Sent down for concurrence.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until Tuesday, March 16, 1971, at 10 o'clock in the morning.