

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Fifth  
Legislature***

**OF THE**

**STATE OF MAINE**

**Volume III**

**June 16, 1971 to June 24, 1971**

**Index**

**1st Special Session**

**January 24, 1972 to March 10, 1972**

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

## SENATE

Monday, January 24, 1972

In compliance with a Proclamation of His Excellency, Governor Kenneth M. Curtis, the Senators convened in the Senate chamber at four o'clock in the afternoon, Eastern Standard Time, and were called to order by the Secretary.

Prayer by the Rev. Bruce W. Meyer of Augusta.

On motion by Mr. Hoffses of Knox, Senator Richard N. Berry was unanimously elected President pro tem for today's session and was escorted to the rostrum by the Sergeant - at - Arms where he assumed the duties of that office.

The Secretary read the Proclamation:

### STATE OF MAINE PROCLAMATION

By the Governor

WHEREAS, I have determined that there exists in the State of Maine an extraordinary occasion requiring the Legislature of this State to meet in a special session to consider legislative proposals concerning:

Reorganization of State departments and agencies, a bill appropriating operating and surplus funds to departments, agencies and the University of Maine, a construction bond issue for the University of Maine, a municipal bond finance authority, an expanded food stamp program, the Municipal Public Employees Labor Relations law, an authority to regulate Maine industrial port and land development, payment of State school construction subsidies, ambient air quality standards, revisions of the site location law, the management of solid wastes, conforming certain State laws to federal statutes affecting property acquisition, the correction of errors and inconsistencies in the State laws, and other matters judged by the Legislature as necessary to the welfare of the State; and to receive communications on bills affecting the public prosecuting system and taxation in unorganized townships

as passed in the regular session, and

WHEREAS, legislative leaders have agreed that a Special Session is necessary;

NOW, THEREFORE, I, Kenneth M. Curtis, Governor of the State of Maine, by virtue of the Constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the twenty - fourth day of January, 1972, at four o'clock in the afternoon, in order to receive communications and to consider and enact such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this Sixth day of January, One (SEAL) Thousand Nine Hundred and Seventy-two, and of the Independence of the United States of America, the One Hundred and Ninety-sixth.

(Signed) KENNETH M. CURTIS  
Governor

Joseph T. Edgar  
Secretary of State

A true Copy,

Attest: Peter M. Damborg,  
Deputy Secretary of State

### ROLL CALL

The roll being called, the following Senators responded to their names: Anderson, Bernard, Berry, Carswell, Chick, Clifford, Conley, Danton, Dunn, Fortier, Graham, Greeley, Harding, Hichens, Hoffses, Johnson, Katz, Kellam, Levine, Marcotte, Martin, Minkowsky, Moore, Peabody, Quinn, Schulten, Sewall, Shute, Tanous, Violette, and Wyman.

ABSENT: President MacLeod.

31 Senators having answered to the roll call, the President pro tem declared that a quorum was present.

### Orders

Out of order and under suspension of the rules:

On motion by Mr. Hoffses of Knox,

ORDERED, that a message be conveyed to the House of Representatives informing that Body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was Read and Passed.

Mr. Hoffses of Knox conveyed the message.

Subsequently, a message was received from the House, through Representative Porter of Lincoln, informing the Senate that a quorum was present for the consideration of such business as might come before the House.

Out of order and under suspension of the rules:

On motion by Mr. Violette of Aroostook,

ORDERED, Whereas the Members of the Senate have learned with regret of the passing of Mr. George C. MacLeod, the father of our President, we extend our deepest sympathy to our respected colleague and his family at this time of sorrow.

Which was Read.

The PRESIDENT pro tem: Would the members of the Senate register their vote by please standing and remain standing for a moment of silence.

Thereupon, the order received Passage, the members of the Senate rising for a moment of silence.

The PRESIDENT pro tem: The Chair would announce at this time that the services will be held tomorrow at two o'clock for the President's father at the Harvard H. Clark Funeral Home, 55 South Main Street in Brewer. The Chair will appoint as a deputation from the Senate:

Senators:

BERRY of Cumberland  
VIOLETTE of Aroostook  
SEWALL of Penobscot  
CONLEY of Cumberland

Out of Order and Under Suspension of the Rules:

On motion by Mr. Minkowsky of Androscoggin,

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation, a quorum of Senators is assembled

in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was Read and Passed.

The President pro tem appointed Senator Minkowsky of Androscoggin to convey the message.

Senator Minkowsky then retired and subsequently reported that he had delivered the message with which he was charged.

Out of Order and Under Suspension of the Rules:

On motion by Mr. Hichens of York,

ORDERED, that a message be sent to the House of Representatives proposing a Joint Convention to be held forthwith in the Hall of the House of Representatives for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

Which was Read and Passed.

The President pro tem appointed the Secretary to convey the message.

The Secretary then retired and subsequently reported that he had delivered the message with which he was charged.

### Recess

The Senators retired to the Hall of the House of Representatives where a Joint Convention was formed.

(For proceedings of Joint Convention, see House Report.)

### After Joint Convention

Called to order by the President pro tem.

### Communications

STATE of MAINE  
Maine Running Horse  
Racing Commission  
Augusta, Maine 04330

January 20, 1972

Honorable Kenneth P. MacLeod  
President of the Senate  
State House  
Augusta, Maine 04330

Dear President MacLeod:

I am submitting herewith 38 copies of the Annual Report of the Maine Running Horse Racing Commission. This report covers the 1971 racing season for thorough-

bred (flat) racing at Scarborough Downs.

It would be appreciated if you would provide each member of the Senate with a copy of this report.

Sincerely,

/s/ Mrs. Catherine F. Allen  
Executive Secretary

Which was Read and with  
accompanying papers Ordered  
Placed on File.

### **Senate Papers Agriculture**

Mr. Harding of Aroostook presented, Bill, "An Act relating to Clarifying Definitions Relating to the Potato Industry of Maine." (S. P. 686) (L. D. 1867)

Mr. Chick of Kennebec presented, Bill, "An Act relating to Property of the Seed Potato Board." (S. P. 719) (L. D. 1992)

Which were referred to the Committee on Agriculture and Ordered Printed.

Sent down for concurrence.

### **Appropriations and Financial Affairs**

Mr. Berry of Cumberland presented, Bill, "An Act to Provide Staff Assistance for Presiding Officers of the Legislature." (S. P. 687) (L. D. 1868)

The same Senator presented, Bill, "An Act to Create a Crime Laboratory." (S. P. 688) (L. D. 1869)

Mr. Sewall of Penobscot presented, Bill, "An Act Appropriating Funds to Carry out Duties of the Director of Legislative Research." (S. P. 689) (L. D. 1870)

Mr. Tanous of Penobscot presented, Bill, "An Act Providing Funds to Carry out Duties of the Criminal Division of the Department of the Attorney General." (S. P. 690) (L. D. 1871)

Mr. Kellam of Cumberland presented, Resolve to Reimburse Certain Persons for Displacement Costs Because of Property Taken by State. (S. P. 691) (L. D. 1872)

Mr. Wyman of Washington presented, Resolve to Reimburse School Administrative District No. 37 for Funds Paid for School Construction in 1965 and 1966. (S. P. 692) (L. D. 1873)

Mr. Berry of Cumberland presented, Bill, "An Act Providing Funds for Maine Historical Society." (S. P. 710) (L. D. 1884)

Mr. Greeley of Waldo presented, Bill, "An Act Providing Funds to Increase Payments to Boarding Homes." (S. P. 711) (L. D. 1885)

Mr. Tannous of Penobscot presented, Bill, "An Act relating to Revenue Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts." (S. P. 712) (L. D. 1886)

(On motion by Mr. Tanous of Penobscot, tabled and Tomorrow Assigned, pending Reference.)

Mr. Sewall of Penobscot presented, Bill, "An Act to Appropriate Moneys for the Expenditures of State Government and Other Purposes for the Fiscal Years Ending June 30, 1972 and June 30, 1973." (S. P. 724) (L. D. 1982)

Which, except for the tabled matter, were referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

### **Business Legislation**

Mr. Tanous of Penobscot presented, Bill, "An Act to Correct Errors and Inconsistencies in the Maine Business Corporation Act." (S. P. 693) (L. D. 1874)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

### **County Government**

Mr. Greeley of Waldo presented, Bill, "An Act Increasing Salaries of County Commissioners of Waldo County." (S. P. 694) (L. D. 1875)

Which was referred to the Committee on County Government and Ordered Printed.

Sent down for concurrence.

### **Fisheries and Wildlife**

Mr. Bernard of Androscoggin presented, Bill, "An Act Regulating Certain Vehicles and Snowmobiles in Wildlife Management Areas." (S. P. 713) (L. D. 1987)

Which was referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

**Health and Institutional Services**

Mr. Katz of Kennebec presented, Bill, "An Act to Include Fees as Local Funds in the Community Mental Health Grant - in - aid Program." (S. P. 695) (L. D. 1876)

Mr. Graham of Cumberland presented, Bill, "An Act relating to Reporting Tumors and Establishing a State - wide Tumor Registry." (S. P. 714) (L. D. 1988)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

**Judiciary**

Mrs. Carswell of Cumberland presented, Bill, "An Act Increasing Membership of State Parole Board." (S. P. 696) (L. D. 1877)

Mr. Conley of Cumberland presented, Bill, "An Act relating to Actions to Quiet Title to the Fee Interest in Discontinued Roads and Ways." (S. P. 697) (L. D. 1878)

Mr. Tanous of Penobscot presented, Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws." (S. P. 715) (L. D. 2004)

Mr. Berry of Cumberland presented, Bill, "An Act relating to the Board of Registration in Medicine." (S. P. 720) (L. D. 1993)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Berry of Cumberland presented, Bill, "An Act relating to Municipal Regulation of Snowmobiles." (S. P. 698) (L. D. 1879)

The same Senator presented, Bill, "An Act relating to the Change of Name of Junior Achievement of Greater Portland, Inc." (S. P. 699) (L. D. 1880)

Mr. Clifford of Androscoggin presented, Bill, "An Act relating to Municipal Finance." (S. P. 700) (L. D. 1881)

Mr. Dunn of Oxford presented, Bill, "An Act to Create the Maine Municipal Bond Bank." (S. P. 701) (L. D. 1882)

Mr. Moore of Cumberland presented, Bill, "An Act relating to the Regulation of Private Detectives." (S. P. 702) (L. D. 1883)

Which were referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

**Natural Resources**

Mr. Moore of Cumberland presented, Bill, "An Act to Include Certain Waterfront Area Developments Within the Site Location of Development Law." (S. P. 703) (L. D. 1884)

Mr. Violette of Aroostook presented, Bill, "An Act to Revise the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Mr. Moore of Cumberland presented, Bill, "An Act to Revise the Site Location of Development Law." (S. P. 723) (L. D. 1981)

Which were referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

**Public Utilities**

Mr. Conley of Cumberland presented, Bill, "An Act relating to Transit Districts." (S. P. 704) (L. D. 1885)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

**State Government**

Mr. Hichens of York presented, Bill, "An Act relating to Animal Welfare." (S. P. 705) (L. D. 1886)

Mr. Sewall of Penobscot presented, Bill, "An Act relating to Guarantees by the State Industrial Building Authority and the Maine Recreation Authority." (S. P. 706) (L. D. 1887)

Mr. Chick of Kennebec presented, Bill, "An Act Implementing the Reorganization of the Department of Agriculture." (S. P. 716) (L. D. 1989)

Mr. Sewall of Penobscot presented, RESOLUTION Proposing an Amendment to the Constitution Pledging Credit of the State for Guaranteed Loans to Resident Maine Veterans of the Armed Forces of the United States of America. (S. P. 717) (L. D. 1990)

Mr. Kellam of Cumberland presented, Bill, "An Act Implementing the Reorganization of the Depart-

ment of Public Safety." (S. P. 718) (L. D. 1991)

Mr. Berry of Cumberland Presented, Bill, "An Act Implementing the Reorganization of the Department of Educational and Cultural Services." (S. P. 721) (L. D. 2010)

Mr. Conley of Cumberland presented, Bill, "An Act Providing 4-year Terms for County Attorneys and Full-time County Attorneys for Certain Counties." (S. P. 725) (L. D. 1983)

Mr. Minkowsky of Androscoggin Presented, Bill, "An Act Implementing the Reorganization of the Department of Commerce and Industry." (S. P. 726) (L. D. 1995)

Mr. Violette of Aroostook Presented, Bill, "An Act Implementing the Reorganization of the Department of Natural Resources." (S. P. 727) (L. D. 2005)

Mr. Harding of Aroostook presented, Bill, "An Act Implementing the Reorganization of the Department of Business Regulation." (S. P. 729) (L. D. 2011)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

### Transportation

Mr. Greeley of Waldo presented, Bill, "An Act relating to Town's Matching Funds for Resurfacing State Aid Highways." (S. P. 707) (L. D. 1888)

Mr. Moore of Cumberland presented, Bill, "An Act to Make Additional Allocations from the General Highway Fund for the Fiscal Year Ending June 30, 1973." (S. P. 708) (L. D. 1889)

Mr. Greeley of Waldo presented, Bill, "An Act relating to Traffic-control Signals." (S. P. 722) (L. D. 1994)

The same Senator presented, Bill, "An Act to Authorize the Issuance of Bonds in the Amount of Five Million Dollars on Behalf of the State of Maine to Resurface Certain Highways." (S. P. 728) (L. D. 2006)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

### Orders

On motion by Mrs. Carswell of Cumberland,

ORDERED, the House concurring, that there is appropriated from the Legislative Appropriation a sum sufficient to pay each of the Indian representatives mileage from 3 round trips and compensation for meals, lodging and attendance commensurate with other members of the Legislature for attendance at the First Special Session of the 105th Legislature. (S. P. 731)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Wyman of Washington,

ORDERED, the House concurring, that the Director of Legislative Research be directed to have printed in pamphlet form and distributed to the members of the Legislature and the public, the Acts and Resolves passed at the First Special Session of the 105th Legislature. (S. P. 732)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Graham of Cumberland,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish to each member of the Senate and the House a copy of the State newspaper each morning during the present Special Session of the Legislature. (S. P. 733)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Violette of Aroostook,

ORDERED, the House concurring, that three hundred twenty-five (325) copies of the Legislative Record for this Special Session be printed and bound, one copy for each of the members of the Senate, House of Representatives, the Secretary of the Senate and Clerk of the House and the remainder to be deposited in the State Library for exchange and library use; and be it further

ORDERED, that suitable index be prepared for such Legislative Record, under the direction of the

Secretary of the Senate and Clerk of the House. (S. P. 734)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Martin of Piscataquis,

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House, respectively, be authorized to furnish wrappers and postage stamps for each member of the Senate and House, not exceeding \$8.00 in amount each, for the purpose of distributing the various reports of the Departments of State and other public documents such as they may desire to mail to the citizens of the State. (S. P. 735)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Johnson of Somerset,

ORDERED, the House concurring, that free telephone service may be provided for the special session for each member of the Senate and House, and each representative from the Indian Tribes at the Legislature to the number of 25 calls, of reasonable duration, to points within the limits of the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the member or representative, that each member of the Senate and House, and each representative from the Indian Tribes at the Legislature, may be provided with a credit card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of this service to be paid to the New England Telephone Company at regular tariff rates; and be it further

ORDERED, that free telegraph service may be provided for the special session for each member of the Senate and House, and each representative from the Indian Tribes at the Legislature, to the number of 10 messages of reasonable length, to points within the State of Maine, the privilege granted to be a personal privilege, not to be exercised by other than the member or representative, that each member of the Senate and House, and each representative

from the Indian Tribes at the Legislature, may be provided with a credit card under the direction of the Secretary of the Senate and Clerk of the House, respectively, the cost of the service to be paid to Western Union Telegraph Company at regular tariff rates. (S. P. 736)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Hoffses of Knox,

ORDERED, the House concurring, the payroll of the officers and employees of the House and Senate of the 105th Legislature who have prepared for this special session be paid when approved by the President of the Senate and the Speaker of the House. (S. P. 737)

Which was Read and Passed.  
Sent down for concurrence.

On motion by Mr. Schulten of Sagadahoc,

ORDERED, the House concurring, that there be paid to the Clerk and Assistant Clerk of the House, and the Secretary and Assistant Secretary of the Senate, salaries at a weekly rate for this special session in the amounts certified to the State Controller by the Chairman of the Committee on Appropriations and Financial Affairs. (S. P. 738)

Which was Read and Passed.  
Sent down for concurrence.

There being no objection, all matters previously acted upon in today's session requiring concurrence were sent down forthwith for concurrence.

Senate at ease.

Called to order by the President pro tem.

### Papers From the House

Out of order and under suspension of the rules, the following papers were received from the House:

### House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, except for the following:



Bill, "An Act Providing Funds for County Access Road to Katahdin Iron Works." (H. P. 1514) (L. D. 1956)

Comes from the House referred to the Committee on Transportation and Ordered Printed.

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

Mr. GREELEY of Waldo: Mr. President and Members of the Senate: With reference of Item 1-93, the bill states that the money is coming out of the general fund. If that is the case, I move that the bill be referred to the Appropriations Committee.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs and

Ordered Printed in non-concurrence.

Sent down for concurrence.

#### **House Orders**

ORDERED, the Senate concurring, that there be paid to the Clerk in the Document Room compensation, certified to the State Controller by the Clerk of the House, and approved by the Committee on Appropriations and Financial Affairs. (H. P. 1552)

Comes from the House Read and Passed.

Which was Read and Passed in concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 9:30 o'clock tomorrow morning.