

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

Thursday, March 18, 1971

Senate called to order by the President.

Prayer by the Rev. Calvin Alexander of Gardiner.

Reading of the Journal of yesterday.

Papers from the House
Joint Order

WHEREAS, the Wildcats of Presque Isle High School won the Eastern Maine Class A basketball finals for 1971; and

WHEREAS, The Red Riots of South Portland High School retained the Western Maine Class A basketball crown; and

WHEREAS, both the Wildcats and Red Riots have provided many thrill-packed performances of team skill and fine sportsmanship; and

WHEREAS, East will face West on March 20 to decide which of these champions shall hold the 1971 Class A Basketball Title for the State of Maine; now, therefore be it

ORDERED, the Senate concurring that we, the members of the One Hundred and Fifth Legislature of the State of Maine now assembled join the many fans, teams and coaches of the Class A Tournament in expressing individual honor and praise to both contenders and sincerely wish both teams and coaches the best of luck in this all important contest; and be it further

ORDERED, that a duly attested copy of this Order be transmitted forthwith to the respective coaches in token of the sentiments expressed herein.

(H. P. 1208)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. HARDING of Aroostook: Mr. President and Members of the Senate: I suppose it might be appropriate for me to say a few words here. Normally, as you know, on political matters I am very non-partisan, and on this order here I suppose I should be non-partisan also.

It happens that the Principal of this High School, Keith Thompson, is a native of my own Town of Presque Isle. The coach of this team, Gene Hunter, was a classmate of mine in Colby College, and he also is a native of Presque Isle. So I suppose some people in Presque Isle may have divided emotions on this game, but I want to take the position now, although it is very difficult, of being partisan and wish my own hometown team, the Wildcats, the very best. We hope that next Tuesday when I come back I can tell you that they are the champions of the State of Maine.

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

Thereupon, the Joint Order received Passage in concurrence.

ORDERED, the Senate concurring, that the Legislative Research Committee is directed to study the impact on municipalities in which large proportions of property are State owned and tax exempt and to study the feasibility of providing tax relief for said municipalities to enable them to recover a portion of taxes lost because of such exemption; and be it further

ORDERED, that the State Bureaus of Public Improvements and Taxation be directed to provide the Committee with such information and technical assistance as the Committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report its findings and recommendations at the next regular session of the Legislature; and be it further

ORDERED, upon final passage that copies of this Order be transmitted to said Bureaus of Public Improvements and Taxation as notice of the pending study.

(H. P. 1207)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, 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.

Communications

STATE OF MAINE
Department of State
Augusta, Maine 04330

February 15, 1971

To: The Honorable David J. Kennedy, Speaker of the House of Representatives of the One Hundred and Fifth Legislature:

I have the honor to herewith transmit the budget estimates of expenses of the sixteen counties within the State for the years 1971 and 1972, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253 of the Revised Statutes of 1964.

Signed:

JOSEPH T. EDGAR
Secretary of State
(H. P. 1149)

Comes from the House referred to the Committee on County Government.

Which was referred to the Committee on County Government in concurrence.

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 Fees Splitting in Certain Professional Occupations." (H. P. 492) (L. D. 633)

Change of Reference

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (H. P. 288) (L. D. 388)

Reported that the same be referred to the Committee on State Government.

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

Which report was Read and Accepted and the Bill referred to

the Committee on State Government in concurrence.

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Increasing Salaries of District Court Judges." (H. P. 344) (L. D. 453)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Prohibit the Use of Municipal Funds for Lobbying at the Legislature." (H. P. 277) (L. D. 366)

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 State Government on, Resolve, Dividing the State of Maine into Councillor Districts. (H. P. 205) (L. D. 271)

Reported that the same Ought to Pass.

Comes from the House, the report Read, the Resolve substituted for the Report and subsequently referred to the Committee on Constitutional State Reapportionment and Congressional Redistricting.

Which Report was Read and, on motion by Mr. Berry of Cumberland, the Resolve Substituted for the Report and referred to the Committee on Constitutional State Reapportionment and Congressional Redistricting in concurrence.

Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act Relating to Entering of Watercraft Without Permission." (H. P. 72) (L. D. 113)

Reported that the same Ought to Pass in New Draft Under New Title, Bill, "An Act relating to Penalty for Injuring Watercraft and Entering of Watercraft without Permission." (H. P. 1083) (L. D. 1149)

Comes from the House, the report Read and Accepted, and the Bill, in New Draft, Indefinitely Postponed.

Which report was Read and Accepted and the Bill, in New

Draft, Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Payment for Sales of Malt Liquor or Wine in Retail Stores." (H. P. 535) (L. D. 708)

Reported that the same Ought to Pass.

Signed:

Senators:

SHUTE of Franklin

HOFFSES of Knox

FORTIER of Oxford

Representatives:

HAWKENS

of Farmington

MADDOX

of Vinalhaven

STILLINGS of Berwick

TANGUAY of Lewiston

FAUCHER of Solon

LIZOTTE of Biddeford

SLANE of Portland

GAGNON of Scarborough

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

Signed:

Representatives:

BAILEY of Woolwich

IMMONEN of West Paris

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

Which reports were Read.

On motion by Mr. Shute of Franklin, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, and the Bill Read Once.

Thereupon, on further motion by the same Senator, tabled and specially assigned for March 25, 1971, pending assignment for Second Reading.

Senate

Change of Reference

The Committee on County Government on, Bill, "An Act Relating to Reports of Departments, Commissions, and Institutions." (S. P. 374) (L. D. 1110)

Reported that the same be referred to the Committee on State Government.

Which report was Read and Accepted, and the Bill referred to

the Committee on State Government.

Sent down for concurrence.

Second Readers

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

House

Bill, "An Act Relating to Weekly Closed Season on Taking Alewives in Town of Orland." (H. P. 129) (L. D. 184)

Bill, "An Act Relating to Turn and Stop Signals on Motor Vehicles." (H. P. 312) (L. D. 412)

Bill, "An Act Relating to Definition of Registration under Motor Vehicle Law." (H. P. 314) (L. D. 414)

Bill, "An Act to Relieve Pollution Resulting from Malt Liquor Sales." (H. P. 397) (L. D. 509)

Bill, "An Act Relating to Certificate for Transportation of House Trailers." (H. P. 407) (L. D. 520)

Bill, "An Act Relating to Cultivation of Fish in Private Ponds." (H. P. 1107) (L. D. 1168)

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

Senate — As Amended

Bill "An Act Relating to Aids to Navigation and Regulatory Markers and Removal of Hazards for Safe Passage of Watercraft." (S. P. 116) (L. D. 295)

Which was Read a Second Time.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Enactors

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

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

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

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

An Act Relating to Fees for Replacement of Number Plates for

Motor Vehicles. (H. P. 511) (L. D. 656)

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

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

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

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

An Act Exempting Certain Incorporated Nonprofit Nursing Homes from the Sales Tax. (S. P. 288) (L. D. 842)

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

An Act Repealing the Interim State Valuation of Municipalities. (S. P. 265) (L. D. 771)

An Act Providing for Adult Identification Cards under Liquor Law. (S. P. 119) (L. D. 298)

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

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

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

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

Emergency

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

This being an emergency measure and having received the affirmative votes of 30 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secre-

tary presented to the Governor for his approval.

Emergency

An Act to Amend the Charter of Portland Widows' Wood Society. (S. P. 180) (L. D. 532)

This being an emergency measure and having received the affirmative votes of 30 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, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Grace V. Pullen. (H. P. 374) (L. D. 480)

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

Emergency

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

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

Orders of the Day

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

Bill, "An Act Limiting the Amount of Money Spent by Candidates Seeking Political Office." (S. P. 398) (L. D. 1011)

Tabled—March 17, 1971 by Senator Shute of Franklin.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President, I had hoped that we might have our amendment ready so that all members of this body might have an opportunity to digest its contents and make reference to the bill. This is not the case, and I would ask that someone table the matter until the next legislative day when I hope it will be ready.

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

Thereupon, on motion by Mr. Hoffses of Knox, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Trespass on Certain State Institutions." (H. P. 1084) (L. D. 1150)

Tabled—March 17, 1971 by Senator Tanous of Penobscot.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: I too am having an amendment prepared on L. D. 1150. As you all know, the Legislative Research Office has been quite busy, and I would appreciate it if somebody would table this until next Wednesday.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Harding.

Thereupon, on motion by Mr. Harding of Aroostook, retabled and specially assigned for March 24, 1971, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Health Warnings on Labels on Liquor Bottles." (H. P. 355) (L. D. 475)

Tabled—March 17, 1971 by Senator Hichens of York.

Pending—Motion to Reconsider.

The Senate then voted to reconsider its prior action whereby the Majority Ought Not to Pass Report of the Committee was Accepted.

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in non-concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

On motion by Mr. Tanous of Penobscot, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act Providing

Handrails for Stairs in Public Buildings", (H. P. 1082) (L. D. 1148) was Passed to be Engrossed in concurrence.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. TANOUS: Mr. President and Members of the Senate: This is one of those sleepers that I think many of us feel may be a bill that we just ought to let go by the board and not raise any objection to it.

If you will read this particular bill, I mean, this is going to mandate every public building in the State of Maine to have handrails on them. I was negligent perhaps in not raising the question prior to this time, but I certainly would like to know from the committee on this particular bill as to whether or not there was a need for this type of legislation.

Now, we are very concerned about the spending of money, it seems to me, when it comes to health and welfare, the feeding of the needy children of the state, in all areas, and yet we are willing to enact legislation here that could run into quite a sizable sum of money if we are going to start putting handrails up on every public building in the State of Maine that has a stairway on it.

I would inquire of the committee that heard this bill if they might enlighten us on the need for such legislation?

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: I was not entirely prepared to speak on this this morning, but the Health and Institutional Services Committee heard the original bill which required a handrail to be put on the front stairway of every public building in the State of Maine. We had several arguments in favor of this measure and none against, except for the proposal that it not be mandatory that we put them on the front stairways, but on one regularly used stairway, or one commonly accessible. A redraft of this bill came out, the Committee voted unanimously Ought to Pass, and we can see that it is a very feasible

instrument in our state, and I think it should be passed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I hesitate to discuss this with the Chairman of the Committee and also with the member of the legal profession, but I do recall that legislation of this type has been introduced in past sessions. We have made considerable progress in this field in that we require all new buildings that are constructed with state funds to have handrails and other forms of assistance to the incapacitated to use the building.

An act similar to this has been presented in the past and has been defeated. I think it has been defeated on the grounds that it is a little bit too comprehensive. This bill would apply to all public buildings, and it classifies a public building as a building which is constructed in whole or part with public funds. This conceivably could be a building, for instance, that would be occupied by the state where there was any state money involved, as an office building and the state paid in part, say, a lease which could be a construction lease. Accordingly, this could be public buildings in the sense of commercial public buildings.

The original bill, which was L. D. 31, said that every outside staircase should have a handrail, and the redraft, which is 1148, says that, "at least one side of a commonly used stairway on the outside of every public building." Well, to my understanding that is exactly the same language; it is saying that every outside staircase shall have one handrail in the redraft, and it really is just what is says practically in the original bill.

Now, this would affect town halls, all forms of buildings that are owned by government at every level obviously. I am concerned that it might include other buildings too under the purview. I think we have made some progress in this area. I agree with Senator Tanous that the need of it is certainly up in the air.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Does anyone have any information as to the cost of the potentiality of passing such a bill? It seems to me that this would be a very serious consideration that we should undertake before we vote on a bill of this type. I am wondering if the Appropriations Table shouldn't have this bill, or whether there should be an appropriation on the bill itself to provide for the payment of these handrails. We are always complaining about the departments coming back here for more money. We pass legislation of this type and we give them a reason to come and ask for more money.

I would move that this bill be indefinitely postponed.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, now moves that Legislative Document 1148, Bill, "An Act Providing Handrails for Stairs in Public Buildings," be indefinitely postponed in non-concurrence.

The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Thereupon, on motion by Mr. Minkowsky of Androscoggin, tabled and specially assigned for March 24, 1971, pending the motion by Mr. Tanous of Penobscot that the Bill be Indefinitely Postponed.

(Off Record Remarks)

Mr. Dunn of Oxford was granted unanimous consent to address the Senate.

Mr. DUNN: Mr. President and Members of the Senate: A further word on the notice just read: The Town of Norway was the first town in the State to put fluoride in their public water system, and this was back in 1952. So, they are very proud to display some of the results of this out here under the rotunda, and would invite you to stop by to inspect and pass your own judgment.

In regard to these daisies that some of you have found on your desks, these were passed out to

the people who represent a town that did have fluorides in their public water system. They invite you to wear those also.

On motion by Mr. Hoffses of Knox,
Adjourned until 9 o'clock tomorrow morning.