

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

Thursday, May 13, 1971

Senate called to order by the President.

Prayer by the Rev. Kenneth Brookes of Augusta.

Reading of the Journal of yesterday.

Papers from the House
Joint Resolution Proposing No Increase in Major Taxes

WHEREAS, the citizens of Maine have expressed vital concern over the present level and means of State taxation; and

WHEREAS, such concern has created uncertainties and speculation as to future legislative action in respect to major taxation; and

WHEREAS, it is imperative that such uncertainties and confusions be resolved for the preservation of public peace and prevention of injustice to Maine taxpayers; now, therefore, be it

RESOLVED, that we the members of the Senate and House of Representatives of the One Hundred and Fifth Legislature of the State of Maine, now assembled, being ever mindful of our representative capacity and our individual and collective obligations to the people of Maine and their right to know, take this opportunity to go on record and publicly assure the citizens of this State that funds necessary to provide existing state services during this regular session or any special session of the 105th which are likely to follow will be financed without an increase in the major taxes, namely, sales, personal and corporate income tax; and be it further

RESOLVED, that the position of the Legislature in respect to taxation be clear and unequivocal by so recording this Resolution in the permanent journals of the 105th Legislature.

(H. P. 1318)

Comes from the House, Read and Adopted.

Which was Read and Adopted, in concurrence.

Communications
STATE OF MAINE
 Office of the Governor
 Augusta, Maine

May 12, 1971

Members of the Senate and House of Representatives of the 105th Legislature

I regret that I must return to the Legislature Senate Paper 270, Legislative Document 798, An Act Creating Oxford County Commissioner Districts, without my signature.

Two years ago I vetoed a similar bill, stating that "our increasing respect for the principle of home rule strongly suggests that matters such as this should be left to county determination, or, at the very least, should not be mandated by the state without a strong request for action from the county." My thinking on this point remains unchanged, and there is no such request for action. The County Commissioners are split on the issue, two being strongly opposed and one expressing indifference. Members of the legislative delegation either support the measure or show no enthusiasm for it.

These divided sentiments do not justify, in my judgment, the imposition of this districting plan on Oxford County by the state. I therefore respectfully urge that my action disapproving L. D. 798 be sustained.

Sincerely,
 Kenneth M. Curtis
 Governor

KMC:lh

Which was Read and Ordered Placed on File.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: Just a brief word of explanation on the reason for this veto. I think the Governor's course of action has been quite consistent the last few years in this matter where there has been unanimity in the delegation with the county officials with regards to the districting. He has felt that it is a matter of home rule and if the people from the area agree and say that is what they want he is perfectly willing to go along with

it. On those areas where there has been some division of opinion in the delegation and also among the commissioners he has felt he should not allow this to happen, and this is the reason why he has vetoed this particular bill. I would hope that the Senate would sustain the Governor's veto.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: In view of the remarks of the Minority Floor Leader, I feel compelled to invite the attention of the body to the fact that the Governor has seen fit in the past not to veto a similar measure. I think that this is a good example of politics and, let's face it, that is what we are voting on.

Thereupon, on S. P. 270 - L. D. 798 — An Act Creating the Oxford County Commissioner Districts, the President laid before the Senate the question: Shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, the vote was taken by yeas and nays. The Secretary called the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffses, Katz, Moore, Peabody, Quinn, Schulten, Sewall, Tanous, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Minkowsky, Shute and Violette.

ABSENT: Senator Johnson.

A roll call was had. Sixteen Senators having voted in the affirmative, and fifteen Senators having voted in the negative, with one absent, and sixteen being less than two-thirds of the members present and voting, the veto was sustained.

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 Providing Educational Opportunity Grants at State Colleges for Students from Low Income Families." (H. P. 1136) (L. D. 1582)

Bill, "An Act Providing for a Study to Determine Liquor Costs of the Liquor Business in Maine." (H. P. 1007) (L. D. 1386)

Bill, "An Act Appropriating Funds to Continue Regional Coordination of Services for Older People." (H. P. 930) (L. D. 1284)

Bill, "An Act Authorizing York County to Raise Money for a New County Jail." (H. P. 582) (L. D. 777)

Bill, "An Act Authorizing York County to Raise Money for the Reconstruction and Renovation of the County Court House." (H. P. 581) (L. D. 776)

Bill, "An Act to Ensure the Payment for Child Support." (H. P. 1055) (L. D. 1446)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Copies of Examinations to Practice Law Given to Applicants." (H. P. 988) (L. D. 1350)

Reported that the same be granted Leave to Withdraw.

The Committee on Judiciary on, Bill, "An Act Relating to Examinations for Admission to Practice Law." (H. P. 1150) (L. D. 1601)

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.

Leave to Withdraw — Covered by Other Legislation

The Committee on Judiciary on, Bill, "An Act Relating to Number of Examinations for Admission to the Bar." (H. P. 677) (L. D. 914)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Refer to Next Legislature

The Committee on Judiciary on, Bill, "An Act Creating the Uniform Marriage and Divorce Act." (H. P. 965) (L. D. 1374)

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 Appropriations and Financial Affairs on, Bill, "An Act Relating to Annual Fee for Town Forest Fire Wardens." (H. P. 178) (L. D. 236)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on, Resolve, Providing Funds for Improvement of West Quoddy Head State Park Access Road. (H. P. 410) (L. D. 537)

Reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bill and Resolve Passed to be Engrossed.

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

Ought to Pass — As Amended

The Committee on Transportation on, Bill, "An Act Relating to Permits by Sheriffs to Tow Unregistered Motor Vehicles." (H. P. 830) (L. D. 1121)

Reported that the same Ought to Pass As amended by Committee Amendment "A" (H-244).

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.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act

Concerning the Adoption of State Wards." (H. P. 1156) (L. D. 1605)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot
QUINN of Penobscot
HARDING of Aroostook

Representatives:

HENLEY of Norway
PAGE of Fryeburg
WHITE of Guilford
BAKER of Orrington
LUND of Augusta
CARRIER of Westbrook
HEWES

of Cape Elizabeth
KELLEY of Caribou
WHEELER of Portland

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

Signed:

Representative:

ORESTIS of Lewiston

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 State Government on, Bill, "An Act Establishing a Human Rights Commission." (H. P. 507) (L. D. 659)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-245).

Signed:

Senators:

JOHNSON of Somerset
CLIFFORD
of Andorscoggin

Representatives:

COONEY of Webster
MARSTALLER
of Freeport

STARBIRD
of Kingman Township

GOODWIN of Bath
FARRINGTON

of Old Orchard Beach
HODGDON of Kittery

CURTIS of Orono
STILLINGS of Berwick

The Minority of the same Committee on the same subject

matter reported that the same Ought Not to Pass.

Signed:

Senator:

WYMAN of Washington

Representative:

DONAGHY of Lubec

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

Which reports were Read.

On motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act to Amend the Ogunquit Village Corporation Charter to Equitably Allocate School and Other Common Costs with the Town of Wells." (H. P. 1092) (L. D. 1480)

Reported that the same Ought to Pass.

Signed:

Sensors:

QUINN of Penobscot

CLIFFORD

of Androscoggin

Representatives:

SILVERMAN of Calais

SMITH

of Dover-Foxcroft

FECTEAU of Biddeford

EMERY of Rockland

NORRIS of Brewer

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

Signed:

Sensor:

KELLAM of Cumberland

Representatives:

BRAWN of Oakland

GAUTHIER of Sanford

CURTIS of Bowdoinham

COTE of Lewiston

CROSBY of Kennebunk

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

Mr. Clifford of Androscoggin moved that the Senate Accept the Majority Ought to Pass Report of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. CLIFFORD: Mr. President and Members of the Senate: This is the bill which deals with the Ogunquit Village Corporation and the Town of Wells. I would like to announce that the dispute between them has been settled. There will be an amendment offered by me tomorrow, hopefully, when this bill gets to the second reading. The amendment, which should be in your books by this time, is Filing No. S-161.

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

Divided Report

The Majority of the Committee on Legal Affairs on, Bill, "An Act Repealing the Prohibition Against Public Dancing on Sunday." (H. P. 855) (L. D. 1180)

Reported that the same Ought to Pass.

Signed:

Sensors:

KELLAM of Cumberland

CLIFFORD

of Androscoggin

Representatives:

SMITH

of Dover-Foxcroft

COTE of Lewiston

FECTEAU of Biddeford

NORRIS of Brewer

EMERY of Rockland

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

Signed:

Sensor:

QUINN of Penobscot

Representatives:

CURTIS of Bowdoinham

SILVERMAN of Calais

CROSBY of Kennebunk

BRAWN of Oakland

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

Which reports were Read, and the Majority Ought to Pass Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Committee on Labor on, Bill, "An Act to Eliminate the Waiting Period for Eligibility under Unemployment Compensation." (H. P. 268) (L. D. 357)

Reported in Report "A" that the same Ought to Pass.

Signed:

Senator:

MARCOTTE of York
Representatives:

BUSTIN of Augusta
McTEAGUE of Brunswick
ROLLINS of Dixfield
GENEST of Waterville
BEDARD of Saco

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

Signed:

Senator:

TANOUS of Penobscot
Representatives:

SIMPSON of Millinocket
KELLEY of Machias
LINCOLN of Bethel
LEE of Albion
GOOD of Westfield

Comes from the House, Report "A" Ought to Pass Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read.

Mr. Tanous of Penobscot moved that the Senate Accept the Ought Not to Pass Report "B" of the Committee.

On motion by Mr. Marcotte of York, a division was had. Eighteen Senators having voted in the affirmative, and fourteen senators having voted in the negative, the Ought Not to Pass Report "B" of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on, Bill, "An Act Establishing an Open Season on Moose." (H. P. 1287) (L. D. 1686) ask leave to report: that they are unable to agree.

On the part of the House:

PARKS of Presque Isle
BOURGAIN of Fort Kent
FINEMORE
of Bridgewater

On the part of the Senate:

ANDERSON of Hancock
HOFFSES of Knox
MINKOWSKY

of Androscoggin
Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Senate

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Increasing Amount of Real Estate Tax Exemption for Disabled Veterans." (S. P. 367) (L. D. 1106)

Bill, "An Act Appropriating Funds for Capital Expenditures and Equipment at the University of Maine at Farmington." (S. P. 130) (L. D. 377)

Bill, "An Act Appropriating Funds to Reimburse Municipalities for School Tax Effort." (S. P. 268) (L. D. 796)

Bill, "An Act Relating to the Powers of Eminent Domain." (S. P. 476) (L. D. 1530)

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

Bill, "An Act Providing Funds for Environmental Growth Chambers for University of Maine at Orono." (S. P. 255) (L. D. 762) (With Deep Regret)

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

Mr. HARDING of Aroostook: Mr. President, a parliamentary inquiry: Would some member of that committee explain to us that committee report on L. D. 762?

The PRESIDENT: The Senator from Aroostook, Senator Harding, has posed a parliamentary inquiry through the Chair to any member of the committee who may answer if he so desires.

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I would only inform the good Senator from Aroostook County that the Appropriations Committee members are a

compassionate lot. Many of us do not take the Rule 17-A too vividly. We did think that in this particular case we should extend our sincere regrets to the entire membership of the legislature and not only to that one particular document.

The PRESIDENT: The Chair thanks the Senator.

Leave to Withdraw

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Repealing the Law Relating to State Licenses for Those Discriminating on Account of Race or Religion." (S. P. 253) (L. D. 760)

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, Bill, "An Act Relating to Appropriation and Allocations to the Governor's Committee on Employment of the Handicapped." (S. P. 214) (L. D. 660)

Reported that the same Ought to Pass.

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

Ought to Pass — As Amended

Mr. Violette for the Committee on Natural Resources on, Bill, "An Act Adopting the Air Quality Regions." (S. P. 409) (L. D. 1224)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-162).

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. Conley for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Provide Additional Positions under the Department of Mental Health and Corrections." (S. P. 469) (L. D. 1490)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Provide Hospital Administrators under the Department of Mental Health and Corrections" (S. P. 578) (L. D. 1726)

Mr. Quinn for the Committee on Judiciary on, Bill, "An Act Relating to Authority of Testamentary Trustees." (S. P. 261) (L. D. 767)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Authority of Trustees" (S. P. 579) (L. D. 1727)

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Imposition of Sentence to the State Prison and Men's Correctional Center." (S. P. 446) (L. D. 1270)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Imposition of Sentence to the State Prison" (S. P. 580) (L. D. 1728)

Mr. Chick for the Committee on Agriculture on, Bill, "An Act to Amend and Rearrange the Arborist Law." (S. P. 467) (L. D. 1580)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Amend the Arborist Law" (S. P. 581) (L. D. 1729)

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, Bill, "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies and Furnishings for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 105) (L. D. 267)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act to Appropriate Moneys for Capital Improvements, Construction, Repairs, Equipment, Supplies, Furnishings, Studies, Histories and Amendments for the Fiscal Years Ending June 30, 1972 and June 30, 1973" (S. P. 582) (L. D. 1730)

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 Veterans and Retirement on,

Bill, "An Act Relating to Disability Retirement and Retirement Allowances under State Retirement System." (S. P. 243) (L. D. 704)

Reported that the same Ought to Pass.

Signed:

Senators:

ANDERSON of Hancock

CARSWELL

of Cumberland

BERNARD

of Androscoggin

Representatives:

HAYES of Windsor

LINCOLN of Bethel

LEWIN of Augusta

SIMPSON of Millinocket

VINCENT of Portland

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

Signed:

Representatives:

THERIAULT of Rumford

DOW of West Gardiner

CURTIS of Bowdoinham

PRATT of Parsonsfield

JUTRAS of Sanford

Which reports were Read.

On motion by Mr. Anderson of Hancock, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Powers of Liquor Inspectors Concerning Disorderly Conduct." (S. P. 378) (L. D. 1114)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

HARDING of Aroostook

Representatives:

ORESTIS of Lewiston

WHITE of Guilford

BAKER of Orrington

LUND of Augusta

KELLEY of Caribou

HEWES

of Cape Elizabeth

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

Signed:

Representatives:

HENLEY of Norway

WHEELER of Portland

PAGE of Fryeburg

CARRIER of Westbrook

Which reports were Read, and the Majority Ought to Pass Report of the Committee Accepted, the Bill 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 Definition of Resident Trainee, Licensing and Compensation of Board under Laws Relating to Funeral Directors and Embalmers." (H. P. 528) (L. D. 690)

Bill, "An Act Revising Licensing of Hearing Aid Dealers and Fitters." (H. P. 593) (L. D. 788)

Bill, "An Act Relating to Salary and Duties of Executive Director and Assistant Director to the State Board of Nursing." (H. P. 594) (L. D. 789)

Bill, "An Act Appropriating Funds to Continue Housing Services for Older People." (H. P. 675) (L. D. 912)

Bill, "An Act Relating to Election of Officers of Hospital Administrative District No. 3 in Aroostook and Penobscot Counties." (H. P. 970) (L. D. 1330)

Bill, "An Act to Validate Certain Proceedings Authorizing Ambulance Service for Town of Skowhegan." (H. P. 998) (L. D. 1360)

Bill, "An Act Relating to Acceptance of Gifts and Purchases of State Lands." (H. P. 1313) (L. D. 1721)

Bill, "An Act to Improve the Enforcement of the Marriage Blood Test Requirement." (H. P. 1312) (L. D. 1720)

Bill, "An Act to Improve the Procedure for Correcting Vital Statistics." (H. P. 1311) (L. D. 1719)

Bill, "An Act to Create a School Administrative District for the Town of Orono." (H. P. 804) (L. D. 1077)

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

House — As Amended

Bill, "An Act to Provide an Automatic Pay Increase to Classified State Employees Who Pass the Certified Professional Secretary Examination." (H. P. 973) (L. D. 1334)

Bill, "An Act Relating to Weight Tolerances of Vehicles Loaded with Refrigerated Products." (H. P. 976) (L. D. 1338)

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

Senate

Bill, "An Act Relating to Contracts of Teachers with Municipalities." (S. P. 183) (L. D. 535)

Resolution, Proposing an Amendment to the Constitution Pledging Credit of the State and Providing for the Issuance of Bonds not Exceeding Four Million Dollars for Loans for Maine Students in Higher Education. (S. P. 285) (L. D. 845)

Bill, "An Act Relating to Service Retirement of Law Enforcement Officers in the Departments of Sea and Shore Fisheries and Inland Fisheries and Game." (S. P. 415) (L. D. 1231)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Providing for Double Compensation for Injuries to Minors under Workmen's Compensation Law if Employment in Violation of Law." (S. P. 334) (L. D. 980)

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 Use of Electronic Recording Equipment in the District Court. (S. P. 298) (L. D. 855)

(On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

An Act Relating to Electrical Inspection. (S. P. 567) (L. D. 1708)

An Act Relating to Benefits for Widows of Coastal Wardens and Fish and Game Wardens. (H. P. 217) (L. D. 284)

(On motion by Mr. Dunn of Oxford, placed on the Special Appropriations Table.)

An Act Eliminating Restriction on Unemployment Benefits for Military Retirees. (H. P. 623) (L. D. 833)

An Act to Correct an Ambiguity in Procedure for Recording Municipal Charters and Amendments. (H. P. 815) (L. D. 1088)

An Act Providing for Prescription of Generic Drugs Rather Than Brand Names. (H. P. 879) (L. D. 1200)

(On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending enactment.)

An Act Relating to Planning Board Vacancies. (H. P. 966) (L. D. 1326)

An Act to Set Reasonable Fees for Recording and Issuing Certain Documents. (H. P. 1031) (L. D. 1418)

An Act to Clarify the Law Relating to Nonvoters Speaking at Town Meetings. (H. P. 1075) (L. D. 1467)

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, Relating to Retirement and Pension of Norman F. Hanson of Eliot. (H. P. 794) (L. D. 1070)

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

Tabled — May 11, 1971 by Senator Conley of Cumberland.

Pending — Passage to be Engrossed.

Thereupon, the Bill was Passed to be Engrossed.

Sent down for concurrence.

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

House Reports — from the Committee on County Government on Bill, "An Act Relating to Rates for Room and Board of Prisoners." (H. P. 1142) (L. D. 1583) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 12, 1971 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

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

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

House Reports — from the Committee on Transportation on Bill, "An Act Relating to Steel Guardrails on the Maine Turnpike." (H. P. 619) (L. D. 830) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — May 12, 1971 by Senator Danton of York.

Pending — Motion by Senator Greeley of Waldo to Accept the Majority Ought Not to Pass Report.

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

Mr. DANTON of York: Mr. President and Members of the Senate: L. D. 830 is really a good piece of legislation. L. D. 830 provides safety for the traveling public on the Maine Turnpike.

All this bill calls for is the Maine Turnpike Authority, which is a private business in the State of Maine, to put a guardrail down the median strip right in the center. Now, they admitted themselves at the hearing that they had plans to do this on their own. The only thing is that they don't have any definite time table. I think after 32 people have been killed on cross-over accidents that it is time that we did something and legislate some good laws to

provide safety for the traveling public. So I hope you would accept the Minority Ought to Pass Report. Thank you.

Mr. President, I would request a division.

The PRESIDENT: A division has been requested. The pending question before the Senate is the motion of the Senator from Waldo, Senator Greeley, that the Senate accept the Majority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Steel Guardrails on the Maine Turnpike." As many Senators as are in favor of accepting the Majority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

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

Thereupon, the Minority Ought to Pass Report of the Committee was Accepted in concurrence and the Bill Read Once.

House Amendment "A", Filing No. H-247, was Read.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: When this bill was first debated, I thought that we were just talking about from Kittery to York, about a section of the Turnpike that had a depressed median section where we have had quite a few accidents by people going across the road. But I see now that we are talking from York to Augusta where we have, in large part, a raised median strip.

Now, I had a very good friend of mine that died near Saco by driving right into one of these guardrails. I think actually they are suicidal, and I hope you would support my motion to indefinitely postpone the bill and all amendments.

The PRESIDENT: The Senator from Cumberland, Senator Berry, moves that Bill, "An Act Relating to Steel Guardrails on the Maine

Turnpike" be indefinitely postponed.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: The median strip on the Maine Turnpike is only about nine feet wide, and this is why you have so many cross-over accidents. Anyone traveling at a rate of speed of 60 or 70 miles an hour can take and cross over into either the north or southbound lane in no time at all.

This is a needed piece of legislation. The Maine Turnpike Authority itself has admitted that they are going to do this work, but they want to take and prolong it. They have been in operation now in this state on the first part for about 23 years, and I don't think we are asking too much that they can provide safety for the traveling public. Thank you very much.

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

Mr. GREELEY of Waldo: Mr. President, could we have the report of the committee read?

The PRESIDENT: The Secretary will give the report of the committee.

The SECRETARY: The Majority Report, which was Ought Not to Pass, was signed by Senators Greeley and Kellam, Representatives Wood, Crosby, Hall, Lee, Barnes, McNally, Dudley, Keyte and Fraser.

The Minority Ought to Pass Report was signed by Senator Johnson and Representative Lebel.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: I would just like to give a little explanation of why I signed the report. As I understand it, the Maine Turnpike Authority has already erected guardrails at all the bridges. They also have under construction \$300,000 worth of projects pertaining to new guardrails on twelve miles of road, and this is done on the advice of a consulting firm.

There is also some doubt as to whether the Legislature has the

right to tell the Maine Turnpike to put up these guardrails.

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

Mr. DANTON of York: Mr. President and Members of the Senate: It seems as if every time the Maine Turnpike is brought into discussion we seem to think we can't legislate for them. They are no different than any other private business in the state. We legislate for red cabooses, sprinkler systems in hotels, what kind of health codes we should have in our eating establishments, and for construction businesses and all other businesses, so I certainly think we can legislate for another private business such as the Maine Turnpike. Thank you.

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: This bill, on which I signed the Minority Report out of Committee, actually was an ineffective bill to a certain extent because there was no date set on it. In other words, it gave the Maine Turnpike Authority the direction the Legislature wanted it to take, that they wanted these guardrails put up, but there was no time set. The only thing that bothers me is that the time that is set now is a year and a half. It seems to me that with the money involved the timing is a little too short. It should be a little longer period of time.

I will say this much, that the accidents that are real beautiful accidents, and I mean the bad ones, are the ones where they do cross the median strip. That is where you have your multiple fatalities, where you have your three, your four and your five. This is the real area where there is a lot of trouble and, as I say, we talk safety, we talk about changing people's mental attitudes as they drive, and all this and that, and yet when it comes to putting the money up where our so-called mouth is we don't seem to want to do it.

So I would suggest that this bill move along and then perhaps amend the date to a different date.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I point out again that we are talking two different types of highway construction on the Turnpike, and I point out that a steel guardrail, bolted the way they are now, is a dagger pointed at anybody who ever rubs against them. Many, many of the accidents that we have had with steel guardrails have ended up by breaking the bolts and the guardrail itself piercing like a knife right through the car. This is what happens.

We point out in this legislation that they shall be steel guardrails. I point out to you that in other states these are reinforced concrete guardrails, or they are earth embankment. Now, as I point out, the situation from Kittery to Portland is entirely different than north, where we have a raised median strip, and your accident incidence is much higher south of Portland because of this. You just dip down and go across into the other lane. Now, if you have never seen what can happen to a steel guardrail, I suggest you just visualize a piece of steel sticking right out. And you talk about macabre multiple accidents, you haven't seen anything until you see what could happen to a bunch of cars coming down the Turnpike and running into a guardrail that has been broken and is sticking right out into the traffic.

I don't question that we have got a safety factor here, and I am willing to put my money where my mouth is any time on public safety on the highway. But I think here that first we are telling the highway technically what to do, the Highway Commission. I don't think this is right. And I think that we do have an entirely different situation south and north of Portland. I am certainly not against the bill. If something can be done with it, fine, but I agree that the time table is unrealistic; we are telling the Commission to tie themselves up now and get a certain job done by a certain time. What if there

are other more important and higher priority safety features? I think perhaps some of these bumpy roads that we are going over on the Turnpike are very high priority, where the Turnpike is repaving, so I would think that if we want to do it we ought to lauder this up a little bit. In that spirit, until we see what happens, I will withdraw my motion, and then I will make one that the amendment be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Berry, withdraws his motion that the bill and papers be indefinitely postponed. The Chair understands that the same Senator now moves that House Amendment "A" be indefinitely postponed.

The Chair recognizes the Senator from Somerset, Senator Johnson.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: The good Senator from Cumberland, Senator Berry, has really hit on a point here. I know he speaks as an engineer when he says steel guardrails do all this and do all that, and it kind of scares you. But what bothers me now is why were these put on in the first place if they are so dangerous to have? Why did not they put up these dirt embankments or these concrete things that are not as hazardous as the steel guardrails? Yet, we are putting them up all the time, so there must be something wrong with somebody's engineering or their thinking.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The bolted design of steel guardrails is practically as old as the turnpike is. There has been in the welded safety barriers the advancement of welded construction which removes part of the problem, but I agree with perhaps what the Senator from Somerset, Senator Johnson, is intimating, that perhaps we haven't progressed on the Maine Turnpike on safety features as well as other parts of the country. That doesn't remove the basic objections, however.

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

Mr. DANTON of York: Mr. President and Members of the Senate: I thought I made myself perfectly clear when I said the Maine Turnpike Authority is a private business. The State Highway Commission has absolutely nothing to do with the Maine Turnpike Authority. In fact, the State Highway Commission has appropriated somewhere in the vicinity, if I remember correctly, of around \$180,000 to put up steel guardrails in the Freeport area where they had a cross-over accident and four lives were taken. Thank you.

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

Mr. HOFFSES of Knox: Mr. President and Members of the Senate: I would pose a question through the Chair to anyone who could answer, and that is: What is the price tag involved here on this piece of legislation to the Maine Turnpike Authority?

The PRESIDENT: The Senator from Knox, Senator Hoffses, has posed a question through the Chair to any Senator who may answer.

The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON of York: Mr. President and Members of the Senate: All of a sudden we are concerned about price tags, but I can remember a sprinkler bill for the hotels, the old hotels, which for some small businessman would come to the tune of about fifteen, twenty or twenty-five thousand dollars to have a sprinkler system installed in the hotel.

The cost of the guardrail is approximately \$35,000 a mile. But this doesn't seem like too much to me when I think about the \$9 million surplus that the Maine Turnpike Authority presently has. Thank you.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: There is one thing that hasn't been brought out here on these accidents, but we were told

that there were 32 accidents, or 32 fatalities. The reason for most of them was that the driver went to sleep.

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I would like to tell you about one of the beautiful accidents to which Senator Johnson of Somerset referred. It was a year ago Memorial Day, and a new Buick, a 1970 car, was traveling in a southerly direction and approaching the curve just beyond the Saco River at Biddeford. There was a northerly bound car in the other lane that blew a tire as it approached the curve in the other direction. It crossed the dividing strip and was airborne for about seven feet, then hit the windshield of the southerly bound car, decapitating the driver of the car. It hit the following car and killed a person in that. The young lady who was accompanying the driver in the first car had the presence of mind to bring the car under control, consequently, she suffered only two black eyes as a result of the collision. She is a very lucky thirteen year old girl. The driver of the first car was a doctor in charge of the Social Studies Department at Southern Connecticut University. The driver of that car was my cousin. He was the 100th fatality of the 1970 season.

I have every good reason to support Senator Danton, and when a price tag is placed on a bill of this nature you can see why I would vote with the Senator from York.

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

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I signed the Ought Not to Pass Report on this bill because of the reservations that I had about it. I felt that it was in conflict with other legislation that is pending relative to the Maine Turnpike, legislation which I think, if passed, will solve this problem as well as a great many others, and be of over-all benefit to

everyone in the State of Maine. For that reason, I felt it unwise to enter into a dictum to have the Maine Turnpike Authority state guardrail the entire center strip.

The legislation I am referring to is to have the Turnpike come under the jurisdiction of the State Highway Commission.

There have been some figures quoted here by Senator Danton, and he is quite right, there is a considerable fund built up with the Maine Turnpike Authority and they are well able to make this improvement. My difficulty with the Turnpike Authority is that they not only, I feel, intend to do this relative to the lower end of the state, but they also intend to rebuild the complete section below South Portland, tear down all the overpasses and bridges, rebuild new ones and make an eight-lane divided highway up through the first 40 miles. This has a projected cost figure of \$60 million to it. I would presume that when they do that they would put the guardrails down the middle.

I very much object to the Turnpike Authority spending \$60 million to rebuild a road which is part of the Interstate Highway System, and which should be rebuilt with the 90-10 per cent matching funds. And if the bill which I have in committee now is passed, relative to transferring the Turnpike to the Highway Commission, the Highway Commission then would be in a position to control the Turnpike and make necessary improvements such as this, and also to have the cost of reconstruction, if it is necessary for the Turnpike, to come within the regular federal Interstate Highway Program.

The outstanding bonds on the Turnpike, according to the figures that I have received from the Turnpike Authority itself, would indicate that these bonds could be completely retired in the next four to five years, and I personally would object to the Turnpike Authority stretching out their bond repayments over twenty years' time and charging tolls to the people of the State of Maine and all the visitors and business that

comes into the state to do something which can very well be done with the regular highway allotment and the 90 per cent federal Interstate Highway money. It was for that reason that I felt that it wouldn't be consistent to vote in committee for this particular bill.

I have talked to the people who are concerned with it, and assured them that as far as the safety factor is concerned that I am in complete accord with them. For that reason, I would be willing to vote on the initial phase of this bill for passage of it, to keep the bill alive and, in the event that this Legislature is so unwise so as to not realize the great benefits to the state by transferring the Turnpike to the Highway Commission then, of course, this legislation would be desirable.

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

Mr. DANTON of York: Mr. President, I request a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, 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 motion of the Senator from Cumberland, Senator Berry, that House Amendment "A" to Bill, "An Act Relating to Steel Guardrails on the Maine Turnpike", be indefinitely postponed. A "Yes" vote will be in favor of indefinitely postponing the amendment; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Anderson, Berry, Chick, Dunn, Greeley, Hichens, Hoffs, Johnson, Katz, Moore, Peabody, Sewall, Wyman, and President MacLeod.

NAYS: Senators Bernard, Carswell, Clifford, Conley, Danton, Fortier, Graham, Harding, Kellam, Levine, Marcotte, Martin, Min-

kowsky, Quinn, Schulten, Shute, Tanous, and Violette.

A roll call was had. Fourteen Senators having voted in the affirmative, and eighteen Senators having voted in the negative, the motion to Indefinitely Postpone House Amendment "A" did not prevail.

Thereupon, House Amendment "A" was Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

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

SENATE REPORT— Ought to Pass from the Committee on Natural Resources on Bill, "An Act Phasing Out Log Driving in the Inland Waters of the State." (S. P. 451) (L. D. 1297)

Tabled — May 12, 1971 by Senator Wyman of Washington.

Pending — Acceptance of Report.

On motion by Mr. Wyman of Washington, retabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

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

SENATE REPORT — from the Committee on Labor on Bill, "An Act Relating to Preference to Maine Workmen and Contractors." (S. P. 163) (L. D. 485) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass as Amended by Committee Amendment "A" Filing S-158.

Tabled — May 12, 1971 by Senator Marcotte of York.

Pending — Acceptance of Either Report.

On motion by Mr. Marcotte of York, 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 sixth tabled and specially assigned matter:

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

Tabled — May 12, 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.

Reconsidered Matter

On motion by Mr. Katz of Kennebec, the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Notice of Suspension of Motor Driving Privileges", (S. P. 396) (L. D. 1174) was Passed to be Engrossed.

On further motion by the same Senator, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

Reconsidered Matter

Mr. Katz moved that under suspension of the rules the Senate reconsider its previous action whereby An Act Relating to Costs of Investigation Where Injunction is Issued under Unfair Trade Practices Law, (S. P. 331) (L. D. 978), was Passed to be Enacted.

Thereupon, on motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec to Reconsider.

Reconsidered Matter

On motion by Mr. Quinn of Penobscot, the Senate voted to reconsider its action of earlier in today's session whereby An Act Eliminating Restriction on Unemployment Benefits for Military Retirees (H. P. 623) (L. D. 833), was Passed to be Enacted.

On further motion by the same Senator tabled and Tomorrow Assigned, pending Enactment.

Reconsidered Matter

On motion by Mrs. Carswell of Cumberland, the Senate voted to reconsider its action whereby Resolve, Providing Retirement Benefit for Clyde Walker of Hallowell, was Indefinitely Postponed.

On further motion by the same Senator, tabled and specially assigned for May 17, 1971, pending Final Passage.

Mr. Minkowsky of Androscoggin moved that the Senate reconsider its action whereby Bill, "An Act Establishing a Maine State Liquor Control Board", (S. P. 300) (L. D. 857), was Indefinitely Postponed.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I think this item was quite fully debated yesterday. I see no real useful purpose unless there is some new information, which I would doubt very much. I hope we would vote against the reconsideration motion.

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

Mr. HICHENS of York: Mr. President, I would request a roll call.

The PRESIDENT: A roll call has been requested. The pending question before the Senate is the motion of the Senator from Androscoggin, Senator Minkowsky, that the Senate reconsider its action whereby Bill, "An Act Establishing a Maine State Liquor Control Board", was indefinitely postponed.

In order for the Chair to order a roll call it requires the affirma-

tive 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. A "Yes" vote will be in favor of reconsideration; a "No" vote will be opposed.

The Secretary will call the roll.

ROLL CALL

YEAS: Senators Carswell, Chick, Dunn, Fortier, Greeley, Hichens, Hoffses, Moore, Schulten,, Shute, Tanous, and Wyman.

NAYS: Senators Anderson, Bernard, Berry, Clifford, Conley, Danton, Graham, Harding, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Minkowsky, Peabody, Quinn, Sewall, Violette, and President MacLeod.

A roll call was had. Twelve Senators having voted in the affirmative, and twenty Senators having voted in the negative, the motion to reconsider did not prevail.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1 o'clock tomorrow afternoon.