

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, March 6, 1972

Senate called to order by the President.

Prayer by The Rev. Linwood Welch of Hallowell.

Reading of the Journal of yesterday.

**Papers From The House
Non-concurrent Matter**

Bill, "An Act Reallocating Funds for Professional Contractual Employees for the Joint Standing Committees of the Legislature." (H. P. 1450) (L. D. 1893)

In the Senate March 1, 1972, Passed to be Engrossed as Amended by Committee Amendment "A" (H-559), as Amended by House Amendment "A" (H-574) and Senate Amendments "A" (S-378) and "B" (S-380) Thereto in non-concurrence.

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-559), as Amended by House Amendments "A" (H-574) and "B" (H-624) and Senate Amendments "A" and "B", Thereto, in non-concurrence.

Mr. Berry of Cumberland moved that the Senate Recede and Concur.

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

Mr. VIOLETTE of Aroostook: Mr. President, could somebody explain this amendment? I notice there has been a second amendment added in the other branch, and could somebody explain it possibly before we vote on it?

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The effect of House Amendment 624 is to add the Council to the change in pay scale.

Thereupon, on motion by Mr. Violette of Aroostook, a division was had. Fourteen Senators having voted in the affirmative, and twelve Senators having voted in the negative, the motion to Recede and Concur prevailed.

Non-concurrent Matter

Bill, "An Act Implementing the Reorganization of the Department of Environmental Protection." (S. P. 772) (L. D. 2051)

In the Senate March 1, 1972, Passed to be Engrossed as Amended by Senate Amendment "A" (S-374).

Comes from the House, Passed to be Engrossed as Amended by Senate Amendment "A" and House Amendment "A" (H-594), in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: I move indefinite postponement of House Amendment "A".

Briefly, this was discussed in Committee and it adds one member to the Environmental Commission. There was at least one member, and maybe two or three, who did not like this, however, it came out of Committee with a unanimous report, with no Report "B" or Ought Not to Pass Reports. I think the bill was in good condition or good form when it left the Committee and I, therefore, hope the Senate will indefinitely postpone this amendment.

The PRESIDENT: The Chair will inform the Senator that the Senate is in non-concurrence with the House. The motions that can be made are to recede, recede and concur, to insist or to adhere, and to accomplish the Senator's objective the only motion would be to insist.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Insist.

Sent down for concurrence.

Joint Order

State of Maine

In House March 3, 1972

ORDERED, the Senate concurring, that the moratorium placed on the construction of new regional technical vocational centers by the passage of House Paper 1447 on June 24, 1971 is hereby lifted for the purpose of authorizing the necessary planning needed to establish new proposed regions for

vocational education as outlined in the report on vocational education presented to the 105th Legislature in special session dated January 14, 1972 and that it is the intent of this Order that the moratorium on the construction of new facilities for vocational education at regional centers remain in effect; and be it further

ORDERED, that the Commissioner of Education, with the full cooperation of local governing school bodies and in widespread consultation with teachers and lay citizens, enter into a planning program to provide vocational education opportunities for all high school students in the State of Maine; and be it further

ORDERED, that the planning shall make maximum use of existing facilities, extend vocational programs to areas of the State not now covered, develop career oriented training where the students are and minimize the requirement of pupil transportation; and be it further

ORDERED, that only federal funds may be expended for purposes of this Order; and be it further

ORDERED, that the commissioner is directed to summarize results of his findings and submit a full and complete report to the 106th Legislature in January of 1973 to include proposed legislation, program recommendations and appropriations needed; and be it further

ORDERED, upon passage in concurrence, that a copy of this Order be transmitted forthwith to said Commissioner of Education as notice of this legislative directive.

(H. P. 1604)

Comes from the House, Read and Passed.

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: Several weeks ago the Committee on Education held a public hearing on the question of this green report that came out this session on Vocational Education. Some 400 people attended the session, and this Joint Order is a result. I am sure you will want to

read it and get the implications of it.

The guts of this Joint Order are found, I think, on the bottom of the first page, where it says "it is the intent of this Order that the moratorium on the construction . . . remain in effect." There is no question of raising the moratorium on construction. And on the second page in the second paragraph the indication is that we shall begin planning now for expansion of programs, and in the planning of expansion of programs we should make maximum use of existing facilities.

I think it was a good start in light of the restrictions on anything more daring in this session, and I urge its passage.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order receive passage in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

Orders

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Legislative Research Committee be directed to study the feasibility of using a cost plus formula in place of the existing flat rate for computing reimbursement to boarding and nursing homes which provide services to the State; and be it further

ORDERED, that the State Department of Health and Welfare be respectfully directed to provide such technical advice and other assistance as the committee deems necessary to carry out the purposes of this Order; and be it further

ORDERED, that the Committee report the results of its findings to the next regular session of the Legislature; and be it further

ORDERED, upon passage in concurrence, that a copy of this Order be transmitted to said department as notice of the pending study.

(S. P. 784)

Which was Read.

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

**Committee Reports
House**

The Committee on State Government on,

RESOLUTION, Proposing an Amendment to the Constitution to Abolish the Executive Council and Make Changes in the Matter of Gubernatorial Appointments and Their Confirmation (H. P. 1550) (L. D. 2009)

Reported in Report "A" that the same Ought to Pass in New Draft Under New Title: "RESOLUTION, Proposing an Amendment to the Constitution to Provide for District Election of Executive Council Members." (H. P. 1597) (L. D. 2052)

Signed:

Senator:

JOHNSON of Somerset

Representatives:

STILLINGS of Berwick
MARSTALLER

of Freeport

CURTIS of Orono
DONAGHY of Lubec
HODGDON of Kittery

The same Committee on the same subject matter reported in Report "B" that the same Ought to Pass.

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

BUSTIN of Augusta
GOODWIN of Bath
FARRINGTON

of Old Orchard Beach

The same Committee on the same subject matter reported in Report "C" that the same be referred to the 106th Legislature.

Signed:

Senator:

WYMAN of Washington

Representatives:

SHAW of Chelsea
SILVERMAN of Calais

Comes from the House, Report "B" Read and Accepted and the RESOLUTION Passed to be Engrossed as Amended by House Amendment "B" (H-623).

Which reports were Read.

Mr. Johnson of Somerset then moved that the Senate Accept the Ought to Pass Report "B" of the Committee.

The PRESIDENT: The Senator has the floor.

Mr. JOHNSON of Somerset: Mr. President and Members of the Senate: I think we will all agree here that perhaps this is, as the experts say, a lesson in futility, because it is going to take a two-thirds vote to get these passed.

The other body, of course, accepted the report that there be a legislative council, I believe. The second report provides for the election of the councilors from the elected representatives from their district, which under today's set-up would possibly be five Republicans on the Council and two Democrats. This is the only one that I think possibly might get anywhere and, of course, as I have said before, if the Democrats didn't have this in their platform they wouldn't have anything to run on.

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

Thereupon, the Ought to Pass Report "B" of the Committee was Accepted in concurrence and the Resolution Read Once.

House Amendment "B" was Read and Adopted in concurrence.

Thereupon, on motion by Mr. Berry of Cumberland, and under suspension of the rules, the Resolution, as Amended, was given its Second Reading and Passed to be Engrossed in concurrence.

Orders of the Day

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

Bill, "An Act Relating to Penalty for Sale of Certain Drugs." (H. P. 1582) (L. D. 2040)

Tabled — March 3, 1972 by Senator Tanous of Penobscot.

Pending — Enactment.

On motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned pending Enactment.

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

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. 1986)

Tabled — March 3, 1972 by Senator Tanous of Penobscot.

Pending — Motion by Senator Martin of Piscataquis to Recede and Concur.

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: I urge the members of the Senate to vote against the motion of Senator Martin, and I would request a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President, could I have a slight bit of clarification here as to what we are voting on?

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

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The Senate is in disagreement with the House. The other body has attempted to kill the bill and the Senate has consistently favored the bill, but there is a division of opinion here by a group, albeit somewhat small in number, led by Senator Martin.

I know this was tabled by Senator Tanous, however, in the interest of making some progress here, I am sure that his absence will not affect the outcome, except perhaps by one vote, and he would favor the opposition to the motion of Senator Martin, hence my comment that I hope you would vote against Senator Martin. This is the bill, you will recall, that is going to set up a new court system and make it self-sufficient, keeping the fines for administration of the statewide court system, which will now add the Superior and Supreme Court to the same set-up as the District Court.

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN of Sagadahoc: Mr. President, thank you for the clarification. Now I remember this particular bill.

I might say as a legislator I would be in agreement with the thought behind the bill, that this

be set up on a statewide basis, however, I must admit that the only people that have contacted me on this are people who are directly concerned, as is the usual case, and they are violently opposed to the passage of the bill. Inasmuch as I would like to go along with the Majority Floor Leader, I feel I must go along with Senator Martin.

The PRESIDENT: As many Senators as are in favor of the motion of the Senator from Piscataquis, Senator Martin, that the Senate recede and concur with the House will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Nine Senators having voted in the affirmative and eighteen Senators having voted in the negative, the motion did not prevail.

Thereupon, the Senate voted to Insist.

Sent down for concurrence.

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

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

Tabled — March 3, 1972 by Senator Sewall of Penobscot.

Pending — Consideration.

On motion by Mr. Sewall of Penobscot, the Senate voted to Recede from its prior action whereby the Bill was Passed to be Engrossed.

On further motion by the same Senator, House Amendment "B" was Indefinitely Postponed in non-concurrence.

House Amendment "C" was then Read and Adopted and the Bill, as Amended, Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Enactors

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Relating to Reporting Tumors and Establishing a State-wide Tumor Registry. (S. P. 766) (L. D. 2043)

The same Senator then moved that the Bill be Passed to be Enacted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: This bill was debated very extensively last week. I think the Senate knows that as a matter of conscience I cannot support this bill without the amendment that was offered and declined. Consequently, I shall vote against its enactment, and I request a division.

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

Mr. GRAHAM of Cumberland: Mr. President, I request a roll call.

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 at least 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 Cumberland, Senator Graham.

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: Let us not pick at the scabs of old wounds. I won't say much on this bill. It has been thoroughly debated, as we have already heard.

I would simply remind you that this is a bill which the medical profession believes is of great importance in the fight against cancer. I read you a list of the different medical associations in Maine: the Maine Medical Association, the Maine Hospital Association, the Regional Medical Program, the Osteopaths of Maine, and so on, have favored this bill in the interest of the fight against cancer.

Let me repeat once and for all that this bill does not force anyone to go to a hospital or to a doctor, and this bill does not require a patient, who has been diagnosed as having cancer, it does not require him to accept any form of treatment or therapy.

Let me ask you this question, Members of the Senate: Is it asking too much of a person who has gone to a hospital or physician to receive treatment for cancer, is it too much to ask him to let his case history of cancer be used to help cure others? That is all this bill does, it asks that those who are diagnosed as cancer then allow their case history to be used by medical science in order to fight cancer. I urge you to support this bill.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ of Kennebec: Mr. President and Members of the Senate: I shall not debate the merits of the bill, although I disagree with many of the arguments of the proponents, because I favor the bill. But the basis for my voting against this, and ask you to join with me, is the fact that the bill has been presented with a heavy hand and can be effectively passed with the objections removed.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS of York: Mr. President and Members of the Senate: During the debate last week in considering the amendment I stayed in my seat. I was in favor of the amendment if the bill had to go through, but I am against the bill altogether, so I did not offer my views on the amendment, hoping that I could make the motion to indefinitely postpone the bill. It was subsequently tabled, and so we have it back with us today.

The arguments the other day were on religious rights, but I signed the Minority Ought Not to Pass Report of the Committee because I believe that this bill infringes on the personal rights of everyone, not only on their religious thinking but on their rights to keep secret those things that they do not want publicized throughout the state. We have been told that this would be a confidential report, but I have seen such things before and how confidential they are kept as a matter of record.

We were also told that we needed this record in the State of Maine. Seven other states have register boards, and I feel that if they want to get this information in the State of Maine they can get a comparative idea of what is going on from these other states which, I should think, would be willing to share their information with the State of Maine. So, I think it is an unnecessary expense, and I would like to go along with the Senator from Kennebec, Senator Katz, to indefinitely postpone this bill.

The PRESIDENT: The pending motion is not indefinite postponement. The pending motion is the enactment of this bill.

The Chair recognizes the Senator from Cumberland, Senator Carswell.

Mrs. CARSWELL of Cumberland: Mr. President and Members of the Senate: As I said in debate before in relationship to this bill, I feel that it is very intelligent for us to become aware of the health problems and conditions surrounding them, and I do feel that this legislation should pass.

Now, it seems to me that the State Bureau of Vital Statistics has such information as we are talking about right now. Let's say if somebody passes away, I think in many instances on the certificate of death is recorded the reason, so I really feel that this bill should pass. I don't think it is any invasion of privacy. I think it is protection of the health and well-being of the people of our state.

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

Mr. GRAHAM of Cumberland: Mr. President and Members of the Senate: I would simply point out that there are many diseases which are now already reportable, Tuberculosis is reportable, venereal diseases are reportable, and indeed treatment is compulsory under these diseases. So, I see no objection on any possible grounds of civil liberties or religious freedom that this cancer disease, which is such a killer of our people, should not be reported in order to help fight against cancer and save many lives.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: I just want to reiterate that if this bill will prevent or retard one case of a malignant tumor that will be its justification.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the enactment of Bill, An Act Relating to Reporting Tumors and Establishing a State-wide Tumor Registry. A Yes vote will be in favor of enactment of this bill; a No vote will be opposed.

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Bernard, Berry, Carswell, Chick, Clifford, Conley, Dunn, Graham, Greeley, Harding, Johnson, Kellam, Marcotte, Martin, Moore, Quinn, Sewall, Violette and President MacLeod.

NAYS: Senators Hichens, Hoffses, Katz, Minkowsky, Peabody and Schulten.

ABSENT: Senators Danton, Fortier, Levine, Shute, Tanous and Wyman.

A roll call was had. Twenty Senators having voted in the affirmative, and six Senators having voted in the negative, with six Senators absent, 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.

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

Mr. GRAHAM of Cumberland: Mr. President, having voted on the prevailing side, I now move that the Senate reconsider its action whereby this bill was passed to be enacted.

The PRESIDENT: The Senator from Cumberland, Senator Graham, now moves that the Senate reconsider its action whereby this bill was passed to be enacted. As many Senators as are in favor of the motion to reconsider will please say Yes; those opposed No.

A viva voce vote being taken, the motion did not prevail.

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, an Act Appropriating Funds to Carry Out Duties of the Director of Legislative Research. (S. P. 689) (L. D. 1870)

This being an emergency measure and having received the affirmative votes 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

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

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

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

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

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

Which were Finally Passed and, having been signed by the President were by the Secretary presented to the Governor for his approval.

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Resolve, in Favor of Town of Limestone for Apportionment of Telephone Tax. (H. P. 1454) (L. D. 1897)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate was Finally Passed

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

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

An Act to Exempt Incorporated Volunteer Ambulance Corps from Sales and Use Taxes. (H. P. 1511) (L. D. 1953)

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

An Act Providing Funds to Town of Mattawamkeag to Construct Municipal Buildings Destroyed by Fire. (H. P. 1525) (L. D. 1968)

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

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, 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)

This being an emergency measure and having received the affirmative votes 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.

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

Resolve, Providing a Minimum Service Retirement Under the State Retirement Law for Marion Gates of Phillips; Mae A. Bowden of Coopers Mills and Edith Wiggin Carter of Topsham and Christine B. Delano of Verona and Norman F. Hanson of Eliot. (H. P. 1520) (L. D. 1962)

Resolve, to Correct an Error in the Service Retirement Allowances Under the State Retirement Law

for Linwood A. Webber. (H. P. 1521) (L. D. 1963)

Resolve, Providing a Retirement Allowance Under the State Retirement Law for Mrs. John Howe. (H. P. 1522) (L. D. 1964)

These being emergency measures and having received the affirmative votes of 27 members of the Senate, were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Leo G. Bartlett. (H. P. 1523) (L. D. 1965)

Resolve, Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Emil Arsenault. (H. P. 1524) (L. D. 1966)

These being emergency measures and having received the affirmative votes of 27 members of the Senate were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, Resolve, In favor of Helen G. Pearson for Injuries Sustained as a State Employee. (H. P. 1540) (L. D. 1998)

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

Emergency

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table, An Act Providing Funds for Maine Historical Society. (S. P. 710) (L. D. 1984)

This being an emergency measure and having received the affirmative votes of 27 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.

On motion by Mr. Sewall of Penobscot, the Senate voted to take from the Special Appropriations Table the following matters:

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

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

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

(Off Record Remarks)

On motion by Mr Hoffses of Knox,

Adjourned until 10 o'clock tomorrow morning.