

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

Monday, May 3, 1971

Senate called to order by the President.

Prayer by the Rev. Fr. John Donovan of Winthrop.

Reading of the Journal of yesterday.

**Papers From The House
Non-concurrent Matter**

Bill, "An Act Creating the Cumberland County Recreation Center." (S. P. 404) (L. D. 1221)

In the Senate April 22, 1971, Passed to be Engrossed as Amended by House Amendment "A" (H-161) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-161) and House Amendment "B" (H-186) in non-concurrence.

On motion by Mr. Kellam of Cumberland, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act to Require Notice to Public Utilities of Certain Excavations." (S. P. 549) (L. D. 1688)

In the Senate April 23, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-117).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-200) in non-concurrence.

On motion by Mr. Moore of Cumberland, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Creating Oxford County Commissioner Districts." (S. P. 270) (L. D. 798)

In the Senate April 21, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-91).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-91) as Amended by House Amendment "A" (H-201) Thereto, in non-concurrence.

On motion by Mr. Dunn of Oxford, the Senate voted to Recede and Concur.

**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 Relating to Operation of Motor Vehicles on Ice." (H. P. 778) (L. D. 1044)

Bill, "An Act to Permit Municipalities to Promote Highway Safety by Adopting the Model Traffic Ordinance." (H. P. 780) (L. D. 1046)

RESOLUTION, Proposing an Amendment to the Constitution Limiting the Maximum Rate of the Sales Tax." (H. P. 1197) (L. D. 1648)

Bill, "An Act Relating to Persons Required to Make Returns of Income for Income Tax Purposes." (H. P. 1062) (L. D. 1453)

Bill, "An Act Providing for State Contribution to Industrial Pollution Abatement." (H. P. 974) (L. D. 1335)

**Leave to Withdraw - Covered by
Other Legislation**

The Committee on Taxation on, Bill, "An Act Relating to Relieving Elderly Persons from Increases in the Property Tax." (H. P. 34) (L. D. 66)

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

The Committee on Public Utilities on, Bill, "An Act to Amend the Charter of the Presque Isle Water District." (H. P. 1212) (L. D. 1659)

Reported that the same Ought to Pass.

The Committee on Public Utilities on, Bill, "An Act Relating to Sinking Fund for Bath Water District." (H. P. 1282) (L. D. 1682)

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 Fisheries and Wildlife on, Bill, "An Act to Amend the Marine Worm Tax." (H. P. 559) (L. D. 735)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-191).

The Committee on Transportation on, Bill, "An Act Relating to Fixing Boundaries or Locations for Highway Purposes." (H. P. 951) (L. D. 1314)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-193)

The Committee on Transportation on, Resolve, Designating a Certain Road in Northeastern Maine as William F. McDevitt Road. (H. P. 978) (L. D. 1340)

Reported that the same Ought to Pass as Amended by Committee Amendment "A". (H-194).

Come from the House, the reports Read and Accepted and the Bills and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

Which reports were Read and Accepted in concurrence and the Bills and Resolve Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills and Resolve, as Amended, Tomorrow Assigned for Second Reading.

The Committee on Education on, Bill, "An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75 and 77." (H. P. 646) (L. D. 876)

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-190).

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

Which report was Read.

(On motion by Mr. Anderson of Hancock, tabled and specially assigned for May 5, 1971, pending acceptance of the Committee Report.)

**Ought to Pass
in New Draft**

The Committee on Transportation on, Bill, "An Act Providing for a Feasibility Study of a

Camden Bypass." (H. P. 1200) (L. D. 1651)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Providing for a Feasibility Study for Future Highway Improvements in the U.S. Route 1 Corridor from Warren to Belfast" (H. P. 1295) (L. D. 1696).

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.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Use of Hypodermic Syringes." (H. P. 1019) (L. D. 1398)

Reported that the same Ought Not to Pass.

Signed:
Senators:

HICHENS of York
GREELEY of Waldo
MINKOWSKY
of Androscoggin

Representatives:

McCORMICK of Union
LESSARD of Lisbon
BERRY of Madison
DYAR of Strong
CUMMINGS of Newport

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

Signed:
Representatives:

PAYSON of Falmouth
LEWIS of Bristol
CLEMENTE of Portland
DOYLE of Bangor
SANTORO of Portland

Comes from the House, the Minority Ought to Pass report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-207).

Which reports were Read.

On motion by Mr. Minkowsky of Androscoggin, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Divided Report

The Committee on Legal Affairs on, Bill, "An Act Relating to the Design of Buildings by Architects and Engineers." (H. P. 235) (L. D. 317)

Reported in Report "A" that the same Ought to Pass in New Draft Under New Title: "An Act Relating to the Design of Buildings Constructed by the State or Political Subdivisions" (H. P. 1293) (L. D. 1695).

Signed:

Representatives:

FECTEAU of Biddeford
EMERY of Rockland
GAUTHIER of Sanford
BRAWN of Oakland
CROSBY of Kennebunk
COTE of Lewiston

The Same Committee on the same subject matter reported in Report "B" that the same Ought Not to Pass.

Signed:

Senators:

QUINN of Penobscot
KELLAM of Cumberland
CLIFFORD
of Androscoggin

Representatives:

NORRIS of Brewer
CURTIS of Bowdoinham

Comes from the House, the Reports and Bill Indefinitely Postponed.

Which reports were Read, and the Ought Not to Pass Report "B" of the Committee Accepted.

Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Selling Certain Drugs." (H. P. 116) (L. D. 160)

Reported that the same Ought Not to Pass.

Signed:

Senator:

MINKOWSKY
of Androscoggin

Representatives:

DYAR of Strong
LEWIS of Bristol
CLEMENTE of Portland
McCORMICK of Union
LESSARD of Lisbon
BERRY of Madison
PAYSON of Falmouth

The Minority of the same Committee on the same subject matter

reported that the same Ought to Pass in New Draft Under Same Title (H. P. 1292) (L. D. 1693)

Signed:

Senators:

HICHENS of York
GREELEY of Waldo

Representatives:

DOYLE of Bangor
CUMMINGS of Newport
SANTORO of Portland

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

Which reports were Read.

Mr. Hichens of York moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

On motion by Mr Minkowsky of Androscoggin, a division was had. Two Senators having voted in the affirmative, and twenty-one senators having voted in the negative, the motion to Accept the Minority Ought to Pass Report of the Committee did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was accepted in non-concurrence.

Sent down for concurrence.

The Committee on Taxation on, Bill, "An Act Repealing the 'Maine Income Tax Law'." (I. B. 1) (L. D. 1536)

Reporting that the Committee recommends that no action be taken by the Legislature with reference to passing the accompanying Bill and that no competing measure be submitted; that the Initiated Bill be submitted to the electors of this State in accordance with the Constitution; that a certified copy of this report be transmitted to the Governor.

Comes from the House, the report Read and Accepted.

Which was Read and Accepted in Concurrence and Ordered Placed on File.

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 Providing for Licensing of Open-pit Type La-

goons of Certain Pollution Abatement Facilities." (S. P. 335) (L. D. 987)

Sent to the House.

Leave to Withdraw

Mr. Johnson for the Committee on State Government on, Bill, "An Act Relating to Payments by Town of York to York Harbor Village Corporation." (S. P. 461) (L. D. 1379)

Reported that the same be granted Leave to Withdraw.

Which report Was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mr. Conley for the Committee on Appropriations and Financial Affairs on, Resolve Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (S. P. 71) (L. D. 150)

Reported that the same Ought to Pass.

Mr. Dunn for the Committee on Appropriations and Financial Affairs on, Bill, "An Act Providing Moneys for Eastern Regional Conference of the Council of State Governments to be Held in Maine in 1971." (S. P. 161) (L. D. 483)

Reported that the same Ought to Pass.

Which reports were Read and Accepted, the Resolve and Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass in New Draft

Mr. Violette for the Committee on Natural Resources on, Bill, "An Act Prohibiting the Sale or Use of Detergents Containing Phosphate." (S. P. 33) (L. D. 79)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Restricting the Sale or Use of Detergents Containing Phosphate." (S. P. 564) (L. D. 1702)

Mr. Violette for the Committee on Natural Resources on, Bill, "An Act Defining the Standards of Judicial Review in Appeals from Orders and Decisions of the Environmental Improvement Commission." (S. P. 310) (L. D. 903)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 565) (L. D. 1703)

Which reports were Read and Accepted, the Bills in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act to Reestablish the Observance of Memorial Day on May 30th and Veterans Day on November 11th." (S. P. 239) (L. D. 700)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset
CLIFFORD

of Androscoggin

Representatives:

DONAGHY of Lubec
MARSTALLER

of Freeport
GOODWIN of Bath
FARRINGTON

of Old Orchard Beach
HODGDON of Kittery
COONEY of Webster

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

Signed:

Senator:

WYMAN of Washington

Representatives:

CURTIS of Orono
STARBIRD

of Kingman Township

Which reports were Read.

Mr. Bernard of Androscoggin then moved that the Senate Accept the Minority Ought to Pass Report of the Committee.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I would request a division on the motion, and I would like to briefly give you an idea of the problem involved here if we accepted the Ought to Pass Report.

The State of Maine is now in compliance as far as its holidays are concerned with the federal government and practically all of the other states. If we change back now we will be out on a limb by ourselves. The federal government does have a bill in to revert some

of these holidays back, but until they take the action I think it would be very foolish and perhaps a step backwards on our part to precede them.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Bernard, that the Senate accept the Minority Ought to Pass Report of the Committee on Bill, "An Act to Reestablish the Observance of Memorial Day on May 30th and Veterans Day on November 11th." As many Senators as are in favor of the motion of the Senator from Androscoggin, Senator Bernard, to accept the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

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

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Sent down for concurrence.

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Permitting the Liquor Commission to Issue Liquor Licenses to Public Golf Courses," (S. P. 450) (L. D. 1296)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin
FORTIER of Oxford

Representatives:

MADDOX of Vinalhaven
FAUCHER of Solon
STILLINGS of Berwick
BAILEY of Woolwich
TANGUAY of Lewiston
HAWKENS of Farmington
GAGNON of Scarborough
IMMONEN of West Paris

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

Signed:

Senator:

HOFFSES of Knox

Representatives:

LIZOTTE of Biddeford

SLANE of Portland

Which reports were Read.

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

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Use of Electronic Recording Equipment in the District Court and before Administrative Agencies," (S. P. 298) (L. D. 855)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-130).

Signed:

Senator:

HARDING of Aroostook

Representatives:

HEWES

of Cape Elizabeth

PAGE of Fryeburg

ORESTIS of Lewiston

CARRIER of Westbrook

HENLEY of Norway

KELLEY of Caribou

LUND of Augusta

BAKER of Orrington

WHITE of Guilford

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

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

Representative:

WHEELER of Portland

Which reports were Read.

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

Second Readers

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

House

Bill, "An Act Appropriating Funds for Educational Costs for Maine Students in Private Schools of Higher Education," (H. P. 475) (L. D. 836)

(On motion by Mr. Chick of Kennebec, tabled and Tomorrow

Assigned, pending Passage to be Engrossed.)

Bill, "An Act to Provide Retirement Benefits for Certain State Employees." (H. P. 832) (L. D. 1123)

Bill, "An Act Relating to Change of Name of the Arthritis Foundation, Pine Tree Chapter, Inc." (H. P. 959) (L. D. 1320)

Bill, "An Act to Provide for Thirty Days' Notice When a Nursing Home is Being Voluntarily Closed." (H. P. 1116) (L. D. 1535)

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

House - As Amended

Bill, "An Act to Revise the Pharmacy Laws." (H. P. 453) (L. D. 608)

Bill, "An Act Relating to Increases in School Assessments in School Administrative Districts." (H. P. 702) (L. D. 945)

Bill, "An Act to Authorize Cumberland County to Raise Money for Court House Capital Improvements and New Construction." (H. P. 735) (L. D. 997)

Bill, "An Act Increasing Certain Fees for Deputy Sheriffs." (H. P. 1070) (L. D. 1462)

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

Senate

Bill, "An Act to Incorporate the Town of Carrabasset Valley." (S. P. 448) (L. D. 1294)

Bill, "An Act Providing Educational Assistance for Certain Widows, Wives and Children of Veterans and Wives and Children of Prisoners of War." (S. P. 560) (L. D. 1700)

Bill, "An Act Relating to Voters Resigning or Removed from the Voting List." (S. P. 561) (L. D. 1701)

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

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Creating the Cobbossee Watershed District." (S. P. 202) (L. D. 587)

Bill, "An Act Relating to the Regulation of Private Detectives." (S. P. 344) (L. D. 984)

Which were Read a Second Time and 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 to Clarify the Regulation-making Power of the Environmental Improvement Commission. (S. P. 311) (L. D. 904)

An Act Relating to Theft of Trade Secrets. (S. P. 379) (L. D. 1134)

An Act Creating Aroostook County Commissioner Districts. (H. P. 91) (L. D. 135)

An Act Regulating Hunting from Certain Public Ways. (H. P. 98) (L. D. 142)

An Act to Extend the Period of Anticipatory Borrowing by Municipalities. (H. P. 712) (L. D. 958)

An Act Relating to Name Maine Yacht Racing Association, Inc. (H. P. 941) (L. D. 1300)

An Act Relating to Payments to the Law Libraries in the Several Counties of the State. (H. P. 1284) (L. D. 1683)

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

An Act Relating to Chiropractic Treatment under Workmen's Compensation Law. (S. P. 538) (L. D. 1615)

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I am not going to belabor this bill, but I would request a roll call.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, it requires the affirmative vote of one-fifth of those Senators present and voting. Will all those Senators in favor of ordering a roll call please rise and remain standing until counted.

Obviously more than one-fifth having arisen, a roll call is ordered.

The pending question before the Senate is the enactment of An Act Relating to Chiropractic Treatment under Workmen's Compensation Law. A "Yes" vote will be in favor of Enactment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carswell, Chick, Danton, Fortier, Harding, Hichens, Johnson, Kellam, Marcotte, Minkowsky, Moore, Peabody, Quinn, Shute, and Violette.

NAYS: Senators Anderson, Berry, Dunn, Graham, Greeley, Hoffses, Katz, Schulten, Sewall, Wyman, and President MacLeod.

ABSENT: Senators Bernard, Clifford, Conley, Levine, Martin, and Tanous.

A roll call was had. Fifteen Senators having voted in the affirmative, and eleven Senators having voted in the negative, with six senators being absent, the Bill 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:** The Chair recognizes the Senator from Aroostook, Senator Harding.

Mr. **HARDING** of Aroostook: Mr. President, I ask that we reconsider this matter. I ask for a division and hope that everyone will vote against me.

The **PRESIDENT:** A division has been requested. As many Senators as are in favor of the motion of the Senator from Aroostook, Senator Harding, that the Senate reconsider its action whereby the Bill was Passed to be Enacted will please stand and remain standing until counted. Those opposed will please stand and remain standing until counted.

A division was had. One Senator having voted in the affirmative, and twenty-four Senators having voted in the negative, the motion to reconsider did not prevail.

Emergency

An Act Relating to Permits for Keeping Certain Wild Animals in Captivity. (S. P. 375) (L. D. 1111)

This being an emergency measure and having received the affirmative votes of 26 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.

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

Bill, "An Act to Amend the Municipal Public Employees Labor Relations Law." (H. P. 420) (L. D. 547)

Tabled — April 29, 1971 by Senator Berry of Cumberland.

Pending — Consideration.

On motion by Mr. Chick of Kennebec, and under suspension of the rules, the Senate voted to reconsider its previous action whereby the bill was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-132 to Read.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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

Bill, "An Act Creating the Maine Litter Control Act." (S. P. 262) (L. D. 768)

Tabled — April 30, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for May 5, 1971 pending Passage to be Engrossed.

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

Bill, "An Act Relating to Fees for Transcripts of Evidence Furnished by Official Court Reporters." (S. P. 252) (L. D. 759)

Tabled — April 30, 1971 by Senator Berry of Cumberland.

Pending — Motion by Senator Tanous of Penobscot to Reconsider Acceptance of the Majority Ought Not to Pass Report.

A viva voce vote then being taken, the motion prevailed.

Thereupon, the Minority Ought to Pass 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.

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

Bill, "An Act Authorizing the Mars Hill Utility District to Enforce Liens to Secure Payment of Rates." (H. P. 1097) (L. D. 1485)

Tabled — April 30, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Violette of Aroostook to Reconsider Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending the motion by

Mr. Violette of Aroostook to Reconsider Enactment.

Reconsidered Matter

On motion by Mr. Minkowsky of Androscoggin, the Senate voted to reconsider its previous action whereby An Act Relating to Fees for Recording Marriage Intentions and Issuing License, (H. P. 812) (L. D. 1085), was Indefinitely Postponed.

The same Senator then moved the pending question.

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

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.