

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

Tuesday, February 1, 1972

Senate called to order by the President.

Prayer by the Rev. Father Henry B. Dallaire of Hallowell.

Reading of the Journal of yesterday.

**Papers from the House
Joint Order**

Whereas, the tax structure of the State of Maine must adequately meet the ever-increasing demands for financing future public services; and

Whereas, the additional demands for welfare, educational subsidy and change in method of school financing pose grave challenge to the existing structure; and

Whereas, all major sources of taxation are presently being utilized by the State with no consideration being given to alternative means of meeting probable increases; and

Whereas, there is an urgent need to determine if the present tax structure is fair, equitable and adequate as presently constituted to meet the needs of the future; now, therefore, be it

ORDERED, the Senate concurring, that there is created a Special Joint Interim Committee to consist of 3 Senators to be appointed by the President of the Senate and 4 Representatives to be appointed by the Speaker of the House to study the tax structure of this State and for the purpose of this study any subject or matter adjudged by the committee to be relevant or germane to the subjects of its study or helpful to it in the consummation of its work hereunder shall be deemed within the scope of the committee's inquiry hereunder; and be it further

ORDERED, that the committee shall report the results of its study to the next regular session of the Legislature; and be it further

ORDERED, that all state departments and agencies provide the committee to the extent possible, with information and assistance in the fields of tax and economic research, and make available to the committee, as needed, the services of persons knowledgeable in

the field of taxation, public finance and economics; and be it further

ORDERED, that the members of the committee be compensated for time spent in attendance at meetings of the committee and when engaged in performance of duties under instructions of the committee and authorization by its chairman at the rate of \$25 per day and actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the committee shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the committee from the Legislative Account the sum of \$10,000 to carry out the purposes of this Order.

(H. P. 1561)

Comes from the House, Read and Passed as Amended by House Amendment "A" (H-516).

Which was Read.

House Amendment "A" was Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Adoption of House Amendment "A".

**Committee Reports
House**

Refer to 106th Legislature

The Committee on Legal Affairs on, Bill, "An Act Permitting the Sale of Mobile Homes on Sundays." (H. P. 1533) (L. D. 1976) reported that the same be referred to the 106th Legislature.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on County Government on, Bill, "An Act to Authorize Counties to Adopt a Food Stamp Program." (H. P. 1460) (L. D. 1903) reported that the same Ought to Pass.

The Committee on County Government on, Bill, "An Act Increasing Funds for Lincoln County Court House Capital Improvements." (H. P. 1461) (L. D. 1904)

reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act relating to Penalty for Dogs Killing or Wounding Wild Animals." (H. P. 1470) (L. D. 1913) reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife, on, Bill, "An Act relating to Closed Season on Deer on Swan Island, Hancock County." (H. P. 1472) (L. D. 1915) reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act relating to Authorized Equipment Purchases at the Bangor State Hospital." (H. P. 1474) (L. D. 1917) reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act Correcting an Inconsistency in the Pharmacy Laws." (H. P. 1475) (L. D. 1918) reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, "An Act relating to Loans to Candidates for Practice of Osteopathic Medicine in Maine." (H. P. 1476) (L. D. 1919) reported that the same Ought to Pass.

The Committee on Legal Affairs on, Bill, "An Act relating to Change of Name and Powers of Anson Academy." (H. P. 1484) (L. D. 1927) reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Providing for the Observance of the 200th Anniversary of the American Revolution." (H. P. 1503) (L. D. 1945) reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Creating a State Employees' Suggestion Awards Board." (H. P. 1507) (L. D. 1949) reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act Imposing a Tax on the Unorganized Territory Within the Maine Forestry District for Spruce Budworm Control." (H. P. 1510) (L. D. 1952) reported that the same Ought to Pass.

The Committee on Taxation on, Bill, "An Act to Exempt Incorporated Volunteer Ambulance Corps

from Sales and Use Taxes." (H. P. 1511) (L. D. 1953) reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Bill, "An Act relating to Veterans Preference in State Employment." (H. P. 1516) (L. D. 1958) reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Bill, "An Act relating to Educational Assistance for Certain Widows, Wives, Orphans and Children of Veterans and Wives and Children of Prisoners of War." (H. P. 1519) (L. D. 1961) reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve, in Favor of Cole's Express for Truck Damage. (H. P. 1490) (L. D. 1933) reported that the same Ought to Pass.

The Committee on Legal Affairs on, Resolve to Reimburse Mrs. Clarisse Fournier of Jackman for Property Damage due to Highway Maintenance. (H. P. 1491) (L. D. 1934) reported that the same Ought to Pass.

The Committee on Veterans and Retirement on, Resolve Providing a Minimum Service Retirement Allowance under the State Retirement Law for Emil Arsenault. (H. P. 1524) (L. D. 1966) reported that the same Ought to Pass.

Come from the House, the reports Read and Accepted and the Bills and Resolves Passed to be Engrossed.

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

Ought to Pass—As Amended

The Committee on County Government on, Bill, "An Act relating to Filing Final County Estimates after Adjournment of the Legislature." (H. P. 1459) (L. D. 1902) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-513).

The Committee on Education on, Bill, "An Act relating to the Community School District Law." (H. P. 1463) (L. D. 1906) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-511).

The Committee on Fisheries and Wildlife on, Bill, "An Act relating to Use of Artificial Lights for Lighting Game." (H. P. 1471) (L. D. 1914) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-512).

The Committee on Legal Affairs on, Bill, "An Act relating to Kents Hill School." (H. P. 1489) (L. D. 1932) reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-514).

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

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

Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Establishing Columbus Day as a Bank Holiday." (H. P. 1458) (L. D. 1901) reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act to Revise Certain Laws Relating to Banks." (H. P. 1559) (L. D. 2019).

The Committee on Legal Affairs on, Bill, "An Act Relating to Property Tax Exemption of Certain Pollution Control Facilities." (H. P. 1488) (L. D. 1931) reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 1560) (L. D. 2020)

Come from the House, the reports Read and Accepted and 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, Resolve Providing Retirement Allowance under the State Retirement Law for Mrs. John Howe. (H. P. 1522) (L. D. 1964) reported that the same Ought to Pass.

Signed:
Senators:

ANDERSON of Hancock
BERNARD
of Androscoggin

CARSWELL

of Cumberland

Representatives:

HAYES of Windsor
LINCOLN of Bethel
PRATT of Parsonsfield
SIMPSON of Millinocket
LEWIN of Augusta
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 Gardiner
CURTIS of Bowdoinham
JUTRAS of Sanford

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Veterans and Retirement on, Resolve Providing a Minimum Service Retirement Allowance under the State Retirement Law for Leo G. Bartlett. (H. P. 1523) (L. D. 1965) reported that the same Ought to Pass.

Signed:

Senators:

ANDERSON of Hancock
BERNARD
of Androscoggin

Representatives:

THERIAULT of Rumford
HAYES of Windsor
LINCOLN of Bethel
PRATT of Parsonsfield
SIMPSON of Millinocket
LEWIN of Augusta
VINCENT of Portland

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

Signed:

Senator:

CARSWELL
of Cumberland

Representatives:

JUTRAS of Sanford

CURTIS of Bowdoinham
DOW of Gardiner

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

Which reports were Read.

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

Divided Report

The Majority of the Committee on Veterans and Retirement on, Resolve to Correct an Error in the Service Retirement Allowance under the State Retirement Law for Linwood A. Webber. (H. P. 1521) (L. D. 1963) reported that the same Ought to Pass.

Signed:

Senators:

CARSWELL

of Cumberland

BERNARD

of Androscoggin

ANDERSON of Hancock

Representatives:

CURTIS of Bowdoinham

LEWIN of Augusta

SIMPSON of Millinocket

PRATT of Parsonsfield

LINCOLN of Bethel

HAYES of Windsor

THERIAULT of Rumford

VINCENT of Portland

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

Signed:

Representatives:

JUTRAS of Sanford

DOW of Gardiner

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

Which reports were Read.

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

Second Readers

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

House

Bill, "An Act Relating to the School Year." (H. P. 1464) (L. D. 1907)

Bill, "An Act Clarifying the Duties of the Treasurer of State Relating to the Care and Custody of Guaranty Funds." (H. P. 1506) (L. D. 1948)

Resolve, Authorizing the Maine Military Defense Commission to Convey Certain Land in Brunswick. (H. P. 1509) (L. D. 1951)

Bill, "An Act to Create a New Highway Classification Designated Seasonal Parkways." (H. P. 1512) (L. D. 1954)

Resolve, Designating U. S. Route No. 2 and State Route No. 3 in Maine as Blue Star Memorial Highway. (H. P. 1515) (L. D. 1957)

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

Orders of the Day

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

SENATE REPORT—Ought to Pass as Amended from the Committee on Legal Affairs on Bill, "An Act Relating to Municipal Finance." (S. P. 700) (L. D. 1881)

Tabled—January 28, 1972 by Senator Minkowsky of Androscoggin.

Pending—Acceptance of Report.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY of Androscoggin: Mr. President and Members of the Senate: I look upon this particular act, An Act Relating to Municipal Finance, basically in the vein that it is a proliferation of the bureaucratic process of municipal government. Of course, in the City of Lewiston I think we are faced with a dual dilemma, but in this particular instance here I don't think that this bill clearly spells out the intent, and that is for the borrowing capacity for a sewage treatment plant.

I think this bill here can be misconstrued in that it can be used as a vehicle to promote other activities of a bureaucratic system in a municipality. I made an inquiry yesterday insofar as why was this not brought under municipal home rule. That particular

question, I understand, at the present time is still being studied, and I should be receiving an answer, hopefully, within the next week or so.

In my estimation this bill is a little too broad. At the present time, Mr. President and Members of the Senate, I won't make a motion to injure this particular bill, but will let it pass for the time-being so that at least more evaluation can be determined to see if the objections I have raised so far are valid.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Ought to Pass as Amended Report of the Committee?

Thereupon, the Ought to Pass as Amended Report of the Committee was Accepted and the Bill Read Once. Committee Amendment A, Filing No. S-321, was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Mr. Harding of Aroostook was granted unanimous consent to address the Senate.

Mr. HARDING: Mr. President and Members of the Senate: First of all, I would like to say that I think all of us are very fortunate in the State of Maine to have our legislature covered by the press, who I believe do a very fair job and a very complete job, and I think we are blessed with members of the press who take a great deal of pains to find out what is going on in state government and reporting it to the people.

I have always had and I still have a very high regard for a political writer for the Gannett Press because he came from my own home town of Presque Isle that I represent, he graduated from Presque Isle High School and is someone that the school is very proud of. In fact, they inquire about him each of the years I go down to the school to speak. However, I was amazed to read in the Portland Press Herald this past Sunday that although I "made an impassioned speech against the Governor's veto", that I had previously agreed with somebody, although apparently nobody knows who, to change my vote if I had

been successful in getting the Senate to accept my views. Well, I have seen some less than wise performances in this legislature, but nothing would come as close to sheer idiocy as that kind of a performance. If there is one thing that we have to have here, it is the confidence of our fellow Senators that we mean what we say and that we will stick behind what we say.

Now, had anyone cared to check with the following before this article was printed, they would have known that no such agreement ever existed: For example, they might have checked with the Minority Leader of this body, Senator Violette; they might have checked with the Assistant Minority Leader, Senator Conley; they could have checked with the Democratic members of this body who heard my views in caucus; they might have checked with the members of the press who attended the Democratic caucus; they might have checked with the Governor of the State; and each of them would have told them that that was totally without foundation.

Now, I never was contacted for a comment upon this ridiculous charge that appeared in the Sunday Portland Press Herald before it was printed. Of course, the fact is that there was no such agreement made by me with anybody at all.

You know, when something as ridiculous as this is printed about you, you run a risk. You dignify this type of charge by making a formal denial. If you don't deny it, however, you run the risk of somebody saying that it must be so because you did not deny it. In order that there may be no misinterpretation, and that we may use words that everybody can understand, I wish to state categorically that the story is a complete lie.

Now, of course, the fact that my feelings were hurt is beside the point, and I felt real bad about it when I read it on that day, but I got some calls from my constituents and their reaction was much as your reaction was. I mean, anything as ridiculous as that, on its face value is not to be taken very seriously. But one

of my constituents mentioned to me, he said, "You know, if that is the worst that they can concoct against you down there, you may not be in very bad shape at all."

I regret very much that this very able and distinguished columnist was victimized by publishing such a patently ridiculous statement. As I say, I have no bitterness. After all, only my honor and integrity were involved in this story. Of course, those of us who are poor in personal assets, that may be all we have, but we have to risk a great deal to serve the public. However, I am confident that this error will be corrected, and I look forward to mentioning this distinguished columnist again and how proud I am to know him when I go back to address the Presque Isle High School students next year, and I am sure that he will make proper amends once these facts have been brought to his attention. Thank you very much.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate:

Mr. KATZ: Mr. President and Members of the Senate: I want to express my gratitude to the Senator from Aroostook, Senator Harding, for making these remarks this morning because I have to admit that I was really taken aback when I read of the supposed deal, and I say these words sincerely, because it was so out of character, as I know the gentleman, for him to have made such a deal and stand up and make such an effective speech on the other hand. So I am glad to hear it.

I was shaken by two disillusionments on the occasion of reading that. Frankly, I am disillusioned about the direction the vote on the big box has taken, and I was disillusioned reading about the supposed deal on Senator Harding. I am still disillusioned about the big box. And if I get disillusioned about supposed deals in government, I want you to know that

my constituents feel it even more deeply than I do. I want you to know that I am to some degree less proud of being a member of state government today because of the performance of the Governor on this big box deal. I am not speaking for my party; I am speaking for myself as a member of this body and the other body for many, many years, and to some degree I have a feeling that my office and my participation in state government has been degraded by the little shenanigans that are going on between the legal profession and the Governor this week and last.

You will remember that when the question of the income tax referendum came up during the regular session. I have been pretty much a key figure in throwing the income tax down the throat of the people, and at the time it was at a substantial personal injury to myself. I offended the sensibilities and the deep convictions of many members of my party, and yet when it came up for referendum I stood before you and said that I would have no partnership whatsoever in any shenanigans, any cute little deals, any challenging of votes, any putting out cute little questions on the same ballot with the income tax so that the will of the people could be confused. I have a tremendous respect for the right of the people to express themselves in government, and the people justified themselves when it came to the income tax vote. And I feel, as I said, just a little degraded, just a little less proud, that the people apparently are not going to get their day in court with respect to this other referendum until long after the fact next November.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.