

# 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**

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**1st Special Session**

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

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**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Wednesday, February 16, 1972  
Senate called to order by the President.

Prayer by the Rev. Calvin Alexander of Gardiner.

Reading of the Journal of yesterday.

**Senate Papers**

Mr. Hichens of York presented the following Joint Resolution and moved its adoption:

Joint Resolution Memorializing Congress to Call A Convention For The Purpose of Amending The United States Constitution to Permit Voluntary Prayer in Public Schools.

We, your Memorialists, the Senate and House of Representatives of the State of Maine now assembled in the First Special Session of the One Hundred and Fifth Legislature most respectfully present and petition your Honorable Body as follows:

WHEREAS, Article V of the Constitution of the United States grants to the states the right to initiate constitutional change by applications from the legislatures of two-thirds of the several states to the Congress, calling for a constitutional convention; and

WHEREAS, the Congress of the United States is required under the Constitution to call such a convention upon receipt of applications from the legislatures of two-thirds of the several states; now, therefore, be it

RESOLVED: That we, your Memorialists, in accordance with the provisions of Article V of the United States Constitution, do hereby make application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States, which shall provide the offering of voluntary prayer in the public school system; and be it further

RESOLVED: If the Congress shall have proposed an amendment to the Constitution, to the same effect as the foregoing, prior to January 1, 1973, this application for a convention shall no longer be of any force or effect; and be it further

RESOLVED: That certified copies of this memorial be transmitted forthwith by the Secretary of State to the Secretary of the Senate, Clerk of the House of Representatives and the Members of the Ninety-second Congress of the United States elected from the State of Maine and the secretary of the state of each of the several states for transmittal by him to the legislature of his respective state. (S. P. 757)

Which was Read.

On motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending Adoption.

**Orders**

On motion by Mrs. Carswell of Cumberland,

WHEREAS, recent research has shown that physical activities, sports and competitive athletics are a major means of reaching the retarded; and

WHEREAS, here is an area where they can succeed and start building a positive image, gaining confidence and self-mastery as well as physical development; and

WHEREAS, the special olympics program for the mentally retarded will be held in the City of Portland, Maine on June 2 and 3, 1972; and

WHEREAS, the ultimate goal of this program is to create opportunities for sports training and athletic competition for all retarded children; and

WHEREAS, a child improves his performance in the gymnasium and on the playing field; he also improves his performance in the classroom; at home and eventually on the job; and

WHEREAS, Governor Kenneth M. Curtis, Honorary Chairman of Special Olympics, has appointed an honorary committee drawing special attention to this forthcoming event, in support of a better way of life for the retarded; now, therefore, be it

ORDERED, that the Senate registers its support and commendation of this worthwhile and humane effort and forwards this Joint Order forthwith to the House of Representatives for concurrence. (S. P. 759)

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 Taxation on, Bill, "An Act to Encourage Improvement in Forest Growth by Creating a Method of Taxation Based upon the Productivity of Various Classes of Forest Lands." (H. P. 1556) (L. D. 2017)

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 — As Amended**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act Relating to Fees for Marketing and Advertising Farm Products." (H. P. 1448) (L. D. 1891)

Reported that the same Ought to Pass As Amended by Committee Amendment "A" (H-537).

The Committee on Legal Affairs on, Resolve, in Favor of Helen G. Pearson for Injuries Sustained as a State Employee. (H. P. 1540) (L. D. 1998)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-538).

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

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

### **Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Kindling Out-of-door Fires." (H. P. 1480) (L. D. 1923)

Reported that the same Ought to Pass.

Signed:

Senators:

TANOUS of Penobscot  
HARDING of Aroostook

Representatives:

HEWES of Cape Elizabeth  
HENLEY of Norway  
LUND of Augusta  
ORESTIS of Lewiston  
WHEELER of Portland  
KELLEY of Caribou  
CARRIER of Westbrook

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

Signed:

Senator:

QUINN of Penobscot

Representatives:

BAKER of Orrington  
WHITE of Guilford  
PAGE of Fryeburg

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

Which reports were Read.

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

### **Senate**

#### **Ought to Pass — As Amended**

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to the Board of Registration in Medicine." (S. P. 720) (L. D. 1993)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-345)

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.

### **Divided Report**

The Majority of the Committee on State Government on, Bill, "An Act Relating to Guarantees by the State Industrial Building Authority and the Maine Recreation Authority." (S. P. 706) (L. D. 1887)

Reported that the same Ought to Pass.

Signed:

Senators:

JOHNSON of Somerset  
WYMAN of Washington

CLIFFORD

of Androscoggin

Representatives:

SKILLINGS of Berwick

DONAGHY of Lubec

SILVERMAN of Calais

FARRINGTON

of Old Orchard Beach

HODGDON of Kittery

GOODWIN of Bath

MARSTALLER

of Freeport

SHAW of Chelsea

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

Signed:

Representatives:

BUSTIN of Augusta

CURTIS of Orono

COONEY of Webster

Which reports were Read.

On motion by Mr. Violette of Aroostook, tabled and Tomorrow Assigned, pending Acceptance of Either Committee Report.

### Second Readers

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

#### House

Bill, "An Act to Promote Vocational Education." (H. P. 1570) (L. D. 2026)

Bill, "An Act to Distribute Funds Under the State-Municipal Revenue Sharing Act on a Monthly Basis." (H. P. 1571) (L. D. 2028)

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

#### House — As Amended

Bill, "An Act Providing Police Communications Operators for State Police." (H. P. 1451) (L. D. 1894)

Bill, "An Act to Clarify the Laws on Veterans Reemployment Rights in Public Service." (H. P. 1517) (L. D. 1959)

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

#### Senate — As Amended

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

Which was Read a Second Time

and Passed to be Engrossed, as Amended.

Sent down for concurrence.

### Joint Order

Out of order and under suspension of the rules, on motion by Mr. Marcotte of York;

WHEREAS, the Tigers of Biddeford High School achieved a season record at 10 wins and no losses and were the only unbeaten Class A football team in the State for 1971; and

WHEREAS, this championship team ranks first in the State of Maine and records the least points scored against them; and

WHEREAS, the Tigers also have to their credit 5 players who were named to the All-State Team; now, therefore, be it

ORDERED, that we, the Members of the Senate and House of Representatives of the One Hundred and Fifth Legislature now assembled in the First Special Session take this opportunity to recognize and honor the outstanding achievements of this illustrious team and its coaches, Gardner, Wyfe, Garvin, Champagne and Marshall, and wish them continued success in their efforts in the field of sports to bring honor to their school, city and State; and be it further

ORDERED, that copies of this Order, duly attested by the President of the Senate and Speaker of the House, be transmitted forthwith by the Secretary of the Senate to the principal and coaches of Biddeford High School and the Mayor of the City of Biddeford in recognition of this outstanding achievement. (S. P. 760)

Which was Read and Passed.

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

### Enactors

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

An Act Implementing the Reorganization of Department of Military, Civil Defense and Veterans' Services. (H. P. 1542) (L. D. 2014)

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

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: That halo you see around my head this morning is just barely hanging on there. I would hate to let this occasion go by without saying a few words about this particular bill, which is the first bill that the Select Committee on Reorganization heard.

As you recall, this particular bill was not in the original bills that we heard in the beginning on State Government. We worked very hard and got these three departments together and I would like to give a great deal of credit for the cooperation, the work, and the perseverance of the three gentlemen in these departments, who worked so hard to resolve this, and that would be General Hayward, Mr. Levesque and Mr. Washburn. I think that this is probably one of the finest bills that we have come up with, the least controversial, and it is a bill that accomplishes a great deal. I would just like to make these few remarks for the record to compliment these people that helped us in the committee and the Legislature.

The PRESIDENT: The Chair at this time would like to put on the record, and I think it would be the appropriate time to do it, the fact that this Legislature in the State of Maine owes an awful lot to the Committee as a whole, but one gentleman in particular, and that is the Senator from Somerset, Senator Johnson, who has worked long and hard with this committee since the adjournment last June. When I say long and hard, I'm talking about two and three days a week that Senator Johnson has been in Augusta working on these government reorganization bills. And he was able to mold the Committee into a real team so that all these bills, if you have noticed have been coming out as unanimous reports without any partisanship whatsoever. I think the Senate and the House in the State of Maine owe the Senator from Somerset, Senator Johnson, a lot of credit.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by

the Secretary presented to the Governor for his approval.

### Emergency

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)

On motion by Mr. Sewall of Penobscot, tabled and Tomorrow Assigned, pending Enactment.

### (Senate at Ease)

Called to order by the President.

Out of order and under suspension of the rules, the Senate voted to take up the following:

### Papers from the House Enactors

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

An Act relating to the Regulation of Private Detectives. (S. P. 702) (L. D. 1883)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

An Act Appropriating Funds to Survey the Boundaries of Passamaquoddy Tribal Lands. (H. P. 1452) (L. D. 1895)

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

An Act Providing for a Change in Standard Deductions in Income Tax Law. (H. P. 1547) (L. D. 2003)

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

Resolve, Providing for Purchase of Copies of Cyr Plantation Centennial. (H. P. 1456) (L. D. 1899)

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

Resolve, Discharging Plantation of Baring from Indebtedness to the State for Use of School Bus in 1961-62 Prior to Incorporation as a Plantation. (H. P. 1457) (L. D. 1900)

Which was Finally Passed and, having been signed by the

President, was by the Secretary presented to the Governor for his approval.

### Emergency

An Act Providing Funds for Maine Historical Society. (S. P. 710) (L. D. 1984)

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

### Emergency

An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions. (H. P. 1494) (L. D. 1937)

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

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: I request this vote be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested. Under the Constitution, in order for the Chair to order a roll call, 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 Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE of Franklin: Mr. President and Members of the Senate: This bill was debated quite thoroughly when it was before this body previously. It carried the day by a narrow margin and, as you will recall, we pointed out the dangers of passing such legislation in that it established a precedent and would change a provision in the law, Title 28, which permits municipalities to gather fifteen per cent of the registered voters of the previous gubernatorial election and provide them with the opportunity to submit petitions and vote in the general election. We submit that once you change this law you will open up the floodgates to additional requests from other communities.

I don't believe the special session of the Legislature is the proper place to entertain such a bill, and I don't believe that this legislature

has any business making an exception of the law which is working well.

I hope you will vote against this bill and maintain the law as it now is constituted.

The PRESIDENT: The pending question before the Senate is the enactment of Bill, An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions.

The Chair recognizes the Senator from Cumberland, Senator Moore.

Mr. MOORE of Cumberland: Mr. President and Members of the Senate: I had no intention of speaking on this bill; I didn't think it would be debated again. I am not interested in the Town of Dresden, but I do believe that this is an emergency here.

It was brought out in the debate earlier in the Senate that this would increase the tax base in the Town of Dresden, and that is true. But that is not the point that I wanted to bring out to you folks here today. This creates another industry in the Town of Dresden, and I understand that they need it. This would mean that possibly twenty or twenty-five young folks going to school who need some extra money to go to school could be working there during the summer months.

As far as an emergency, we give the people in the Town of Dresden the chance to vote on this bill in March, instead of a year from March, which they would have to do if they went through the regular channels. I believe that this is an emergency, and I hope you vote for it.

The PRESIDENT: Is the Senate ready for the question? The pending question is the enactment of Bill, An Act Authorizing Town of Dresden to Vote on Certain Liquor Local Option Questions. A yes vote will be in favor of enactment, a No vote will be opposed. The Secretary will call the roll.

### ROLL CALL

YEAS: Senators Berry, Carswell, Chick, Clifford, Conley, Dunn, Hoffses, Johnson, Katz, Kellam, Marcotte, Minkovsky, Moore,

Peabody, Schulten, Sewall, Tanous, and Violette.

NAYS: Senators Anderson, Fortier, Graham, Greeley, Harding, Hichens, Martin, Shute, Wyman, and President MacLeod.

ABSENT: Senators Bernard, Danton, Levine and Quinn.

A roll call was had. Eighteen Senators having voted in the affirmative, and ten Senators having voted in the negative, with four Senators being absent, and eighteen being less than two-thirds of the entire elected membership of the Senate, the Bill failed of Enactment in **non-concurrence**.

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

Mr. SHUTE of Franklin: Mr. President, I ask for reconsideration of this vote and ask that you vote against me.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that the Senate reconsider its action whereby this bill failed of enactment. As many Senators as are in favor of reconsideration will please say yes, those opposed No.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr.

President, I respectfully ask for a division.

The PRESIDENT: A division has been requested. As many Senators as are in favor of the motion of the Senator from Franklin, Senator Shute, that the Senate reconsider its action whereby this bill failed of enactment, please rise and remain standing until counted. Those opposed please rise and remain standing until counted.

A division was had. Fifteen Senators having voted in the affirmative, and thirteen Senators having voted in the negative, the motion to reconsider prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

### **Emergency**

Resolve, in Favor of Town of Limestone for Apportionment of Telephone Tax. (H. P. 1454) (L. D. 1897)

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

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

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.