

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fifth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 5, 1971 to June 15, 1971

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, May 11, 1971

Senate called to order by the President.

Prayer by the Rev. Bruce Meyer of Augusta.

Reading of the Journal of yesterday.

**Papers from the House
Non-concurrent Matter**

Bill, "An Act Relating to Size Limit of Trout." (S. P. 548) (L. D. 1687)

In the Senate May 5, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-138), in non-concurrence.

In the House May 6, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-138) and House Amendment "A" (H-231), in non-concurrence.

In the Senate May 7, 1971, the Senate Voted to Insist.

Comes from the House, that Body having Insisted.

On motion by Mr. Hoffses of Knox, the Senate voted to Insist and Ask for a Committee of Conference.

The President appointed on the part of the Senate the following Conferees.

Senators:

HOFFSES of Knox
ANDERSON of Hancock
BERNARD
of Androscoggin

Communications

STATE OF MAINE

House of Representatives

Office of the Clerk

Augusta, Maine

May 10, 1971

Hon. Harry N. Starbranch

Secretary of the Senate

105 Legislature

Sir:

The House today voted to adhere to its action of April 29 whereby the Majority "ought not to pass" Report of the Committee on Veterans and Retirement on Bill "An Act Eliminating Certain Organizations as Participating Local Districts under State Retirement System" (H. P. 979) (L. D. 1341) was accepted.

The House also voted to adhere to its action of May 5 whereby

on "An Act relating to Alternative Methods of Nominating Candidates" (H. P. 934) (L. D. 1288) the Reports and Bill were indefinitely postponed.

Respectfully,

Signed:

BERTHA W. JOHNSON

Clerk of the House

Which was Read and Ordered Placed on File.

**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 Appropriating Funds to Advance the Level of Dental Health in Maine." (H. P. 935) (L. D. 1289)

Bill, "An Act Relating to Distribution of Part of Snowmobile Registration Fees to Sheriffs' Departments." (H. P. 997) (L. D. 1359)

Bill, "An Act Amending the Municipal Industrial and Recreational Obligations Act." (H. P. 1180) (L. D. 1634)

Bill, "An Act Relating to Appointment of an Indian Justice of the Peace for the Passamaquoddy Reservations." (H. P. 307) (L. D. 407)

Leave to Withdraw

The Committee on Agriculture on Bill, "An Act Relating to Sale of Kosher Meats and Foods." (H. P. 1135) (L. D. 1596)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Bill, "An Act Relating to Assessments on Interment Space of Cemeteries." (H. P. 654) (L. D. 885)

Reported that the same be granted Leave to Withdraw.

The Committee on Legal Affairs on, Resolve to Reimburse Norwood Beveridge of Camden for Damage by Highway Construction. (H. P. 816) (L. D. 1089)

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.

Refer to 106th Legislature

The Committee on Transportation on, Bill, "An Act Providing for a Staggered System for Registration of Motor Vehicles." (H. P. 1203) (L. D. 1654)

Reported that the same be referred to the 106th Legislature.

Comes from the House, the report Read and Accepted and the Bill referred to the 106th Legislature.

Which report was Read and Accepted and the Bill referred to the 106th Legislature in concurrence.

Ought to Pass

The Committee on County Government on, Bill, "An Act Increasing Compensation of Full-time Deputies in all Counties." (H. P. 328) (L. D. 437)

Reported that the same Ought to Pass.

The Committee on Labor on, Bill, "An Act Relating to Injury or Incapacity of Wardens of the Departments of Inland Fisheries and Game and Sea and Shore Fisheries." (H. P. 444) (L. D. 578)

Reported that the same Ought to Pass.

Comes 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 Labor on, Bill, "An Act Relating to Testimony and Proceedings before the Industrial Accident Commission." (H. P. 464) (L. D. 592)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-233).

The Committee on Labor on, Bill, "An Act Relating to Total Incapacity Resulting from Second Injuries under Workmen's Compensation Law." (H. P. 679) (L. D. 916)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-234).

The Committee on County Government on, Bill, "An Act Amending Fees Charged by Registers of Deeds." (H. P. 762) (L. D. 1028)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-232).

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

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

Ought to Pass in New Draft

The Committee on Labor on, Bill, "An Act Relating to Payments by Employers to Employees." (H. P. 571) (L. D. 747)

Reported that the same Ought to Pass in New Draft Under New Title "An Act Relating to Raising Fees and Expenses of Jurors." (H. P. 1307) (L. D. 1713)

The Committee on Labor on, Bill, "An Act Relating to Specific Periods of Total Incapacity for Certain Injuries under Workmen's Compensation Law." (H. P. 1029) (L. D. 1416)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1308) (L. D. 1714)

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

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

Divided Report

The Majority of the Committee on County Government on, Bill, "An Act Creating a County Civil Service Commission for Deputy Sheriffs." (H. P. 1141) (L. D. 1597)

Reported that the same Ought Not to Pass.

Signed:

Senators:

PEABODY of Aroostook
DANTON of York
MARTIN of Piscataquis

Representatives:

BERNIER of Westbrook
WIGHT of Presque Isle
IMMONEN of West Paris
PONTBRIAND of Auburn

CHURCHILL of Orland
HAWKENS of Farmington
DYAR of Strong
MILLS of Eastport
KELLEY of Southport

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

Signed:

Representative:

KELLEHER of Bangor
Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read, and the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Relating to Appointments to Housing Authorities." (H. P. 782) (L. D. 1048)

Reported that the same Ought Not to Pass.

Signed:

Senators:

QUINN of Penobscot

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Bowdoinham

COTE of Lewiston

BRAWN of Oakland

CROSBY of Kennebunk

NORRIS of Brewer

SILVERMAN of Calais

SMITH of Dover-Foxcroft

FECTION of Biddeford

EMERY of Rockland

GAUTHIER of Sanford

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

Signed:

Senator:

KELLAM of Cumberland

Comes from the House, the Reports and Bill Recommended to the Committee on Legal Affairs.

Which reports were Read.

On motion by Mr. Kellam of Cumberland, the Bill was substituted for the Committee Reports.

On further motion by Mr. Kellam of Cumberland, the Bill was Recommended to the Committee on Legal Affairs in concurrence.

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 Funds for Wildlife Upland at Pine Point, Scarborough." (S. P. 459) (L. D. 1377)

Sent to the House.

Ought to Pass

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Resolve Providing Moneys for Cerebral Palsy Centers. (S. P. 188) (L. D. 549)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Resolve Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Fees for Recording Divorce Decrees." (H. P. 639) (L. D. 869)

Bill, "An Act to Authorize a Food Stamp Program in Somerset County." (H. P. 1087) (L. D. 1476)

Bill, "An Act to Prohibit Pyramid Clubs and Other Similar Devices." (H. P. 1306) (L. D. 1712)

Bill, "An Act to Authorize a Food Stamp Program for Piscataquis County." (H. P. 1143) (L. D. 1584)

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

House — As Amended

Resolve, Appropriating Funds for Swimming Pool at Pineland Hospital and Training Center. (H. P. 411) (L. D. 538)

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

Senate

Bill, "An Act Relating to Maine Department, The American Legion." (S. P. 536) (L. D. 1616)

Bill, "An Act Relating to Relocation Assistance and Land Acquisition in State Highway Projects." (S. P. 573) (L. D. 1717)

Bill, "An Act Establishing Licensing for the Marketing of Potatoes." (S. P. 574) (L. D. 1718)

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

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Relating to Notice of Suspension of Motor Vehicle Driving Privileges." (S. P. 396) (L. D. 1174)

Which was Read a Second Time.

(On motion by Mr. Conley of Cumberland, tabled and specially assigned for May 13, 1971, pending Passage to be Engrossed.)

Enactors

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

An Act Relating to School Construction Aid. (S. P. 152) (L. D. 421)

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

An Act to Reconstitute School Administrative Districts Numbers 12, 22, 59, 73, 74, 75, 76 and 77. (H. P. 646) (L. D. 876)

An Act Relating to Acquisition of Land by Conservation Commissions. (H. P. 714) (L. D. 959)

An Act Appropriating Funds to Establish Kidney Disease Treatment Services. (H. P. 731) (L. D. 993)

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

An Act to Increase the Compensation of Members of the Legislative Research Committee. (H. P. 1099) (L. D. 1505)

An Act Relating to Hunting from Vehicles, Aircraft, Boats and Snowmobiles. (H. P. 1147) (L. D. 1588)

An Act Relating to Search by Coastal Wardens. (H. P. 1291) (L. D. 1690)

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, Appropriating Funds for the Perambulation of the Maine-New Hampshire Boundary Line. (S. P. 71) (L. D. 150)

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

Emergency

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)

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

Emergency

An Act Creating the Cobbossee-Annabessacook Authority. (H. P. 786) (L. D. 1062)

This being an emergency measure and having received the affirmative votes of 29 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

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

House Reports — from the Committee on Legal Affairs on Bill, "An Act to Incorporate the Town of Ogunquit." (H. P. 1091) (L. D. 1498) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — May 6, 1971 by Senator Harding of Aroostook.

Pending — Motion by Senator Quinn of Penobscot to Accept the Minority Ought Not to Pass Report.

Thereupon, the Minority Ought Not to Pass Report of the Committee was Accepted in concurrence.

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

Bill, "An Act Establishing a Statewide Open Deer Season for the First Three Weeks of

November." (H. P. 906) (L. D. 1250)

Tabled — May 7, 1971 by Senator Harding of Aroostook.

Pending — Adoption of Senate Amendment "A" Filing S-139 to House Amendment "B" Filing H-169.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: The Committee on Fisheries and Wildlife, when we considered this L. D., were well aware that there would be a great deal of controversy over this particular measure, and it comes as no surprise to the members of the Committee that we have amendments and more amendments to the matter.

Now, last week we considered the matter and, well knowing that there are at least three Senators here who have amendments that they would like to offer to this bill, knowing that this bill has an amendment on it which is most unacceptable to everyone, it is felt that this bill should go back to the committee for further consideration, and if it is returned to the committee I feel certain that we will take into consideration the amendments which have been adopted, we will take into consideration the amendments by the gentlemen in this body who wish to offer those amendments and that, hopefully, we can come out with a bill from the committee which will encompass as many of the proposals as have been offered and have been suggested.

So, if the members of this body will bear with me, I will proceed to go through the mechanics of recommitting this bill to the Committee on Fisheries and Wildlife. Therefore, Mr. President, I move that we indefinitely postpone Senate Amendment "A" to House Amendment "B".

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate indefinitely postpone Senate Amendment "A" to House Amendment "B". Is this the pleasure of the Senate?

The motion prevailed.

On further motion by the same Senator, House Amendment "B" was Indefinitely Postponed in non-concurrence.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider Adoption of Committee Amendment "A" and subsequently Committee Amendment "A" was Indefinitely Postponed in nonconcurrence.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its action whereby the Ought to Pass Report of the Committee was Accepted and the Bill Read Once, and subsequently the Bill was Substituted for the Ought to Pass Report of the Committee in non-concurrence.

Thereupon, on further motion by the same Senator, the Bill was Recommended to the Committee on Fisheries and Wildlife in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (H. P. 741) (L. D. 1003)

Tabled — May 10, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

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 Establishing a Maine State Liquor Control Board." (S. P. 300) (L. D. 857) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 10, 1971 by Senator Wyman of Washington.

Pending — Motion by Senator Hichens of York to Accept the Minority Ought to Pass Report.

On motion by Mr. Berry of Cumberland, retabled and

Tomorrow Assigned, pending the motion by Mr. Hichens of York to Accept the Minority Ought to Pass Report of the Committee.

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

Bill, "An Act Repealing Certain Procedure for Registration of Voters." (H. P. 187) (L. D. 244)

Tabled — May 10, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, re tabled and Tomorrow Assigned, pending Enactment.

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

Bill, "An Act Relating to Retirement of Penal and Correctional Institution Personnel." (S. P. 352) (L. D. 1018)

Tabled — May 10, 1971 by Senator Moore of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: It seems that action is moving so fast here this morning, I can't keep abreast of it.

I offered Senate Amendment "A" to Senate Paper 352, Legislative Document 1018, which struck out the words "warden, superintendent, deputy wardens, assistant superintendents of penal and correctional institutions." Since then it has been brought to mind

that this bill should be further amended to strike out the employees at the Boys Training Center. Now, the basic purpose of this L. D. is to provide twenty year retirement for the employees in the penal and the correctional institutions, and it was felt that at the Boys Training Center those employees were not dealing with hardened criminals and, therefore, their status would be a little different than it would be for the guards in the prison and in the correctional institutions.

Therefore, Mr. President, I move that we reconsider our action whereby we adopted Senate Amendment "A" under Filing No. S-152, that I may offer another amendment which would properly put this matter in the light that many of them feel it should be.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that the Senate reconsider its action whereby it adopted Senate Amendment "A". Is this the pleasure of the Senate.

The motion prevailed.

On further motion by the same Senator, Senate Amendment "A" was Indefinitely Postponed.

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

Senate Amendment "B", Filing No. S-155 was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9 o'clock tomorrow morning.