

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, January 4, 1973

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father Douglas M. Morrill of Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 32)

STATE OF MAINE
DIRECTOR OF LEGISLATIVE
RESEARCH
AUGUSTA, MAINE 04330

December 26, 1972

To the Honorable Harry N. Starbranch, Secretary of the Senate of the 106th Legislature

In accordance with the Revised Statutes, Title 3, section 164, subsection 10, I hereby submit the report of the Director of Legislative Research.

Since a new revision of the public laws of Maine was enacted by the 101st Legislature, it is suggested that any criticisms of the 1964 revision, whether constructive or otherwise, be forwarded to the Director for aid in planning future revisions.

To facilitate the work of the Legislature, this office sent letters to each administrative department and each member of the present Legislature pointing out applicable rules and urging the use of the available facilities of the office in the preparation of bills to be introduced. The record shows during the regular and special session of the 105th Legislature the office of the Director processed 2,049 Acts and resolves the 2,317 amendments. Approximately 325 Acts and resolves were drafted prior to convening the present session and it is hoped that such cooperation may be continued and extended in the future.

The members of the Legislature are reminded that the Joint Rules provide that a statement of intent must accompany each bill and amendment, and each bill, resolve and petition must be signed by a member before introduction.

As a final note, in order to continue to promote uniformity of

procedure, to avoid confusion and to permit an orderly transition from revision to revision, it is important that all bills be checked by the office of the Director before presentation to the Legislature. The cooperation of the members of the 106th Legislature in this respect is earnestly requested.

Respectfully,

(Signed)

SAMUEL H. SLOSBERG

Director

Came from the Senate read and placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04330

January 3, 1973

To the Speaker and Members of the House of Representatives of the 106th Legislature:

In anticipation of my written message I am distributing to each member of the Legislature a report by the Advisory Committee appointed to review L.D. 1974, "An Act Relating to Inherent Managerial Functions Under the Municipal Employees Labor Relations Law." I held the bill for study until this session before taking executive action.

Respectfully,

(Signed)

KENNETH M. CURTIS

Governor

The Communication was read and ordered placed on file.

The following Communication: (H. P. 67)

STATE OF MAINE
SPECIAL INTERIM COMMITTEE
ON
LEGISLATIVE STRUCTURE AND
PROCEDURE
STATE HOUSE
AUGUSTA, MAINE 04330

January, 1973

To the Members of the 106th Legislature:

I am pleased to submit for your consideration the Report of the Special Interim Committee on Legislative Structure and Procedure. The committee has

formulated several recommendations directed at strengthening the Maine Legislature.

We have not attempted to point out or resolve all the weaknesses of the Legislature; however, in our deliberations we have achieved consensus on a number of issues. Obviously there were many others which were raised and not pursued; and still others which were not discussed at all.

However modest our recommendations may seem to many, the Committee recognized early in its sessions that partial reform is better than no reform at all, and that first steps, though not revolutionary, are better than the advocacy of sweeping reforms which have little chance of enactment.

The Committee has devoted much time and effort to its study and sincerely hopes that the work of this Committee can be continued.

Respectfully submitted,
(Signed)

RICHARD W. STILLINGS
Chairman

The Communication was read and with accompanying Report ordered placed on file.

Orders

Mr. Keyte of Dexter presented the following Joint Order and moved its passage:

WHEREAS, the Tigers of Dexter Regional High School have won the 1972 Little Ten Football Conference and are Co-Class C Football Champions of the State of Maine; and

WHEREAS, this courageous team has represented their families, school and community well, both on and off the athletic field in the true tradition of champions; and

WHEREAS, the Towns of Dexter, Exeter, Garland and Ripley have joined in support of this winning team and its individual stars with just and victorious pride; now, therefore, be it

ORDERED, the Senate concurring, that the members of the 106th Maine Legislature now assembled in regular session, take this opportunity to commend the Tigers of Dexter High School and

their Head Coach, Charles Collins, for their accomplishment in the field of sports and wish them continued success in their effort to honor their school, community and State; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the principal and coach of SAD 46 and to each of the towns represented. (H. P. 82)

The Joint Order was read and passed and was sent up for concurrence.

On motion of Mr. Trask of Milo, it was

ORDERED, that Mr. McMahon of Kennebunk be excused from attendance for the duration of his illness.

Order Out of Order

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 9, at 10 o'clock in the morning. (S. P. 37)

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

The Speaker announced the appointment of the following House members to the Joint Standing Committees:

Agriculture

Evans of Freedom, House Chairman

Rollins of Dixfield

Pratt of Parsonsfield

Hunter of Benton

Albert of Limestone

Mahany of Easton

Berry of Buxton

Cooney of Sabattus

Morin of Fort Kent

Appropriations and Financial Affairs

Haskell of Houlton, House Chairman

Bragdon of Perham

Norris of Brewer

Sproul of Augusta

Jalbert of Lewiston

Carter of Winslow

Smith of Dover-Foxcroft

Business Legislation

Trask of Milo, House Chairman

Maddox of Vinalhaven

Donaghy of Lubec
 Hamblin of Gorham
 Jackson of Yarmouth
 O'Brien of Portland
 Boudreau of Portland
 Clark of Freeport
 Deshaies of Westbrook
 Tierney of Durham

County Government

Farrington of China, House
 Chairman

Dyar of Strong
 Churchill of Orland
 Hodgdon of Kittery
 McMahon of Kennebunk
 Sheltra of Biddeford
 Pontbriand of Auburn
 Tanguay of Lewiston
 Dam of Skowhegan
 Whitzell of Gardiner

Education

Tyndale of Kennebunkport,
 House Chairman

Bither of Houlton
 Ferris of Waterville
 Lewis of Auburn
 Gahagan of Caribou
 Lawry of Fairfield
 Lynch of Livermore Falls
 Murray of Bangor
 LaCharite of Brunswick

Election Laws

Ross of Bath, House Chairman
 Hoffses of Camden
 Snowe of Auburn
 Willard of Bethel
 Kelley of Machias
 Binnette of Old Town
 Boudreau of Portland
 Hancock of Casco
 Dudley of Enfield

Fisheries and Wildlife

Good of Westfield, House
 Chairman

Parks of Presque Isle
 Kelley of Southport
 Churchill of Orland
 Cameron of Lincoln
 Walker of Island Falls
 Mills of Eastport
 Morin of Fort Kent
 Dow of West Gardiner

Health and Institutional Services

Dyar of Strong, House Chairman
 Berry of Madison
 McCormick of Union
 Soulas of Bangor
 Lewis of Bristol
 Santoro of Portland
 Whitzell of Gardiner
 Goodwin of S. Berwick
 Lapointe of Portland
 Morin of Old Orchard Beach

Human Resources

Ault of Wayne, House Chairman
 Emery of Rockland
 Murchison of Mattawamkeag
 Trumbull of Fryeburg
 Mills of Eastport
 Albert of Limestone
 Talbot of Portland

Judiciary

Baker of Orrington, House
 Chairman

Henley of Norway
 White of Guilford
 Perkins of S. Portland
 McKernan of Bangor
 Carrier of Westbrook
 Wheeler of Portland
 Kilroy of Portland
 Gauthier of Sanford
 Dunleavy of Presque Isle

Labor

Brown of Augusta, House
 Chairman

Rollins of Dixfield
 McNally of Ellsworth
 Flynn of S. Portland
 Garsoe of Cumberland
 Binnette of Old Town
 Chonko of Topsham
 Farley of Biddeford
 Hobbins of Saco
 McHenry of Madawaska

Legal Affairs

Emery of Rockland, House
 Chairman

Brawn of Oakland
 Shaw of Chelsea
 Shute of Stockton Springs
 Cote of Lewiston
 Fecteau of Biddeford
 Dudley of Enfield
 Carey of Waterville
 Faucher of Solon
 Connolly of Portland

Liquor Control

Stillings of Berwick, House
 Chairman

Immonen of West Paris
 Cressey of North Berwick
 Farnham of Hampden
 Barnes of Alton
 Tanguay of Lewiston
 Faucher of Solon
 Kelleher of Bangor
 Genest of Waterville
 Ricker of Lewiston

Marine Resources

Bunker of Gouldsboro, House
 Chairman

Lewis of Bristol
 Shute of Stockton Springs
 Knight of Scarborough
 Brown of Augusta

Davis of Addison
Greenlaw of Stonington
Lacharite of Brunswick
Mulhern of Portland

Natural Resources

MacLeod of Bar Harbor, House
Chairman

Herrick of Harmony
Palmer of Nobleboro
Briggs of Caribou
Huber of Falmouth
Curran of Bangor
Berube of Lewiston
Peterson of Windham
Rolde of York
Smith of Exeter

Public Utilities

Soulas of Bangor, House Chair-
man

Littlefield of Hermon
Chick of Sanford
Trask of Milo
Conley of S. Portland
Kelleher of Bangor
Genest of Waterville
Murray of Bangor
Mulhern of Portland

State Government

Curtis of Orono, House Chairman
Stillings of Berwick
Farnham of Hampden
Snowe of Auburn
Silverman of Calais
Goodwin of Bath
Cooney of Sabattus
Bustin of Augusta
Crommett of Millinocket
Najarian of Portland

Taxation

Susi of Pittsfield, House
Chairman

Finemore of Bridgewater
Immonen of W. Paris
Morton of Farmington
Merrill of Bowdoinham
Cottrell of Portland
Drigotas of Auburn
Dam of Skowhegan
Dow of S. Gardiner
Maxwell of Jay

Transportation

Wood of Brooks, House Chairman
McNally of Ellsworth
Dunn of Poland
Barnes of Alton
McCormick of Union
Berry of Madison
Keyte of Dexter
Fraser of Mexico
Webber of Belfast
Jacques of Lewiston

Veterans and Retirement

Henley of Norway, House
Chairman

Pratt of Parsonsfield
Kelley of Machias
Theriault of Rumford
Berry of Buxton
Lynch of Livermore Falls

Orders of the Day

The Chair laid before the House
the first tabled and today assigned
matter:

Bill "An Act Providing for No-
fault Automobile Insurance Law"
(H. P. 1) (L. D. 1)

Tabled—January 3, 1973, by Mr.
Martin of Eagle Lake.

Pending—Reference.

On motion of Mr. Martin of
Eagle Lake, retabled pending
reference and specially assigned
for Wednesday, January 10, 1973.

Mr. Jalberty of Lewiston was
granted unanimous consent to
address the House.

Mr. JALBERT: Mr. Speaker and
Members of the House: There is
an old adage that pertains to me
and I know to others that if you
are confused a little bit or you
have a problem on Tuesday, you
have until Thursday or Friday if
we adjourn to bail yourself out.
At least with me if it happens on
a Friday why I think about it until
Tuesday and it worries me greatly.
And so last night knowing that this
was the last day of the week this
problem worried me greatly and
I thought about it a great deal
and talked to several people and
I want to explain at least my position
if nothing else and see if I
am right or I am wrong.

I speak about the two orders that
we passed yesterday. Incidentally,
I can see hardly any harm in
having had the thing tabled one
day. We just accepted the report
just a couple of minutes ago, yet
we passed on the report yesterday
morning. In any event, this order
here that was passed, and I am
speaking of the first one, which
called for the hiring of the help
for the legislative leaders was, I
think, and I have voted for it, is
something that was needed, some-
thing that was a long time in
coming and I so spoke on the floor,
as the gentleman from Eagle Lake,

Mr. Martin stated in 1959. I think if he would care to check back he would find I spoke on other occasions about the same thing also in '59. And it was a good enough and valid point.

The other order that I speak of is the second one. The second order, I talked about money. In the second order, in my opinion, and I also voted for, the second order called for an appropriation as was expended, as was recognized by the 105th, of \$60,000. Now in my humble opinion, this order as I stated is, and it is also proper, this order called for the \$60,000. This means, and if I am wrong I would like to have the leadership correct me, once \$60,000 is spent it stops right there. There is no more money unless it is appropriated during this session by an order which would come out of the legislative account as the money for the first order comes out. However, if we are to continue with the order as passed beyond the session, which means the hiring of staff members and secretarial assistants as well as the six people, then in my humble opinion it might have been possible that whatever additional sums as may be necessary to carry out the purpose of this order be included in the legislative appropriations. I think possibly the deck could have been cleared a great deal if that had been put in there. Because, in fact, the Appropriations Committee will have to appropriate, and these are the words I just read, are from the report on page 23; in fact, these two orders have actually a price tag of \$280,000. It would be up to the legislature to appropriate funds in order to carry this out if it is to be beyond, on a permanent basis, beyond adjournment of the legislature.

It is true also, while I am on my feet, that the gentleman from Sanford, Mr. Gauthier, said that I hired Mr. Doyle. The fact of the matter is this. After discussing it with the sub-committee on County Government, of which I was chairman, I told them that we would have so many legal matters pertaining to County Government to study that I couldn't serve as

Chairman unless we had legal assistance. The Committee voted upon this sub-committee. It was brought to the attention of the full committee. It was tabled for one month and then it was acted upon. And that clears that deck.

Concerning the remarks of the gentleman from Pittsfield, Mr. Susi, who served in my opinion admirably well the last session as Floor Leader, and for whom I have a great deal of respect, I think he may be remiss, as far as I am concerned, in saying that I wanted the order tabled to scuttle it or there were some who wanted to do that. It was not my intention at all. It just behooves me, and there has always got to be a little levity for something. It just behooves me a little bit that there might be something somewhere along the line that we could possibly have waited until today. Because actually we accepted this report on page two of today's calendar. Yet, we passed on the rules of this report, and we ordered this report yesterday.

So I think possibly the leadership might take note that some of us might be told what is going on, and if I am incorrect in my remarks, in the price tag that I have put on the amount of this thing, I stand corrected today and I would like to hear it from anybody that wishes to correct me. Thank you very kindly, Mr. Speaker.

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker and Members of the House: I would like to answer the few remarks made by my good friend, Mr. Jalbert from Lewiston. What I said yesterday, that Mr. Jalbert in his statement to the Research Committee, mentioned that this man that they could find for this job, that he was much in favor of, and I agree it was the committee that hired him, it was the Research Committee. But the name he brought up, the name of Mr. Doyle being one of the best men that ever came out of the Attorney General's office that is what I said yesterday.

On motion of Mr. Simpson of
Standish,

Adjourned until T u e s d a y ,
January 9, at ten o'clock in the
morning.