

# 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, June 10, 1971

Senate called to order by the President.

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

Reading of the Journal of yesterday.

(Off Record Remarks)

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

Bill, "An Act to Provide for New Ferry Landings at Cousin's Island or Littlejohns Island and Chebeague Island." (S. P. 400) (L. D. 1175)

In the Senate June 7, 1971, Indefinitely Postponed.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-224), in non-concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to Adhere.

**Non-concurrent Matter**

Bill, "An Act to Make Municipal Planning Legislation Consistent with Home Rule." (H. P. 1338) (L. D. 1754)

In the Senate June 1, 1971, Passed to be Engrossed as Amended by House Amendments "A" (H-331) and "B" (H-357) in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendments "A", "B" and "C" (H-436), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Regulate Industrialized Housing under the Maine State Housing Authority." (H. P. 1345) (L. D. 1764)

In the Senate June 2, 1971, Passed to be Engrossed as Amended by Senate Amendment "A" (S-230), in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" and House Amendment "D" (H-435), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Relating to the Board of Registration of Medicine." (H. P. 1378) (L. D. 1798)

In the Senate June 4, 1971, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-437), in non-concurrence.

Thereupon, the Senate vote to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376)

In the Senate June 3, 1971, Report "B" Ought to Pass as Amended Read and Accepted and subsequently the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-232).

Comes from the House, Report "A" Ought to Pass in New Draft Read and Accepted and the Bill, in New Draft, (S. P. 617) (L. D. 1802) Passed to be Engrossed, in non-concurrence.

On motion by Mr. Katz of Kennebec, tabled until later in today's session, pending Consideration.

**Non-concurrent Matter**

Bill, "An Act Creating a Medical Advisory Board for Medical Criteria and Vision Standards for Motor Vehicle Drivers." (S. P. 414) (L. D. 1230)

In the Senate May 21, 1971, Passed to be Engrossed as Amended by Committee Amendment "A" (S-192).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-440), in non-concurrence.

On motion by Mr. Shute of Franklin, the Senate voted to Recede and Concur.

**Joint Order**

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government is

directed to report out a bill which will provide for a full time Attorney General.

(H. P. 1401)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

#### Communications

State of Maine  
House of Representatives  
Office of the Clerk  
Augusta, Maine 04330

June 9, 1971

Hon. Harry N. Starbranch  
Secretary of the Senate  
105th Legislature  
Sir:

The House today voted to adhere to its action of June 4 whereby on Bill "An Act relating to the Housing Needs of People Who Pay Rent" (H. P. 881) (L. D. 1202) Reports and Bill were indefinitely postponed.

Respectfully,

Signed:

BERTHA W. JOHNSON  
Clerk of the House

Which was Read and Ordered  
Placed on File.

#### Orders

On motion by Mrs. Carswell of Cumberland,

WHEREAS, an audit of accounts of the Augusta State Hospital, made for the fiscal year ending June 30, 1970, and completed by the State Department of Audit under the supervision of Raymond Rideout, Jr., State Auditor, dated May 28, 1971, shows serious errors and omissions in the accounts of the Augusta State Hospital; and

WHEREAS, a review of patients' accounts revealed that the detail cards were not in balance with the control card at any time from June 30, 1970 to date of audit; and

WHEREAS, the variance was \$1.10 at June 30, 1970; \$2,207.56 at November 30, 1970 and \$308.16 at April 28, 1971; and

WHEREAS, a review of the equipment records revealed that they could not be reconciled at June 30, 1970, as the hospital went on computer system on April 1, 1970 and the control run did not reflect adequate information, since

subtotals were by activities within various buildings, but there were no subtotals for all equipment contained in any given building; and

WHEREAS, runs on adjustments in or out, purchases and transfers could not be tied into the control run and no detail run to support the June 30, 1970 control total was available at the date of audit; and

WHEREAS, the assistant auditor could not explain such discrepancies; and

WHEREAS, as late as September 30, 1970 the hospital had not received any equipment runs; and

WHEREAS, patients' accounts, social security accounts and volunteer gifts are a matter of concern; and

WHEREAS, this slipshod manner of handling taxpayers funds is of deep concern to the elected Members of the Legislature; and

WHEREAS, a new hospital administrator will be expected to do a satisfactory job of meeting demands of such a position; now, therefore, be it

ORDERED, that the State Department of Audit is directed to conduct an in-depth audit to bring accounts of the Augusta State Hospital up-to-date and in balance before the present hospital superintendent leaves his post in order that a new superintendent will get off to a start with clean and clear records which will enable more efficient standards of performance in the administration of the Augusta State Hospital; and be it further

ORDERED, that said State Auditor report his findings and recommendations forthwith pursuant to the Revised Statutes, Title 5, section 244.

Which was Read.

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

On motion by Mr. Katz of Kennebec,

WHEREAS, on the evening of June 9, 1971 our entire legislative family gathered for an evening of delightful relaxation; and

WHEREAS, the beauty of the setting, the magnificence of the weather and the warmth of good fellowship combined to guarantee a memorable respite from legislative duties; now, therefore, be it

ORDERED, the House concurring, that the enthusiastic thanks of the members of the 105th Legislature be tendered to our friend and former colleague, Herman Sahagian of Belgrade for his warm and open-handed hospitality in making his magnificent lake-shore facilities available for our use and enjoyment; and be it further

ORDERED, that a duly authenticated copy of this Order be transmitted forthwith to the Honorable Herman Sahagian. (S.P. 632)

Which was Read and Passed.

Under suspension of the rules, sent down forthwith for concurrence.

### Committee Reports

#### House

#### Leave to Withdraw — Covered by Other Legislation

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Adjusting State Employees' Pay." (H. P. 871) (L. D. 1193)

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.

#### Ought to Pass in New Draft

The Committee on Judiciary on, Bill, "An Act Relating to the Sale and Possession of LSD." (H. P. 457) (L. D. 612)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to the Possession and Sale of Certain Hallucinogenic Drugs" (H. P. 1391) (L. D. 1813)

The Committee on State Government on, Bill, "An Act Placing the Intent and Content Relating to Constitutional Amendments and Bond Issues on the Ballot." (H. P. 859) (L. D. 1183)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Constitutional Amendments Printed on Instruction Sheets" (H. P. 1385) (L. D. 1808)

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.

The Committee on State Government, on, Bill, "An Act Relating to Hunting on Lands of Passamaquoddy Tribe of Indians." (H. P. 306) (L. D. 406)

Reported that the same Ought to Pass in New Draft Under New Title: "An Act Relating to Hunting, Fishing and Trapping on Indian Tribal Lands" (H. P. 1371) (L. D. 1789)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendment "A" (H-439).

Which report was Read and Accepted in concurrence and the Bill in New Draft Read Once. House 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 Natural Resources on, Bill, "An Act Defining Certain Terms Used in the Environmental Laws." (H. P. 1173) (L. D. 1632)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1392) (L. D. 1814)

Signed:

Senators:

SCHULTEN of Sagadahoc

GRAHAM of Cumberland

VIOLETTE of Aroostook

Representatives:

WHITSON of Potrland

SMITH of Waterville

AULT of Wayne

CURRAN of Bangor

BROWN of York

KILROY of Portland

CUMMINGS of Newport

MacLEOD of Bar Harbor

HERRICK of Harmony

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

Signed:

Representative:

HARDY of Hope

Comes from the House, the Majority Ought to Pass in New Draft Report Read and Accepted

and the Bill in New Draft Passed to be Engrossed.

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

### **Senate**

#### **Divided Report**

The Majority of the Committee on State Government, on, Bill, "An Act Creating the Municipal Assessment Appeals Board." (S. P. 493) (L. D. 1441)

Reported that the same Ought Not to Pass.

Signed:

Senators:

JOHNSON of Somerset

WYMAN of Washington

Representatives:

DONAGHY of Lubec

MARSTALLER

of Freeport

HODGDON of Kittery

HANSON of Gardiner

FARRINGTON

of Old Orchard Beach

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 630) (L. D. 1818)

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

GOODWIN of Bath

STILLINGS of Berwick

COONEY of Webster

STARBIRD

of Kingman Township

CURTIS of Orono

Which reports were Read.

On motion by Mr. Wyman of Washington, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

#### **Divided Report**

The Majority of the Committee on Natural Resources on, Bill, "An Act to Regulate Surficial Mining Under the Maine Mining Commission." (S. P. 133) (L. D. 345)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 631) (L. D. 1819)

Signed:

Senators:

SCHULTEN of Sagadahoc

VIOLETTE of Aroostook

GRAHAM of Cumberland

Representatives:

KILROY of Portland

CUMMINGS of Newport

SMITH of Waterville

CURRAN of Bangor

HERRICK of Harmony

BROWN of York

WHITSON of Portland

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

Signed:

Representatives:

HARDY of Hope

MacLEOD of Bar Harbor

AULT of Wayne

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

#### **Second Readers**

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

#### **House — As Amended**

Bill, "An Act Revising the Laws Relating to Real Estate Brokers and Salesmen." (H. P. 838) (L. D. 1161)

Bill, "An Act to Authorize Food Stamp Program." (H. P. 1210) (L. D. 1657)

Bill, "An Act Relating to Municipal Regulation of Land Subdivisions." (H. P. 1380) (L. D. 1800)

Which was Read a Second Time and, except for the matter set aside, Passed to be Engrossed, as Amended, in concurrence.

The President laid before the Senate the matter set aside by Mr. Danton of York: Bill, "An Act revising the Laws Relating to Real Estate Brokers and Salesmen." (H. P. 838) (L. D. 1161)

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

Mr. DANTON of York: Mr. President and Members of the Senate: What the amendment was on that bill was to leave the statute as it was pertaining to real estate men. I just thought I would explain that amendment. And the other

body went along with it. Thank you.

Thereupon, the Bill was Passed to be Engrossed, as Amended, in concurrence.

#### Senate — As Amended

Bill, "An Act Relating to the Sale of Marijuana." (S. P. 278) (L. D. 812)

Which was 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 Relating to Destruction of Vending Machines. (H. P. 228) (L. D. 310)

An Act to Make Allocations from Bond Issue for Construction, Planning and Equipment of Pollution Abatement Facilities. (H. P. 287) (L. D. 387)

An Act Amending Certain Savings Bank Laws. (H. P. 734) (L. D. 996)

An Act Restricting Use of Certain Campsites. (H. P. 996) (L. D. 1358)

An Act to Appropriate the Amount of \$1,440,000 for Parking Garage Facility for the Capitol Complex at Augusta. (H. P. 1341) (L. D. 1760)

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

An Act Relating to the Powers and Duties of the Environmental Improvement Commission. (H. P. 1352) (L. D. 1768)

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

An Act Revising Certain Safety Laws in the Department of Labor and Industry. (H. P. 1363) (L. D. 1780)

An Act Relating to Nonprofit Hospital or Medical Service Organizations. (H. P. 1375) (L. D. 1795)

An Act Revising the Laws Relating to Savings and Loan Associations. (H. P. 1376) (L. D. 1796)

An Act Creating a New Business Corporation Act. (S. P. 293) (L. D. 1093)

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.

An Act to Revise Laws Relating to Outdoor Advertising. (H. P. 605) (L. D. 807)

Comes from the House, Failed of Passage to be Enacted.

Mr. Danton of York moved that the Bill be Indefinitely Postponed.

On motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending the motion by Mr. Danton of York to Indefinitely Postpone.

#### Orders of the Day

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$3,850,000 for Student Housing at Central Maine Vocational Technical Institute, Eastern Maine Vocational Technical Institute, Northern Maine Vocational Technical Institute, and the Maine Maritime Academy, Site Improvements at Washington County Vocational Technical Institute, Heating and Air Conditioning Shop and Laboratory at Southern Maine Vocational Technical Institute, Completion of School Building at Peter Dana Point Reservation and Tribal Halls for Penobscot and Passamaquoddy Reservations." (H. P. 175) (L. D. 233)

On motion by Mr. Katz of Kennebec, retabled and Tomorrow Assigned, pending further Consideration.

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

Joint Order — Relative to Establishing a Special Committee on Legislative Rules and Procedures. (S. P. 626)

Tabled — June 9, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Berry of Cumberland to Recede and Concur.

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

motion by that same Senator to Recede and Concur.

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

Bill, "An Act to Incorporate the Jackman Water District." (H. P. 1372) (L. D. 1794)

Tabled — June 9, 1971 by Senator Quinn of Penobscot.

Pending — Passage to be Engrossed.

Mr. Quinn of Penobscot then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-258, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

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

Bill, "An Act Relating to Probation of Juveniles in Cumberland County." (S. P. 525) (L. D. 1565)

Tabled — June 9, 1971 by Senator Sewall of Penobscot.

Pending — Enactment.

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

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

Bill, "An Act to Include Imprisonment Among Those Penalties Provided for Violation of Environmental Protection Laws." (H. P. 960) (L. D. 1321)

Tabled — June 9, 1971 by Senator Berry of Cumberland.

Pending — Enactment.

Thereupon, the Bill was Passed to be Enacted in non-concurrence. Sent down for concurrence.

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

Bill, "An Act to Provide for the Taxation of Pulpwood and Logs in Place Where Situated." (S. P. 622) (L. D. 1805)

Tabled — June 9, 1971 by Senator Wyman of Washington.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Clarifying the Statute Relating to Realty Subdivisions." (H. P. 1034) (L. D. 1425)

Tabled — June 9, 1971 by Senator Clifford of Androscoggin.

Pending — Consideration.

Mr. Clifford of Androscoggin moved the pending question.

Thereupon, the Senate Voted to Recede and Concur.

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

Bill, "An Act Increasing the Gasoline Tax." (H. P. 403) (L. D. 516)

Tabled — June 9, 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 ninth tabled and specially assigned matter:

Bill, "An Act Relating to Testing of Private Water Supplies by Department of Health and Welfare." (H. P. 1264) (L. D. 1668)

Tabled — June 9, 1971 by Senator Berry of Cumberland.

Pending — Passage to be Engrossed.

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

Bill, "An Act Regulating Roadside Clear Cutting Practices." (H. P. 1354) (L. D. 1770)

Tabled — June 9, 1971 by Senator Violette of Aroostook.

Pending — Motion by Senator Johnson of Somerset to Reconsider Action Whereby Bill was Passed to be Engrossed.

On motion by Mr. Violette of Aroostook, Tabled and Tomorrow Assigned, pending the motion by Mr. Johnson of Somerset to Reconsider.



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

Mr. BERRY of Cumberland: Mr. President, is the Senate in possession of House Paper 1369, Joint Order Providing for the Appropriations Committee to report out a bill?

The PRESIDENT: The Chair would answer in the affirmative, the Senate is in possession of the paper.

Thereupon, on motion by the same Senator, tabled and Tomorrow Assigned, pending Further Consideration.

#### **Reconsidered Matter**

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Senate voted to reconsider its prior action whereby An Act to Provide Mandatory Penalties for Commission of a Crime with a Dangerous Weapon, (S. P. 332) (L. D. 983), was Enacted.

On further motion by the same Senator, and under suspension of the rules, the Senate voted to reconsider its prior action whereby the Bill was Passed to be Engrossed.

Thereupon, on motion by the same Senator, tabled and

Tomorrow Assigned, pending Passage to be Engrossed.

The President laid before the Senate the matter tabled earlier in today's session by Mr. Katz of Kennebec:

#### **Non-concurrent Matter**

Bill, "An Act to Authorize Bond Issue in the Amount of \$19,145,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (S. P. 129) (L. D. 376)

In the Senate June 3, 1971, Report "B" Ought to Pass as amended Read and Accepted and subsequently the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-232).

Comes from the House, Report "A" Ought to Pass in New Draft Read and Accepted and the Bill, in New Draft, (S. P. 617) (L. D. 1802) Passed to be Engrossed, in non-concurrence.

Pending — Further Consideration.

Thereupon, the Senate voted to Recede and Concur.

#### **(Off Record Remarks)**

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 tomorrow morning.