

# 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**

**Index**

**KENNEBEC JOURNAL  
AUGUSTA, MAINE**

**SENATE**

Tuesday, February 22, 1972

Senate called to order by the President.

Prayer by the Rev. Thomas Duffy of Hallowell.

Reading of the Journal of yesterday.

**Papers from the House  
Joint Order**

ORDERED, that the Senate concurring, that the Legislative Research Committee is directed to study the subject matter of the Bill, "An Act Creating the Maine Motor Vehicle Certificate of Title and Anti-Theft Act," House Paper 1481, Legislative Document 1924 introduced at the First Special Session of the 105th Legislature, to determine whether the best interests of the State would be served by the enactment of such legislation; and be it further

ORDERED, that the Committee is authorized to accept, to the extent possible, such information and services as the Maine Municipal Association may be willing to provide in the conduct of this study; and be it further

ORDERED, that the State Police, State Highway Commission, Attorney General and Division of Motor Vehicles are respectfully requested to provide the Committee with technical advice and other needed assistance; and be it further

ORDERED, that the Committee report its findings, together with any necessary recommendations or implementing legislation, at the next regular session of the Legislature; and be it further

ORDERED, upon passage of this Order, in concurrence, that each association and agency specified herein be notified accordingly of the pending study. (H. P. 1578)

Comes from the House, Read and Passed.

Which was Read.

(On motion by Mr. Berry of Cumberland, placed on the Special Legislative Research Table.)

**Committee Reports  
House**

**Refer to 106th Legislature**

The Committee on Judiciary on, Bill, "An Act Creating the Maine

Motor Vehicle Certificate of Title and Anti-theft Act." (H. P. 1481) (L. D. 1924)

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.

**Leave to Withdraw**

The Committee on Health and Institutional Services on, Bill, "An Act Relating to the Administration of State Funds Appropriated to Charitable and Benevolent Institutions." (H. P. 1528) (L. D. 1971)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

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

The Committee on County Government on, Bill "An Act Relating to Charges for Keeping Certain Prisoners" (H. P. 1462) (L. D. 1905)

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**

The Committee on Appropriations and Financial Affairs on, Bill, "An Act to Authorize Bond Issue in the Amount of \$8,360,000 for the Construction and Renovation of Higher Education Facilities at the University of Maine." (H. P. 1545) (L. D. 2001)

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.

The Committee on State Government on Bill, "An Act Implementing the Reorganization of the Department of Transportation" (H. P. 1541) (L. D. 2013)

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.

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

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I have no motion to make at this time in relation to this particular bill, but I did want to make an observation that I will have an amendment to present to the body before the second reading stage is dispensed with, and I hope to have that on the desks of everyone tomorrow.

This is an amendment which I think will improve the bill considerably and do a great deal for the State of Maine, if we are in fact interested in making a serious attempt toward consolidating our transportation problems and assets into one body.

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

Mr. DUNN of Oxford: Mr. President and Members of the Senate: I want a chance to vote "yes" or "no" on this bill at sometime or other, and perhaps this is as good a time as any.

It seems to me our Highway Department alone is about as large a department as a person can handle, and I think if you will go around to the local level you will find that there is a chance for a great deal of improvement even in that, as it is now, so I would like a division on accepting this Ought to Pass Report.

The PRESIDENT: As many Senators as are in favor of accepting the Ought to Pass Report of the Committee on Bill, "An Act Implementing the Reorganization of the Department of Transportation" will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative,

and eight Senators having voted in the negative, the Ought to Pass Report of the Committee was Accepted in concurrence, the Bill 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 to Revise and Clarify Laws Relating to Group Life Insurance Under Maine State Retirement System." (H. P. 1518) (L. D. 1960)

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

#### House — As Amended

Bill, "An Act Relating to Breathing Equipment Used Under Implied Consent Law." (H. P. 1530) (L. D. 1973)

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

#### Senate

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

Which was Read a Second Time.

On motion by Mr. Harding of Aroostook, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Which was Read a Second Time.

On motion by Mr. Schulten of Sagadahoc, tabled and specially assigned for February 25, 1972, pending Passage to be Engrossed.

Bill, "An Act Relating to Clarifying Definitions Relating to the Potato Industry of Maine." (S. P. 762) (L. D. 2033)

Which was Read a Second Time.

On motion by Mr. Chick of Kennebec, tabled and Tomorrow Assigned, pending Passage to be Engrossed.

**Senate — As Amended**

Bill, "An Act Implementing the Reorganization of the Department of Public Safety." (S. P. 718) (L. D. 1991)

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 Fees for Marketing and Advertising Farm Products. (H. P. 1448) (L. D. 1891)

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

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

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

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

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

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

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

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

(On motion by Mr. Greeley of Waldo, placed on the Special High-way Appropriations Table.)

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

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

**Emergency**

An Act Relating to Housing and Food Supplies Furnished by State Departments. (H. P. 1504) (L. D. 1946)

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

These being emergency measures and having received the affirmative votes of 28 members of the Senate, 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 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)

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

**Constitutional Amendment**

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. 755) (L. D. 2027)

This being a Constitutional Amendment and having received the affirmative votes of 29 members of the Senate, was Finally Passed and, having been signed by the President, was by the Secretary presented to the Secretary of State.

**Orders of the Day**

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

House Reports — from the Committee on Judiciary on Bill, "An Act Relating to Kindling Out-of-door Fires." (H. P. 1480) (L. D. 1923) Majority Report, Ought to Pass; Minority Report, Ought Not to Pass.

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

Pending — Acceptance of either Report.

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

The President laid before the Senate the second tabled and

specially assigned matter:

House Report — Ought to Pass in New Draft (H. P. 1572) (L. D. 2029) from the Committee on State Government on Bill, "An Act Relating to Disclosure of Economic Interests by Legislators." (H. P. 1537) (L. D. 1979)

Tabled — February 18, 1972 by Senator Harding of Aroostook.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass in New Draft Report of the Committee was Accepted in concurrence and the Bill in New Draft Read Once.

House Amendments "A", "D", "G" and "H" were then Read and Adopted in concurrence.

On motion by Mr. Berry of Cumberland, and under suspension of the rules, the Bill in New Draft was given its Second Reading.

Mr. Harding of Aroostook then presented Senate Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-350, was Read.

The PRESIDENT: The Senator has the floor.

Mr. HARDING: Mr. President and Members of the Senate: Legislative Document 2029, as amended, provides that each candidate for the State Legislature, for the Governor, the Executive Director of the Maine State Housing Authority, the Executive Council, plus the members of the Judiciary, the Attorney General and the department heads of the State of Maine, or the spouse of any of them, make a disclosure under oath of their economic interests.

I think this is a wise law. I spoke in favor of this before the Committee on State Government. I endorsed its concept then and I endorse its concept now. However, there is an enormous omission which has been made from this bill, which I think my amendment will cure. My amendment provides that a legislative counsel or legislative agent, all of whom are commonly referred to as lobbyists, shall be required to make the same disclosure as any of the other people I have just mentioned, plus they will be required at the end of a legislative session to report their source of income in the amount of over \$1,000.

What I ask is: what is wrong with this amendment? Everyone that I have talked with says that it is in order, that they should make the same disclosures as all of the rest of us. But the argument advanced against its adoption is that the lobbyists are so powerful in this body that if we tried to regulate them in the same manner that we regulate ourselves this would mean the defeat of this bill.

I suggest to you that the powers which have been accorded to the lobbyists have been vastly exaggerated. I believe that the members of the Senate speak for themselves and the lobbyists do not speak for us. I believe that the members of the Maine House are able to speak for themselves, and certainly the lobbyists do not speak for them.

It would, I believe, be a tragic day in Maine history if this Legislature were to confess to the people of Maine that the lobbyists of this State, who are elected by no one but are paid by a few, have more power and influence in this body than do we, who are elected by the people, and the members of the Judiciary, the Attorney General and the department heads. Therefore, I hope this amendment will demonstrate to the people of Maine that we are, as Legislators, the masters of our fate insofar as legislation is concerned, and that we cannot be subjected to this powerful group killing this piece of legislation just because we ask them to do what we are willing to do ourselves. So I hope that this amendment may be adopted.

The PRESIDENT: Is it the pleasure of the Senate that Senate Amendment "A" be adopted?

The motion prevailed.

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Passage to be Engrossed in non-concurrence.

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

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

Tabled — February 18, 1972 by Senator Violette of Aroostook.

Pending — Adoption of Senate Amendment "A" — Filing S-349.

On motion by Mr. Violette of Aroostook, retabled and Tomorrow Assigned, pending Adoption of Senate Amendment "A".

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 18, 1972 by Senator Berry of Cumberland.

Pending — Enactment.

Mr. Berry of Cumberland moved that the Bill be retabled and Tomorrow Assigned, pending Enactment.

On motion by Mr. Shute of Franklin, a division was had.

Twenty-two Senators having voted in the affirmative, and five Senators having voted in the negative, the motion prevailed.

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 18, 1972 by Senator Berry of Cumberland.

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.