

# 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, April 2, 1971

Senate called to order by the President.

Prayer by the Rev. Roy W. Moody of Gardiner.

Reading of the Journal of yesterday.

### Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 6, at 10 o'clock in the morning. (S. P. 534)

Which was Read and Passed.

Sent down forthwith for concurrence.

### Papers from the House Non-concurrent Matter

Joint Order Relative to Joint Select Committee of Inquiry be appointed to study, review and analyze the Department of Mental Health and Corrections (S. P. 528)

In the Senate March 31, 1971, Read and Passed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: It is highly irresponsible to suggest that an already overtaxed legislative staff can assume additional duties which this study would demand. My order would have provided clerical and professional personnel. This is just what legislators have been asking for, more staff. However, it seems that mental health problems don't deserve this consideration.

Considerable time has already been spent by me and those who see the benefits of a joint select committee as set up by the two orders which I have presented. The two branches of the legislature disagree in the need for expertise and professional help to fully carry out the purpose of my order without undue delay.

I sat out in January of this year, 1971, to take action to improve administrative and other problems at our state mental hospitals. It has been a worthwhile use of precious time. What better way could one serve the needs of humanity, the needs of confined people and their caretakers? The months of January, February and March have come and gone, and still no such committee appointed.

Leadership has supplied encouragement, initiative and support of my cause. I am very grateful for the action and understanding which will produce a certain number of meaningful changes in the Department of Mental Health and Corrections and its mental hospitals.

Had the Commissioner of Mental Health and Corrections provided the 1969 and 1970 legislative sessions with the Baumgarten Report, one of the vital changes and one of the major changes suggested in this report could have been implemented two years ago. I repeat my charges that this report was kept as departmental property for the use of the department, for the department to decide what it felt were priorities, even though this report stated that legislative action would be necessary to implement recommendations.

Gentlemen of the Senate, change is painful to those who recognize the need for it and who set out to accomplish meaningful, orderly change. Change is also painful to those who must undergo it. My sympathy goes to those who wish to maintain the status quo in comfort and the needers of the services are left in limbo.

Mr. President and Members of the Senate: I have properly addressed myself to the problems before me. I have clearly stated them. I have gotten results thus far. We now have the Baumgarten Report, it has been studied by legislators, the members of the public who have been complaining about conditions, and vital action has been taken on major recommendations. And the last days of the session, I do feel, will prove very fruitful.

At this time I wish to express my appreciation for the sincere

approach to the problem by the members of this body. I am sure enough noise has been made to keep changes coming so our mental hospitals will achieve new programs and a badly needed new public image. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to recede and concur with the House?

Thereupon, the Senate voted to Recede and Concur.

#### Non-Concurrent Matter

Bill, "An Act Increasing Minimum Salaries for Teachers." (S. P. 162) (L. D. 484)

In the Senate March 26, 1971, the Minority Ought to Pass in New Draft report (S. P. 517) (L. D. 1402) Read and Accepted and subsequently the Bill, in New Draft was Passed to be Engrossed.

In the House March 26, 1971, the Majority Ought to Pass in New Draft report (S. P. 516) (L. D. 1401) Read and Accepted and subsequently the Bill, in New Draft, was Passed to be Engrossed, in non-concurrence.

In the Senate March 31, 1971, that Body having Voted to Insist.

Comes from the House, that Body having Insisted and Asked for a Committee of Conference.

On motion by Mr. Katz of Kennebec, 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:

KATZ of Kennebec

DUNN of Oxford

GREELEY of Waldo

#### House Papers

Bills and Resolution today received from the House requiring Reference to Committees were acted upon in 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 Permitting Medical Laboratory Technicians to Administer Blood Tests to

Determine Alcoholic Content." (H. P. 3) (L. D. 3)

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

Bill, "An Act Relating to the Right of Eminent Domain by Electric Power Companies." (H. P. 343) (L. D. 452)

Bill, "An Act Relating to Penalty for Dumping Litter on Highways." (H. P. 566) (L. D. 742)

Bill, "An Act Relating to Course of Study in Secondary Schools." (H. P. 841) (L. D. 1153)

Bill, "An Act Relating to Conferring Degrees by Christian Academy of Glen Cove." (H. P. 805) (L. D. 1078)

#### Leave to Withdraw

The Committee on County Government on, Bill, "An Act Relating to Payments to the Hancock County Law Library." (H. P. 60) (L. D. 101)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to Franklin County Law Library." (H. P. 128) (L. D. 183)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to Kennebec County Law Library." (H. P. 222) (L. D. 304)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to the Law Library of Aroostook County." (H. P. 291) (L. D. 391)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to Law Library of Piscataquis County." (H. P. 383) (L. D. 498)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on State Government on, Resolution, Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for His Duties for Vacancies in the Office of Governor. (H. P. 39) (L. D. 574)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to Somerset County Law Library." (H. P. 479) (L. D. 620)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to the Androscoggin County Law Library." (H. P. 522) (L. D. 685)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on Fisheries and Wildlife on, Resolve, Opening Second Chase Lake, Aroostook County, to Ice Fishing. (H. P. 561) (L. D. 737)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Resolve, Regulating Ice Fishing for Trout in Jones Lake, Aroostook County. (H. P. 562) (L. D. 738)

Reported that the same be granted Leave to Withdraw as covered by other legislation.

The Committee on County Government on, Bill, "An Act Increasing Payments to York County Law Library." (H. P. 627) (L. D. 850)

Reported that the same be granted Leave to Withdraw.

The Committee on Natural Resources on, Bill, "An Act relating to the Certification of Wastewater Treatment Plant Operators." (H. P. 719) (L. D. 964)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on, Bill, "An Act Relating to Secondary Education in the Town of Rangeley." (H. P. 873) (L. D. 1195)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Use of Power Boats on Parks Pond, Penobscot County." (H. P. 905) (L. D. 1249)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Establish a Director of Sports Commission." (H. P. 949) (L. D. 1308)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### Ought to Pass — As Amended

The Committee on Education on, Bill, "An Act Relating to Reimbursement Rates for Transportation and Special Educational Expenditures." (H. P. 587) (L. D. 782)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-87).

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.

#### Ought to Pass in New Draft

The Committee on Education on, Bill, "An Act Relating to a Transfer of Municipalities from One School Administrative District to Another." (H. P. 642) (L. D. 872)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1235) (L. D. 1521).

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

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

The Committee on Education on, Bill, "An Act Relating to Approval

of Schools Enrolling Nonresident Pupils." (H. P. 644) (L. D. 874)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Approval of Schools Enrolling Out-of-State Students." (H. P. 1236) (L. D. 1522)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which report was Read.

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

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: It has been requested that I briefly explain the bill.

Presently it is possible for someone to come in from out-of-state and set up a pseudo school, a school that really is a school in name only, with no quality, no standards at all, and Maine has no control over it. The feeling is that if a school exists in Maine, there is an implication in most states that somebody has approved it for being, and in the State of Maine nobody approves it.

This pertains only to those schools that are set up specifically for out-of-state students.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass in New Draft Report of the Committee?

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

The Committee on Business Legislation on, Bill, "An Act Authorizing Emergency Closing of Financial Institutions." (H. P. 732) (L. D. 994)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1239) (L. D. 1525)

Comes from the House, the report Read and Accepted and the Bill in New Draft Passed to be Engrossed.

Which report was Read and Accepted in concurrence, the Bill in New Draft 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 Installation of Sprinkler Systems in Existing Hotels." (S. P. 328) (L. D. 976)

Sent to the House.

## Ought to Pass

Mr. Schulten for the Committee on Business Legislation on, Bill, "An Act Relating to Proof of Financial Responsibility under Financial Responsibility Law." (S. P. 402) (L. D. 1176)

Reported that the same Ought to Pass.

Mr. Schulten for the Committee on Business Legislation on, Bill, "An Act Relating to Return of Deposit for Security under Financial Responsibility Law." (S. P. 403) (L. D. 1177)

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

Mr. Wyman for the Committee on State Government on, Bill, "An Act to Create the Maine Historic Preservation Commission." (S. P. 159) (L. D. 428)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-62).

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.

## Ought to Pass in New Draft

Mr. Harding for the Committee on Judiciary on, Bill, "An Act Relating to Criminal Trespass in Buildings and on Premises." (S. P. 231) (L. D. 693)

Reported that the same Ought to Pass in New Draft Under Same Title (S. P. 532) (L. D. 1568)

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

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 102) (L. D. 230)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 533) (L. D. 1577)

Which report was Read.

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

Mr. SEWALL of Penobscot: Mr. President and Members of the Senate: I would like to call your attention to L. D. 1577. This is the current services budget document. I would suggest that you might want to get a copy of this to take home and peruse it over the weekend.

Maybe we can give it its first reading today, and then on Tuesday the members of my committee would be prepared to go into it in some detail, if you so desired. I would tell you that it is within our current revenues. It does not exceed our general fund estimated revenues for the next biennium. In fact, it is approximately \$400,000 less than we estimate will be available for the purposes of State Government, so that no new taxes will be required to fund the current services program. Thank you.

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

Mrs. CARSWELL of Cumberland: Mr. President, I haven't had an opportunity to look at this item yet, but I would ask the Senator if this does include a hospital administrator in here?

The PRESIDENT: The Senator from Cumberland has posed a question through the Chair which the Senator from Penobscot may answer if he so desires.

The Chair recognizes the Senator from Penobscot, Senator Sewall.

Mr. SEWALL of Penobscot: Mr. President, in answer to Senator Carswell's question, I would answer that in the affirmative.

(See statement later in today's session.)

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

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: This is one of the major recommendations which leadership and I worked on. It was not by departmental recommendation, and I thank the Senator and the Senate for this.

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

Thereupon, on motion by Mr. Violette of Aroostook, the Bill was tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

### Divided Report

The Majority of the Committee on Labor on, Bill, "An Act Increasing Minimum Wages." (S. P. 16) (L. D. 44)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot  
MARCOTTE of York  
LEVINE of Kennebec

Representatives:

McTEAGUE of Brunswick  
GENEST of Waterville  
BEDARD of Saco  
SIMPSON of Millinocket  
KELLEY of Machias  
GOOD of Westfield  
BUSTIN of Augusta

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

Signed:

Representatives:

LINCOLN of Bethel  
ROLLINS

LEE of Albion  
of East Dixfield

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

### Divided Report

The Majority of the Committee on State Government on, Resolution, Proposing an Amendment to the Constitution Concerning the Age of State Representatives. (S. P. 168) (L. D. 490)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset  
WYMAN of Washington  
CLIFFORD

of Androsoggin

Representatives:

HODGDON of Kittery  
FARRINGTON  
of Old Orchard Beach  
STARBIRD

of Kingman Township  
STILLINGS of Berwick  
HANSON of Gardiner  
MARSTALLER of Free-  
port

DONAGHY of Lubec

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

Signed:

Representatives:

COONEY of Webster  
GOODWIN of Bath  
CURTIS of Orono

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted.  
Sent down for concurrence.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Charitable Organizations' Immunity in Civil Actions." (S. P. 224) (L. D. 670)

Reported that the same Ought Not to Pass.

Signed:

Senator:

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth  
CARRIER of Westbrook  
BAKER of Orrington  
WHITE of Guilford  
PAGE of Fryeburg  
WHEELER of Portland

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

Signed:

Senators:

TANOUS of Penobscot  
HARDING of Aroostook

Representatives:

LUND of Augusta  
KELLEY of Caribou  
HENLEY of Norway

ORESTIS of Lewiston

Which reports were Read.

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

Thereupon, on motion by Mr. Harding of Aroostook, tabled and specially assigned for April 7, 1971, pending the motion by Mr. Quinn of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Governmental Immunity in Civil Actions." (S. P. 225) (L. D. 671)

Reported that the same Ought Not to Pass.

Signed:

Senator:

QUINN of Penobscot

Representatives:

HEWES of Cape Elizabeth  
CARRIER of Westbrook  
BAKER of Orrington  
WHITE of Guilford  
PAGE of Fryeburg  
WHEELER of Portland

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

Signed:

Senators:

TANOUS of Penobscot  
HARDING of Aroostook

Representatives:

LUND of Augusta  
KELLEY of Caribou  
HENLEY of Norway  
ORESTIS of Lewiston

Which reports were Read.

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

Thereupon, on motion by Mr. Harding of Aroostook, tabled and specially assigned for April 7, 1971, pending the motion by Mr. Quinn of Penobscot to Accept the Majority Ought Not to Pass Report of the Committee.

#### Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to Conferring Associate



Degrees by John F. Kennedy College." (S. P. 425) (L. D. 1238)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Kennebec

CHICK of Kennebec

Representatives:

LAWRY of Fairfield

LYNCH

of Livermore Falls

BITHER of Houlton

WOODBURY of Gray

SIMPSON of Standish

HASKELL of Houlton

MILLETT of Dixmont

T Y N D A L E o f

Kennebunkport

LUCAS of Portland

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

Signed:

Senator:

MINKOWSKY

of Androscoggin

Representative:

MURRAY of Bangor

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: This is my third go-around with John F. Kennedy College, and I wanted to share briefly a couple of thoughts with the Senate.

This is an institution in Fort Kent with devoted people. After hours and hours and hours of testimony over the last two and a half sessions of the legislature, the fact remains that J. F. K. College still has only seven students. This is less than they had the last time. So despite their devotion, and despite their sincerity of purpose, there is no logical basis for our giving them the prerogative of granting degrees. I move that the Senate accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Piscataquis, Senator Martin.

Mr. MARTIN of Piscataquis: Mr. President and Members of the Senate: This has been an uphill fight, there is no question about it. J.F.K. is a needed institution in Fort Kent, and there are only seven students at this time.

They made application to the Secretary of State a year ago to be eligible for awarding degrees according to law, but somehow or other their application was lost in the shuffle during the appointment of the new Chairman of the Board of Education. And somehow or other the delay in organizing a committee to inspect J. F. K. College resulted in a very last minute report.

The report is out, and it is in the negative, however, the Board of Education has not acted on it as yet. My hopes would be that the Board of Education would report that J.F.K. College could be given the opportunity to award degrees on a trial basis, on a temporary basis, for the next two years. This is the way I understand it from the Department of Education.

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

Mr. Violette of Aroostook then moved that the matter be tabled and specially assigned for April 8, 1971, pending the motion by Mr. Katz of Kennebec to Accept the Majority Ought Not to Pass Report of the Committee.

On motion by Mr. Katz of Kennebec, a division was had. Sixteen Senators having voted in the affirmative, and eight Senators having voted in the negative, the tabling motion prevailed.

### Divided Report

The Majority of the Committee on Transportation on, Bill, "An Act Relating to Age Limit for Motor Vehicle Operator Licenses." (S. P. 4) (L. D. 18)

Reported that the same Ought to Pass as Amended by Committee Amendent "A" (S-63).

Signed:

Senators:

JOHNSON of Somerset

GREELEY of Waldo

KELLAM of Cumberland

**Representatives:**

WOOD of Brooks  
 CROSBY of Kennebunk  
 HALL of Windham  
 LEE of Albion  
 KEYTE of Dexter  
 FRASER of Mexico  
 BARNES of Alton

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

**Signed:****Representatives:**

LEBEL of Van Buren  
 DUDLEY of Enfield  
 McNALLY of Ellsworth

Which reports were Read.

On motion by Mr. Hichens of York, the Majority Report of the Committee was 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**

Bill, "An Act to Eliminate Moose River from the Maine Forestry District." (H. P. 141) (L. D. 196)

Bill, "An Act Relating to Permits for Kindling Out-of-door Fires." (H. P. 630) (L. D. 852)

Bill, "An Act Relating to the Transportation of Students to Technical and Vocational Centers." (H. P. 669) (L. D. 906)

Resolve, Designating Part of Route 219 as a State Highway. (H. P. 283) (L. D. 372)

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

**Senate**

Bill, "An Act Relating to Terms of the Members of the Land Damage Board." (S. P. 527) (L. D. 1545)

Bill, "An Act Relating to Jurisdiction of the District Court in Certain Felony Cases." (S. P. 529) (L. D. 1546)

Bill, "An Act Relating to Disturbing Schools." (S. P. 530) (L. D. 1547)

Bill, "An Act Relating to Discrimination under the Personnel

Law Because of Age." (S. P. 420) (L. D. 1235)

Bill, "An Act Relating to Rates of the Waldoboro Sewer District." (S. P. 381) (L. D. 1138)

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

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act Increasing Fees of Witnesses in the Courts." (S. P. 228) (L. D. 674)

(On motion by Mr. Johnson of Somerset, Tabled and Tomorrow Assigned, Pending Passage to be Engrossed.)

Bill, "An Act Relating to Removal of Packing from Journal Boxes of Railroad Equipment." (S. P. 230) (L. D. 676)

Which were Read a Second Time and, except for the tabled matter, 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 Relating to Geographically Isolated Small High Schools.

(On motion by Mr. Katz of Kennebec, tabled and specially assigned for April 7, 1971, pending Enactment)

An Act Relating to Voting by New Residents in Presidential Elections. (S. P. 330) (L. D. 985)

An Act to Allow Electric Utilities to Participate in the Construction of Certain Utility Facilities. (S. P. 518) (L. D. 1403)

An Act Relating to Rebates for Prospective Purchasers and Consumer's Obligation under Home Solicitation Sales Act. (H. P. 380) (L. D. 495)

An Act Relating to Payment for Sales of Malt Liquor or Wine in Retail Stores. (H. P. 535) (L. D. 708)

An Act Relating to Number of Board of Directors of Maine Fidelity Life Insurance Company. (H. P. 549) (L. D. 725)

An Act Relating to Subsidy Payments on Expenditures Made for

the Education of Handicapped Children. (H. P. 704) (L. D. 947)

An Act Permitting Class A Taverns to Sell Food. (H. P. 748) (L. D. 1009)

An Act Relating to Financial Assistance to Institutional Teachers in Obtaining Professional Credits. (H. P. 1218) (L. D. 1409)

(On motion by Mr. Dunn of Oxford, 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, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (S. P. 88) (L. D. 217)

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

Resolve, to Reimburse the Town of Hermon for Support Rendered an Unsettled State Welfare Case. (H. P. 655) (L. D. 886)

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

#### Emergency

An Act Amending and Restating the Act to Incorporate York Institute. (H. P. 349) (L. D. 458)

This being an emergency measure and having received the affirmative votes of 28 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.

#### Orders of the Day

Mr. Sewall of Penobscot was granted unanimous consent to address the Senate:

Mr. SEWALL: Mr. President and Members of the Senate: I arise to correct a small bit of misinformation I gave Senator Carswell this morning. Through an oversight in the hurry to get this budget printed, the language establishing a business manager for the Augusta State Hospital was

left out of the budget document. But I would assure Senator Carswell that this language would be offered as an amendment to the Mental Health and Corrections Budget. The position count is there and the money is there, but the language is missing, and we will make sure that it is offered next week.

#### Orders of the Day

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

Bill, "An Act Relating to Drinking in Unlicensed Places." (H. P. 356) (L. D. 464)

Tabled—March 25, 1971 by Senator Shute of Franklin.

Pending — Passage to be Engrossed.

On motion by Mr. Shute of Franklin, retabled and specially assigned for April 8, 1971, pending Passage to be Engrossed.

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

HOUSE REPORTS — from the Committee on Transportation on Bill, "An Act Removing Tolls from Bangor-Brewer Bridge." (H. P. 16) (L. D. 25) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — March 26, 1971 by Senator Greeley of Waldo.

Pending — Motion by Senator Quinn of Penobscot to Accept the Majority Ought to Pass Report.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 7, 1971, pending the motion by Mr. Quinn of Penobscot to Accept the Majority Ought to Pass Report of the Committee.

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

Ratification Resolution for 18-Year-Old Vote Amendment.

Tabled—March 30, 1971 by Senator Berry of Cumberland. (H. P. 1224)

Pending—Adoption. (Motion by Senator Katz of Kennebec.)

On motion by Mr. Berry of Cumberland, retabled and specially assigned for April 8, 1971, pending Adoption.

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

SENATE REPORTS—from the Committee on State Government on Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission." (S. P. 20) (L. D. 48) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass with Committee Amendment "A" Filing S-26.

Tabled—March 31, 1971 by Senator Johnson of Somerset.

Pending—Acceptance of Either Report.

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

Mr. JOHNSON of Somerset: Mr. President, I move that we accept the Minority Ought to Pass Report, and I would like to speak briefly on it.

The PRESIDENT: The Senator from Somerset, Senator Johnson, moves that the Senate accept the Minority Ought to Pass as Amended Report of the Committee on Bill, "An Act Relating to Disposition of Portion of Fees Collected by Maine State Park and Recreation Commission."

The Senator has the floor.

Mr. JOHNSON: Mr. President and Members of the Senate: We have here now what I feel is a workable bill. There were several of us who voted Ought Not to Pass, and we feel that one of the problems today is the taxable properties that accrue to these towns that are being purchased by non-profit or state uses. We have come up with this bill which merely allows the Director of Parks and Recreation to reimburse the towns for some of the amount of the fees that are collected by these parks. It would be distributed among the towns that have lost this now tax-exempt property.

In one particular case in one town, about twenty years ago the property could have been purchased for probably \$50,000, and I understand now from a developer that it is easily worth \$5,000,000, and possibly, if it were developed properly, it would be worth \$10,000,000. We have come up with this amendment which I would like

to put on the bill, which makes it a good bill, and it is a step perhaps in alleviating the problems of some towns that are now having a burden with their high property rates. I think, no matter what you read and what you hear, people are complaining about their property taxes. Perhaps this could be a step in the right direction.

I would move that we accept the Minority Ought to Pass Report, and then I would like to submit this amendment.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Minority Ought to Pass Report of the Committee?

The motion prevailed, and the Bill was read Once. Committee Amendment "A" was Read and Adopted, and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

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

Tabled—April 1, 1971 by Senator Graham of Cumberland.

Pending—Consideration.

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

Mr. GRAHAM of Cumberland: Mr. President, I move that this bill and all of its accompanying papers be indefinitely postponed, and I would like to speak on the issue.

The PRESIDENT: The Senator from Cumberland, Senator Graham, moves that Bill, "An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition", be indefinitely postponed.

The Senator has the floor.

Mr. GRAHAM: Mr. President and Members of the Senate: This innocent looking little bill, L. D. 990, and its amendment, cuts the throat of the independent candidate. If it goes through, we will have few, if any, independent candidates in Maine.

First, this bill prevents anyone from running as an independent

after being defeated in the primaries. I think that is bad.

Secondly, by setting back the filing date for independents from August 15th to mid-June, it will sterilize independent candidacies before they are born. These issues which quicken independent candidacies rarely develop five months before the November election.

I wonder if this is part of some effort in the legislature to curtail the democratic process. First we adopted Rule 17-A, which makes it more difficult for bills to reach the legislature. Then both houses refused to give a public hearing to a peace resolution. And now with this bill we are attempting to constrict popular government. By making it almost impossible for independent candidates to run, we are putting the democratic process in a two-party straight jacket.

Throughout our history popular government has been fertilized by the blood of independent candidates and third-party candidates. Let me remind the august Majority Party in this Senate that they were once a third party. I think we will all agree that it would be a tragedy if that third party had been strangled in its cradle by some such bill as this.

I can't understand the urge to suppress independent candidates. Here in Maine we are not overwhelmed by independent candidates. There has been no plethora of independent candidates. I have been in two sessions of the legislature and I have never seen an independent in either house. Independent candidates almost always lose, and yet they provide a safety valve for public discontent. People who would otherwise be frustrated can express themselves through third-party candidates. And furthermore third-party candidates or independent candidates bring new life and new blood to the old party. They revitalize the old parties and bring forth new issues.

Let us not think that we are justified in squelching independent candidates because we are trying to make the democratic process more efficient. Dictatorships are efficient. Mussolini made the trains run on time, and Hitler developed

the most efficient human incinerator system the world has ever seen.

When we begin suppressing minority candidates we are on the road away from democracy. In short, I find this bill and its amendment unnecessary, unwise, and undemocratic; above all, undemocratic. I would like to request a division. Thank you.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Franklin. Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to give some background on L. D. 990 and its amendment, what caused its reappearance here in this body after passage, and almost passage into law, as the governor had his pen poised above the document. Starting at that point, it was felt that this document might be rendered unconstitutional and was ordered back here, with the full blessing of the election laws Committee.

To go back to the other end, a full hearing was held on the original document, which was L. D. 444, sponsored by Mr. Birt of East Millinocket. The Election Laws Committee was unhappy with this version. It came out with a new draft and new title "An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition", presented by Mr. Hancock of Mr. Graham's party, and it subsequently passed and nearly passed into law. It was brought back because there were reservations, as I have already explained.

L. D. 990 was a harsh bill, and I had some misgivings when it passed this body because of its harshness. It would require third-party candidates to file at the same time as Republican and Democratic candidates on April 1, with the same number of signatures in that electoral division. Not less than one per cent nor more than two per cent.

The current law, as you know, requires third-party candidates to file on August 15. It gives third-party candidates the best of both worlds because they can get any

registered voter to sign a nomination petition, whereas Republicans must have enrolled Republicans signing their petitions, and Democrats must follow the same procedure. Their documents have to be entered on April 1.

So, what has happened over the years is that the third-party candidate usually has been one who has been disappointed in the primary, and has come back with the August 15th deadline filing date and appeared on the November ballot as a third-party candidate.

There is one thing that the other body has consistently muddled in this issue, and that is over the matter of mixing candidates and parties. Let us not do it in here. Let us not mix apples and oranges; let us put parties in their proper perspective and candidates in the same light. Let's consider this third party not as a candidate but as a party because this is what he is representing.

There was another bill turned out by the Election Laws Committee, which remains in the House, and this calls for not less than five percent signatures on a nomination petition for a third-party candidate. It also defines a Republican Party and a Democratic Party as that which has gathered at least five per cent of the total vote in that electoral division in the previous gubernatorial election. So, that is standing by in case something happens to this bill.

As this was brought back from the Governor's desk and presented to the other body, an amendment was offered which would change the date from April 1st to 9 p.m. on the day of the June primary. This is covered under House Amendment No. H-88, and I refer you to that number.

Now, the last election saw a plethora of third-party candidates. At one point there were twenty-two registered on August 15, the closing date for filing nomination papers. This represented the largest number of third-party candidates in the history of the Secretary of State's office. It causes a great deal of aggravation to both parties. True, it is a democratic process, small "d". It is an opportunity for disappointed primary candidates to renew the battle again, but it cer-

tainly represents continuing erosion of the strength of both major parties. I submit that a 9 p.m. deadline on the June primary date is an adequate notice for anyone who wishes to start a third party, a third-party movement, to get his nomination papers in order and to get his party movement on the road. I would take issue with the motion of the Senator from Cumberland, and hope that you would not vote for indefinite postponement.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I would like to make it clear that I have no criticism of the way the Election Division of the Department of State was conducted. It was conducted in a brilliant manner, I thought. I submitted myself to a voter recount, and the results were very satisfactory.

However, I don't think that we are approaching the main issue. The main issue is popular government. And this bill which was worse before — I agree, it was once worse — it is now a little better; it is less restrictive, but it is still restrictive. It is still a straightjacket and it is going to be almost impossible for third-party candidates to get going. So, I say let us not make government less responsive to the popular will. That is the thing that the kids have been kicking about; the government is not responsive. I say let us keep it responsive. Maine has a wonderful system of voting. Let's not change that system. Let's not make it more restrictive. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Levine.

Mr. LEVINE of Kennebec: Mr. President and Members of the Senate: I feel reluctant to disagree with my good friend, Senator Graham, but I will give him an example of what happened in Waterville with the so-called third party candidate. After I won the primary there were two candidates

that ran and lost out, so they came out as independents. They didn't intend to win the election; they were just sore. They felt if they stayed in my opponent was going to tell the people, "You see, if you had nominated one of us, we would have won the election." They didn't intend to win, they didn't intend to enhance democracy. The only thing was jealousy, and they wanted really a Republican to win instead of a Democrat.

If anyone wants to run as an independent, give him a chance. Let him run as a man and let him run on any platform he wants to, but once he is a loser there is no need for him to go and help the party on the other side.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: One final word: we are all winners here, and I think we can afford to be generous with the losers.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Cumberland, Senator Graham, that H. P. 952, L. D. 990, Bill, "An Act Relating to Candidates by Primary Election or Nomination Petition and Time for Filing Nomination Petition", be indefinitely postponed.

A division has been requested. As many Senators as are in favor of the motion of the Senator from Cumberland, Senator Graham, to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had, Seven Senators having voted in the affirmative, and nineteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Recede and Concur.

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

Resolution, Proposing an Amendment to the Constitution Raising the Municipal Debt Limit from

Seven and One-half to Fifteen Percent. (H. P. 83) (L. D. 123)

Tabled — April 1, 1971 by Senator Johnson of Somerset.

Pending — Consideration.

The PRESIDENT: The Chair would inform the Senate that the Chair was in error yesterday. The Bill was substituted for the report of the Committee, which was Ought to Pass in New Draft. The Bill was before the body and could have been given its first reading at that time.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. Johnson of Somerset then moved that the Resolution be referred to the Committee on Legal Affairs in non-concurrence.

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

Mr. VIOLETTE of Aroostook: Mr. President, I don't want to interfere with the doings of Senator Johnson, but I notice that one member in the Senate here, who is very, very vitally interested in this bill and who spoke very eloquently in defense of the bill, isn't here this morning, Senator Clifford.

Out of deference to him, I was just wondering if perhaps there couldn't be a continuance until next Tuesday so that the Senator's opinion could be heard on the present matter of disposal of this bill.

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

Thereupon, on motion by Mr. Johnson of Somerset, tabled and Tomorrow Assigned, pending the motion by that Senator to refer the Resolution to the Legal Affairs Committee.

Mr. Hoffses of Knox was granted unanimous consent to address the Senate.

Mr. HOFFSES: Mr. President and Members of the Senate: As we all know, we had rather a strenuous day yesterday, and I did not bring up the little subject matter which Senator Greeley and I had distributed on your desks, but it is a matter which has been discussed in these chambers quite extensively over the past three months, both pro and con.

This newspaper clipping which Senator Greeley and I had repro-

duced is a picture which was cut out of the Belfast paper the other day relative to the situation which has happened in Penobscot Bay. As you will notice, there are hundreds of thousands of dead clams here on the flats in one of our areas in Penobscot Bay.

Now, we all know that the Environmental Improvement Commission is laboring with the proposed application for Sears Island, and this Senate is not trying to influence the decision of the Environmental Improvement Commission. We here simply point out to you and to all the people of the State of Maine the tremendous problems which the Environmental Improvement Commission are struggling with, and the great number of aspects which this Commission must take into consideration when they approve or reject the application which is before them.

They are involved in a great expense, is this Commission, and I certainly hope that if the time comes that this Commission must have further finances to continue

with this investigation, or with other investigations and applications, whether it be oil, or whatever the case may be, that this legislature will see fit to grant this Commission the necessary funds that all aspects of any application or its rejection may be thoroughly aired and be given its day in court.

I simply point out to you through this newspaper clipping, which has been distributed, part of the great problems which this Commission is now faced with. And I am sure that we all share the same responsibility as do the members of this Commission in trying to study the matter and to come up with an intelligent decision, and one which will be to the ultimate benefit of all the people of the State of Maine. Thank you.

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(Off Record Remarks)

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The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, Adjourned until Tuesday, April 6, 1971, at 10 o'clock in the morning.