

# 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**

Friday, February 18, 1972

Senate called to order by the President.

Prayer by The Honorable Albert W. Hoffses of Camden.

Reading of the Journal of yesterday.

**Joint Order**

Out of Order and Under Suspension of the rules:

On motion by Mr. Hoffses of Knox,

**ORDERED**, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, February 22, 1972, at 1 o'clock in the afternoon. (S. P. 763)

Which was Read and Passed.

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

**Committee Reports****House****Ought to Pass**

The Committee on Veterans and Retirement on, Bill, "An Act to Revise and Clarify Laws Relating to Group Life Insurance under Maine State Retirement System." (H. P. 1518) (L. D. 1960)

Reported that the same Ought to Pass.

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

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

**Ought to Pass — in New Draft**

The Committee on State Government on, Bill, "An Act Relating to Disclosure of Economic Interests by Legislature." (H. P. 1537) (L. D. 1979)

Reported that the same Ought to Pass in New Draft under Same Title. (H. P. 1572) (L. D. 2029)

Comes from the House, the report Read and Accepted and the Bill, in New Draft, Passed to be Engrossed as Amended by House Amendments "A" (H-543) "D" (H-547) "G" (H-550) and "H" (H-551).

Which report was Read.

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

Assigned, pending Acceptance of the Committee Report.

**Divided Report**

The Majority of the Committee on Judiciary on, Bill, "An Act Relating to Breath-testing Equipment Used Under Implied Consent Law." (H. P. 1530) (L. D. 1973)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-540).

Signed:

Senators:

TANOUS of Penobscot

QUINN of Penobscot

Representatives:

LUND of Augusta

WHITE of Guilford

BAKER of Orrington

CARRIER of Westbrook

HEWES

of Cape Elizabeth

PAGE of Fryeburg

WHEELER of Portland

HENLEY of Norway

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

Signed:

Senator:

HARDING of Aroostook

Representatives:

KELLEY of Caribou

ORESTIS of Lewiston

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, the Majority Ought to Pass Report of the Committee 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.

**Senate****Ought to Pass — As Amended**

Mr. Johnson for the Committee on State Government on, Bill, "An Act Implementing the Reorganization of the Department of Public Safety." (S. P. 718) (L. D. 1991)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-348).

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. Peabody for the Committee on Agriculture on, Bill, "An Act Relating to Clarifying Definitions Relating to the Potato Industry of Maine." (S. P. 686) (L. D. 1867)

Reported that the same Ought to Pass in New Draft Under Same Title. (S. P. 762) (L. D. 2033)

Which report was Read and Accepted and the Bill, in New Draft, Passed to be Engrossed.

#### **Second Readers**

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

##### **House — As Amended**

Bill, "An Act to Provide for Administrative Enforcement of the Municipal Public Employees Labor Relations Law." (H. P. 1548) (L. D. 2007)

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

##### **Senate — As Amended**

Bill, "An Act Implementing the Reorganization of the Department of Agriculture." (S. P. 716) (L. D. 1889)

Which was Read a Second Time.

Mr. Chick of Kennebec presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-349, was Read.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. CHICK: Mr. President and Members of the Senate: I would just like to give a little explanation for this amendment.

This amendment places the Soil Conservation Board under the Department of Agriculture. We in Agriculture feel rather strongly on this for several reasons. No. 1, the board originally was established to work primarily with Agriculture. Secondly, at this time all of the soil conservation work on the federal level is in the U.S. Department of Agriculture. And testimony at the hearing indicated that 75 to 80 per cent of the work is in

the field of agriculture at the present time, and we feel that it makes sense to have this assigned to the Department of Agriculture.

Now there is no feeling on the part of Agriculture people to having work in other fields, but we feel that, by the nature of the organization and its work, the better place for them is in the Department of Agriculture rather than some other department, and for that reason I offer this amendment.

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

Thereupon, on motion by Mr. Violette of Aroostook, tabled and specially assigned for February 22, 1972, pending Adoption of Senate Amendment "A".

#### **Orders of the Day**

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

Senate Report — Be referred to the Committee on State Government from the Committee on Natural Resources on Bill, "An Act to Revise the Maine Land Use Regulation Commission Law." (S. P. 709) (L. D. 1890)

Tabled — February 17, 1972 by Senator Schulten of Sagadahoc.

Pending — Acceptance of Report.

On motion by Mr. Schulten of Sagadahoc, the Bill was substituted for the Committee Report, Read Once, and Tomorrow Assigned for Second Reading.

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

Senate Reports — from 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) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

Tabled — February 17, 1972 by Senator Violette of Aroostook.

Pending — Acceptance of Either Report.

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

Mr. VIOLETTE of Aroostook: Mr. President and Members of the Senate: I have tabled this bill two days now and I hesitate to table it again, so I will not ask that it be tabled again.

I have been trying to get some background information regarding what effect this legislation would have, and the legislation itself would have the effect of reducing the percentage of the guarantee which the state would make under either MIBA or Maine Recreational Authority loans.

I must say that I am somewhat hesitant to support the bill in its present form because I am quite fearful that it may reduce the ability of these institutions to render the services to our state that they have rendered in the past, and that is to assist in promoting industrial and recreational development. While I certainly in no way at all want to impede our review of these institutions in trying to tighten them up so that they may do a better job in screening their loans or in operating their business, but we set these organizations up primarily and first of all, I think, as high risk institutions and to assist in the development of industries in our state, creation of jobs in our state, and to assist these projects which really did carry a high degree of risk, and which the regular loaning agencies were not very interested in handling, both because of the risk and because of their not really wanting to take on long-range financing of industrial projects.

Now, I know that we have had some unfortunate instances in some of the loans which MIBA has made, but we have also had some exceedingly good benefits which have come from them. So I would want to make sure that whatever legislation we enact with regard to these two organizations that we don't in fact place them in a position where they will no longer be useful tools in assisting industrial growth and industrial development in our state, because I think we need the jobs. If you look at the unemployment rate that we have in the state today, I think anybody

would say that whatever we could do to assist in the creation of additional jobs which fit in the pattern of our state today, that we certainly ought to encourage it. So I will make no opposition to the acceptance of whatever report anybody wishes to move for at this point, but I would hope that perhaps I can come up with some amendments that I think would still allow these agencies to render the services to our state, which I hope they would, without really hamstringing their ability to do so.

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

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

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

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)

Tabled — February 17, 1972 by Senator Sewall of Penobscot.

Pending — Enactment.

This being an emergency measure and having received the affirmative vote of 26 members of the Senate was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

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

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

Tabled — February 17, 1972 by Senator Hoffes of Knox.

Pending — Enactment.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Fortier.

Mr. FORTIER of Oxford: Mr. President and Members of the Senate: I appreciate that this bill has probably received debate away

beyond its importance but, as one who signed the Majority Ought Not to Pass Report of the Liquor Control Committee, I felt that I should make my position clear.

This does not depict the usual run of wets against drys. I think the reasoning behind your Liquor Control Committee's reporting out an Ought Not to Pass Report is the fact that we felt this opens up a Pandora's Box. There was no demand on the part of the townspeople for this bill. The townspeople have voted consistently against this type of legislation. The request was made by one individual and primarily supported either by him or people who had a personal interest. I am not questioning that their reasons were sound in their own minds, but they were still personal. If we pass this bill, it simply means that we are telling the people of this state that if one individual does not like any particular law, whether it is a liquor law or any other law, if he can muster up enough lobbyists or if he can do enough work and twist enough arms, that he can be exempted from state statutes.

I don't believe that this is good legislation. Your committee did not believe that it was good legislation. We had by far a great many more

opponents at the hearing than proponents on this bill and, for these reasons, I strongly urge you to vote against enactment.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and specially assigned for February 22, 1972, pending Enactment.

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

Joint Order — Relative to Joint Standing Committees complete their work and report out all Bills, Resolves, and Resolutions no later than Tuesday, February 22, 1972 at 5 p.m. (H. P. 1576)

Tabled — February 17, 1972 by Senator Berry of Cumberland.

Pending — Passage.

On motion by Mr. Berry of Cumberland, retabled and specially assigned for February 22, 1972, pending Passage .

#### (Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Hoffses of Knox, adjourned until Tuesday, February 22, 1972, at 1 o'clock in the afternoon.