

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 17, 1973

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

Prayer by the Rev. R. O. Richardson of Farmingdale.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 71)

STATE OF MAINE
SENATE CHAMBER
AUGUSTA

January 11, 1973

The Honorable Harry Starbranch
Secretary of the Senate
State House

Augusta, Maine 04330

Dear Mr. Starbranch:

Attached hereto is the final report of the Joint Interim Legislative Committee to Study the Department of Health and Welfare appointed pursuant to Senate Paper 107.

Very truly yours,

(Signed) RICHARD N. BERRY
Senate Majority Leader

Came from the Senate read and with accompanying papers ordered placed on file.

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

Bills and Resolves from the Senate requiring reference were disposed of in concurrence.

Reports of Committee Ought to Pass

Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act Authorizing Use of the Name Friends of Maine Medical Center" (S. P. 6) (L. D. 33)

Report of the same Committee reporting same on Bill "An Act Changing Name of Dance, Incorporated" (S. P. 8) (L. D. 61)

Report of the same Committee reporting same on Bill "An Act Changing Name of Family Planning Association of the Pine Tree State, Inc." (S. P. 9) (L. D. 62)

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read once and assigned for second reading tomorrow.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort to the rostrum the gentleman from Eagle Lake, Mr. Martin, for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Martin assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Relating to Costs of Administration of Food Stamp Program" (H. P. 165) (Presented by Mrs. Berube of Lewiston)

Bill "An Act Appropriating Funds for an International Arrivals Building at Bangor International Airport" (H. P. 175) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 182) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Risk Sharing Plans in the Field of Property Insurance" (H. P. 189) (Presented by Mr. O'Brien of Portland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Authorize Satellite Centers for Vocational Education" (H. P. 176) (Presented by Mr. Silverman of Calais)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to Adding Zip Code Numbers to Voting Lists" (H. P. 172) (Presented by Mr. Snowe of Auburn)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to Possession of Firearm During Open Season on Deer after Deer Registered" (H. P. 159) (Presented by Mr. Kelley of Southport)

Bill "An Act Relating to Hunting from Public Ways" (H. P. 160) (Presented by the same gentleman)

Bill "An Act Relating to Minimum Length of Trout in Maine Ponds, Brooks and Streams" (H. P. 174) (Presented by Mr. Farrington of China)

Bill "An Act Relating to Penalty for Not Having a License Issued under Fish and Game Laws" (H. P. 185) (Presented by Mr. Birt of East Millinocket)

Bill "An Act Extending Open Season on Bear" (H. P. 187) (Presented by the same gentleman)

Bill "An Act Relating to Hunting Bear with Dogs" (H. P. 191) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings" (H. P. 161) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Relating to the Rendering of Treatment and Services to Minors for Drug Abuse without Parental Consent" (H. P. 163) (Presented by Mr. Silverman of Calais)

Bill "An Act Prohibiting the Sale of Air Guns" (H. P. 170) (Presented by Mr. Walker of Island Falls)

Resolution Proposing an Amendment to the Constitution to Implement the Administration of Justice by Permitting Eight-man Juries for Trials of Certain Criminal Cases (H. P. 173) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Revising the Boiler Law to Include Certain Pressure Vessels" (H. P. 164) (Presented by Mr. Sproul of Augusta)

Bill "An Act Relating to Classes or Grades of Engineers' and Firemen's Licenses" (H. P. 166) (Presented by the same gentleman)

Bill "An Act Relating to Recording Municipal Ordinances Relating to Land Control" (H. P. 177) (Presented by Mr. McNally of Ellsworth)

Bill "An Act Relating to Inspection Methods and Frequencies of Steel Hot Water Heating Boilers" (H. P. 179) (Presented by Mr. Sproul of Augusta)

Bill "An Act Relating to Distribution of Advertising Material" (H. P. 180) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption" (H. P. 184) (Presented by Mr. Faucher of Solon)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Classifying Pleasant Lake, Aroostook County" (H. P. 171) (Presented by Mr. Walker of Island Falls)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Board of Trustees of Bath Water District" (H. P. 158) (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Increasing Salary of County Attorney of Sagadahoc County" (H. P. 162) (Presented by Mr. Ross of Bath) (By request)

Bill "An Act Relating to Membership on Board of Elevator Rules and Regulations" (H. P. 167) (Presented by Mr. Sproul of Augusta)

Bill "An Act Designating Remembrance of Martin Luther

King a Legal Holiday" (H. P. 168)
(Presented by Mr. Talbot of Portland)

Bill "An Act to Clarify the Municipal Records Law" (H. P. 178)
(Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting from the Sales Tax Sales to Nonprofit Corporations Delivering Health Care" (H. P. 157) (Presented by Mr. Donaghy of Lubec)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Authorize the Construction of a Bypass of the Built-up Area of Wiscasset" (H. P. 169) (Presented by Mr. Kelley of Southport)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Service Retirement of State Mental Institution Employees" (H. P. 181)
(Presented by Mr. Soulas of Bangor)

Bill "An Act Relating to Service Retirement Allowance for Employees of the Department of Transportation, Maintenance Division" (H. P. 183) (Presented by Mr. Faucher of Solon)

(Ordered Printed)

Sent up for concurrence.

Mr. Simpson of Standish presented the following Joint Resolution and moved its adoption:

WHEREAS, on the 20th day of January, 1973, Richard M. Nixon will be inaugurated for a second term as President of these United States of America; and

WHEREAS, the people of this nation through a free and open election process have clearly placed their faith, trust and confidence in Richard M. Nixon; and

WHEREAS, all Americans sincerely pray that the next four years be years filled with peace in the world and prosperity at home; now, therefore, be it

RESOLVED: That, We, the Members of the 106th Legislature of the great and sovereign State

of Maine, now assembled, extend our heartiest congratulations to President Richard M. Nixon and Vice President Spiro T. Agnew on the occasion of their second inauguration; and be it further

RESOLVED: That a duly attested copy of this Resolution be transmitted forthwith by the Secretary of State to the Chief Executive of these United States in honor of the occasion. (H. P. 193)

The Joint Resolution was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, I would like to be recorded as opposed to this resolution.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

On motion of Mrs. McCormick of Union, it was

ORDERED, that Claude N. Trask, Cecil H. McNally, Walter W. Cameron and James C. MacLeod be excused for one day, Thursday, January 18, 1973, to attend the President's Inauguration Address.

At this point, Speaker Hewes returned to the rostrum.

SPEAKER HEWES: The Chair commends the gentleman from Eagle Lake and the Chair thanks him.

Thereupon, the Sergeant-at-Arms escorted Mr. Martin to his seat on the floor and Speaker Hewes resumed the Chair.

Orders of the Day

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

Bill "An Act Relating to the Public Reserved Lots in the Unorganized Territory" (H. P. 25) (L. D. 25)

Tabled — January 16, by Mr. Simpson of Standish.

Pending — Reference

Thereupon, the Bill was referred to the Committee on Public Lands in concurrence.

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

Resolve Authorizing the Forest Commissioner to Convey by Sale the Interest of the State in Certain Land in Piscataquis County" (H. P. 33) (L. D. 40)

Tabled — January 16, by Mr. Birt of East Millinocket.

Pending — Reference

Thereupon, the Resolve was referred to the Committee on Public Lands in concurrence.

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

Bill "An Act Relating to Sale of Timber Stumpage on the Public Reserved Lands" (H. P. 73) (L. D. 86)

Tabled — January 16, by Mr. Ault of Wayne.

Pending — Reference

Thereupon, the Bill was referred to the Committee on Public Lands in concurrence.

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

Bill "An Act Providing a Moratorium on Cutting Timber and Grass on the Public Reserved Lots" (S. P. 7) (L. D. 34)

Tabled — January 16, by Mr. Simpson of Standish.

Pending — Reference

Thereupon, the Bill was referred to the Committee on Public Lands in concurrence.

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

Bill "An Act Creating a Committee to Locate All of the Public Reserved Lands in the State" (H. P. 133)

Tabled — January 16, by Mr. Birt of East Millinocket.

Pending — Reference

Thereupon, the Bill was referred to the Committee on Public Lands in concurrence.

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

Bill "An Act Relating to Animal Welfare" (S. P. 42) (L. D. 98)

Tabled — January 16, by Mr. Evans of Freedom.

Pending — Reference

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Ladies and Gentlemen of the House: State Government is the Committee which is responsible for overseeing the organization of state government, and it was my concern yesterday that possibly this bill might be creating an important new division within a body of state government. After further analysis of the bill it seems that other policy matters would require that this bill more logically be sent to the Committee on Agriculture. So I would like to withdraw my motion to send the bill to State Government.

Thereupon, Mr. Curtis of Orono withdrew his motion that this be referred to the Committee on State Government.

The Bill was referred to the Committee on Agriculture in non-concurrence and sent up for concurrence.

At this point, the Speaker appointed the following House member to the Joint Standing Committee:

Veterans and Retirement

Gahagan of Caribou

In accordance with Title 20, Maine Revised Statutes, Section 2903, the Speaker appointed Mr. Bither of Houlton to the Maine Education Council.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My remarks this morning will be merely of a suggestive nature. It is not my intention in the least to usurp anybody's powers, anybody's prerogative. I am just going to touch on a subject that was close to me at one time that I was involved in and make a suggestion to you for what it is worth.

I speak on this beleaguered topic called conflict of interest. It was about a year ago that at my own request I asked the conflict of interest to rule as to whether or not I was in conflict of interest in serving on the subcommittee of

the Legislative Research Committee. I was told by their chairman that I was not. I offered to resign from the committee. He refused to accept my resignation. I pursued the topic further, and I asked for a hearing by the Legislative Ethics Committee which was made up of the leadership of both parties, exclusive of the assistant leaders. The Committee of Legislative Ethics is made up of the President of the Senate, the Speaker of the House and the leaders of both the Democrat and the Republican party in the House and Senate.

The matter, as you probably know, carried quite a lot of space in the press. It got to a point where my employer, for whom I have a tremendous amount of personal respect, suggested to me that I might want to withdraw myself from the subcommittee. I had by that time built myself in that I was not in conflict and stated that as much as I loved my work that before I did I would resign my employment which would have really chagrined me, not because of the monetary results from my efforts of work but because of my personal feeling for my employer. The result was that I was declared by a vote of 6-0 not in conflict of interest, notwithstanding the fact that possibly one or two had reservations.

I might state, because I don't think I ever get up on my feet without entertaining some philosophy of levity, I might state that it was my opinion that it could have been possible that some members of the Legislative Ethics Committee themselves could have found themselves under pressure somewhere along the line in conflict of interest. And that is the reason why I am on my feet, added to my own personal reasons.

I would suggest to the membership that they might think of the idea of looking the situation, looking the legislation that is before us over. If they find that they might there might be a possibility in their mind that they might be in conflict of interest, instead of having a hearing, instead of the newspapers trailer the thing over back and forth, instead of having the headlines say, "Jalbert not in

conflict" or "Jalbert in conflict," bearing in mind that no one wins an argument anyway, it leaves just that little tinge that I personally dislike. I think it might be possible that this might avert a great deal of conflict within ourselves; it might relieve the Legislative Ethics Committee, it might possibly avoid a great deal of embarrassment should the problem be one that might be of a serious nature.

My remarks are only made, Mr. Speaker, on a suggestive basis, probably based on the fact of the few semesters I have been around. I think it might be an idea if you could only go to one of the members of the leadership and say there might be a question on this thing here, what do you think? The answer might be resolved very easily and very quickly without any embarrassment whatever. I thank you for your attention.

Mr. Emery of Rockland presented the following Order out of order and moved its passage:

WHEREAS, the Honorable Hayes E. Gahagan has taken in marriage for tomorrow and forever the hand of Linda Stone; and

WHEREAS, this special event occurred on Saturday the 13th day of January at the University of Maine chapel at Orono in the company of witnesses; and

WHEREAS, the union which has taken place was shaped by love and has cast tender rays of joy throughout our land; now, therefore, be it

ORDERED, that congratulations and best wishes of friends and colleagues in the Legislature be immediately extended to the Honorable Mr. and Mrs. Hayes E. Gahagan on the occasion of their wedding; and be it further

ORDERED, that a suitable copy of the Order be transmitted forthwith to the Gahagans to convey these sentiments.

The Order received passage. (Applause — Members rising)

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption:

WHEREAS, the flags of our republic were lowered in deep

sorrow on December 26, 1972, with the passing of the late Harry S. Truman, 33rd President of the United States of America; and

WHEREAS, he is remembered as a "common man" who employed a "give 'em hell" technique to advance his conception of the President as champion of "the people;" and

WHEREAS, his achievements are too numerous to account but few will forget the Truman Doctrine, the Fair Deal, the Berlin Airlift, the close of World War II, the Marshall Plan, the North Atlantic Treaty Organization, the establishment of the United Nations and the blessed defense of Western Civilization; now, therefore, be it

RESOLVED, in concurrence, that when We, the Members of the

Senate and House of Representatives of the 106th Legislature of the State of Maine adjourn this day, we do so in honor and out of respect to his memory; and be it further

RESOLVED: that a copy of this resolution, suitably engrossed and attested on our behalf by our presiding officers, be transmitted to the family of the deceased. (H. P. 192)

The Joint Resolution was read and adopted and sent up for concurrence.

The members stood for a moment of silence out of respect to the memory of the late Harry S. Truman.

Thereupon, the House adjourned until ten o'clock tomorrow morning.