

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

Thursday, January 18, 1973

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

Prayer by the Rev. Mr. Perley Kelley of Randolph.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Communication: (S. P. 82)

January 15, 1973

To the Members of the 106th Legislature
Gentlemen:

Pursuant to the Joint Order of the 105th Legislature enacted March 10, 1972, the Maine Industrial Building Authority reports the following to the 106th Legislature:

After studying and considering the Miner-Schaeffer Report and the opinion of counsel, copy of which opinion is attached as a part of this report, the Authority has found no basis for any new prosecution by the Authority at this time against Vahlsing Inc., Fred H. Vahlsing, Jr., and any corporation owned or controlled by F. H. Vahlsing, Jr., to recover any money or property which may have been paid by or diverted from Maine Sugar Industries, Inc.

The question raised by the Joint Order of March 10 as to possible causes of action on behalf of the taxpayers of the State is one which the Authority believes should be determined by the Attorney General.

Very truly yours,
MAINE INDUSTRIAL BUILDING
AUTHORITY

(Signed)

JOSEPH KINNEY, JR.

Chairman

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.

From the Senate: The following Order: (S. P. 81)

ORDERED, the House concurring, that any legislator may be reimbursed for expenses for

ferry service tolls upon submitting a receipt. In such cases, the mileage shall be computed from the mainland port to Augusta and return.

Came from the Senate read and passed.

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

From the Senate: The following Order: (S. P. 84)

ORDERED, the House concurring, that the President of the Senate and the Speaker of the House, are each authorized, during the periods when the Legislature is not in session, to direct that officers and employees of their respective branches shall attend to such duties and work as the President and Speaker may deem necessary. The compensation of the said officers and employees shall be the same as paid them during a regular or special session of the Legislature and shall be paid and certified in accordance with Joint Rule 5.

Came from the Senate read and passed.

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

Bills and Resolve from the Senate requiring reference were disposed of in concurrence, with the following exceptions:

Bill "An Act Relating to Books for Recording in Office of Register of Deeds" (S. P. 63) (L. D. 166)

Came from the Senate referred to the Committee on Judiciary.

In the House: On motion of Mr. Farrington of South China, referred to the Committee on County Government in non-concurrence and set up for concurrence.

Tabled and Assigned

Resolve Authorizing Alton Worth of Fairfield to bring Action Against the State of Maine (S. P. 66) (L. D. 168)

Came from the Senate referred to the Committee on Legal Affairs.

In the House:

The SPEAKER: The chair recognizes the gentleman from Norway, Mr. Henley.

Mr. HENLEY: Mr. Speaker, I move that item 9 be referred to

the Committee on Judiciary in non-concurrence.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that item 9 be referred to the Committee on Judiciary in non-concurrence.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Henley of Norway that this Resolve be referred to the Committee on Judiciary in non-concurrence and specially assigned for Tuesday, January 23.

Messages and Documents

The following Communication:

State of Maine
Office of the Governor
Augusta

January 17, 1973

Communication

Honorable Members of the House of Representatives of the 106th Legislature:

In a separate written report I am presenting today my Special Message on Tax Reform. It contains specific proposals for relief and reform of the property tax and suggests a number of other changes in public finance that the Legislature may wish to consider.

During the months ahead I look forward to working with you in developing a meaningful tax reform program for the benefit of Maine people.

Respectfully,

(Signed)

KENNETH M. CURTIS
Governor

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

Petitions, Bills and Resolves Requiring Reference

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

County Government

Bill "An Act Creating York County Commissioner Districts" (H. P. 199) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act to Permit County Commissioners to Assess Town-

ships for Use of Dumps" (H. P. 207) (Presented by Mr. Dyar of Strong)

Bill "An Act Permitting the Commissioners of Franklin County to Transfer Bridge Account Moneys" (H. P. 209) (Presented by the same gentleman)

Bill "An Act Relating to Effective Date of Salary Increases of County Officers" (H. P. 210) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Orders 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 23, at 10 o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Clerk of the House be authorized to hire a temporary House Reporter at the rate of pay as the present House Reporter for such period as the Clerk deems necessary. (S. P. 120)

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate is directed to carry forthwith to the Secretary of State S. P. 706 - L. D. 1887, An Act Relating to Guarantees by the Maine Industrial Building Authority. (S. P. 121)

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Joint Standing Committee on State Government report out a bill that will effect necessary changes to the Maine Industrial Building Authority law. (S. P. 122)

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

Education

Bill "An Act to Authorize Satellite Centers for Vocational Education" (H. P. 219) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Increasing Nonresident Hunting License Fee" (H. P. 188) (Presented by Mr. Tynedale of Kennebunkport)

Bill "An Act Relating to Penalty for Night Hunting" (H. P. 197) (Presented by Mr. Walker of Island Falls)

(Ordered Printed)

Sent up for concurrence

Human Resources

Bill "An Act Relating to Census and Membership in the Passamaquoddy Tribe of Indians" (H. P. 215) (Presented by Mr. Mills of Eastport)

Bill "An Act Relating to Biennial Elections of the Passamaquoddy Tribe of Indians" (H. P. 218) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Penalty for Reckless Driving" (H. P. 195) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act Relating to Penalty for Death Caused by Violation of Law by Operator of Motor Vehicle" (H. P. 201) (Presented by the same gentleman)

Bill "An Act Relating to Penalty for Recklessly Causing Death by Operation of a Motor Vehicle" (H.

P. 202) (Presented by the same gentleman)

Bill "An Act Relating to Suspension of Original Motor Vehicle Operator's License" (H. P. 204) (Presented by Mrs. Berube of Lewiston)

Bill "An Act Relating to Lands on Indian Township, Washington County, Acquired by the State" (H. P. 205) (Presented by Mr. Mills of Eastport)

Bill "An Act Relating to Penalty for Burglary" (H. P. 206) (Presented by Mr. Farrington of China)

Bill "An Act Relating to Actions for Money Due Indian Tribes and for Injuries Done to Tribal Lands" (H. P. 211) (Presented by Mr. Mills of Eastport)

Bill "An Act to Provide Special Probation in Criminal Nonsupport Cases" (H. P. 222) (Presented by Mr. Binnette of Old Town)

Bill "An Act Relating to Penalty for Failure to Stop Vehicles on Signal of Officer Enforcing Fish and Game Laws" (H. P. 225) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Increasing Renewal Fee of Certificate to Practice Chiropractic and Increasing Compensation of Board of Chiropractic Examination and Registration" (H. P. 224) (Presented by Mrs. Najarian of Portland)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Labor.

On motion of Mr. Dyar of Strong, referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Bridge Academy" (H. P. 196) (Presented by Mr. Lewis of Bristol)

Bill "An Act Relating to Designation of an Official in Absence or Disability of Town Manager" (H. P. 198) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act Changing the Name of the Research and Education Trust" (H. P. 200) (Presented by Mr. Bustin of Augusta)
(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act Limiting Fishing in Certain Waters to Indians" (H. P. 208) (Presented by Mr. Mills of Eastport)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Regulate Sewer Utilities" (H. P. 190) (Presented by Mr. Tyndale of Kennebunkport)
Bill "An Act Regulating Community Antennae Television Systems by Public Utilities Commission" (H. P. 227) (Presented by Mr. Soulas of Bangor) (By request)
(Ordered Printed)
Sent up for concurrence.

State Government

Resolution Proposing an Amendment to the Constitution to Provide for Indian Representatives to the Legislature" (H. P. 214) (Presented by Mr. Mills of Eastport)
(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Relating to Interest and Penalties with Respect to Motor Fuel Taxes" (H. P. 217) (Presented by Mr. Susi of Pittsfield)

Bill "An Act Relating to Administration of the State Income Tax" (H. P. 220) (Presented by the same gentleman)

Bill "An Act Exempting New Machinery and Equipment used for Manufacturing and Research from Sales and Use Tax" (H. P. 221) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide a Feasibility Study for a Turnpike

Facility from Houlton to Van Buren" (H. P. 223) (Presented by Mr. Briggs of Caribou)
(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Resolve, to Reimburse Mount Hope Cemetery Corporation of Bangor for Property Damage by Highway Maintenance (H. P. 226) (Presented by Mr. Soulas of Bangor)

Committee on Reference of Bills suggested that the Bill be referred to the Committee on Transportation.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, I move that item 31 be referred to the Committee on Legal Affairs.

Whereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Brawn of Oakland to refer to the Committee on Legal Affairs and specially assigned for Tuesday, January 23.

Veterans and Retirement

Bill "An Act Relating to Military Service Credits Under Maine State Retirement System" (H. P. 194) (Presented by Mr. Brown of Augusta)

Resolve Providing a Minimum Service Retirement Allowance Under the State Retirement Law for Mildred Beryl Foss of Lincoln (H. P. 203) (Presented by Mr. Cameron of Lincoln)

Bill "An Act Relating to Service Retirement of Employees in Direct Contact with Patients at State Hospitals" (H. P. 212) (Presented by Mr. Kelleher of Bangor)

Resolve Providing a Minimum Service Retirement Allowance under the State Retirement Law for Miss Mildred Keene (H. P. 213) (Presented by Mr. Rollins of Dixfield)

Bill "An Act to Replace Lump Sum Financing of State Employees Retirement with Percentage Financing Based Upon Payrolls Paid" (H. P. 216) (Presented by Mr. Rolde of York)

(Ordered Printed)
Sent up for concurrence.

Orders

On motion of Mrs. McCormick of Union, it was

ORDERED, that Rodney E. Ross, Jr. be excused for the duration of his illness.

At this point, the Speaker appointed Peter Dooley as Assistant Sergeant-at-Arms.

House Reports of Committees Ought Not to Pass

Mr. Sproul from the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Providing Funds for State Government Internship Program" (H. P. 106) (L. D. 126)

In accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

Consent Calendar

The following items bear a unanimous ought to pass report by the committees to which they were referred. Unless there is objection, the items will remain on the Consent Calendar for two legislative days and at the termination of the second day will be considered as passed to be engrossed.

First Day Ought to Pass

Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 6" (H. P. 43) (L. D. 50) was reported Ought to pass by the Committee on Education.

Resolve to Reimburse William Rich of Buckfield for Loss of Bee Hives by Bear (H. P. 16) (L. D. 16) was reported same by the Committee on Legal Affairs.

Resolve to Reimburse Merlin Foster of Littleton for Loss of Heifer by Dogs (H. P. 40) (L. D. 47) was reported same by same Committee.

Bill "An Act to Change the Name of Gammon Pond, York County, to Perry Pond" (H. P. 56) (L. D. 66) was reported same by same Committee.

Ought to Pass with Committee Amendment

Resolve Reimbursing Mars Hill Utility District for Bonds Issued

for Sewer Construction (H. P. 65) (L. D. 80) was reported Ought to pass as amended by Committee Amendment "A" (H-3) by the Committee on Appropriations and Financial Affairs.

Bill "An Act Increasing Compensation of Assistant Secretary of the Senate and the Assistant Clerk of the House of Representatives" (H. P. 76) (L. D. 89) was reported Ought to pass as amended by Committee Amendment "A" (H-5) by the same Committee.

Bill "An Act Increasing the Borrowing Capacity of Bucksport School District" (H. P. 71) (L. D. 84) was reported Ought to pass as amended by Committee Amendment "A" (H-4) by the Committee on Education.

Second Readers

Tabled and Assigned

Bill "An Act Authorizing Use of the Name Friends of Maine Medical Center" (S. P. 6) (L. D. 33)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Emery of Rockland, tabled pending passage to be engrossed and specially assigned for Wednesday, January 24.)

Tabled and Assigned

Bill "An Act Changing Name of Dance, Incorporated" (S. P. 8) (L. D. 61)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Shute of Stockton Springs, tabled pending passage to be engrossed and specially assigned for Wednesday, January 24.)

Tabled and Assigned

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

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Shaw of Chelsea, tabled pending passage to be engrossed and specially assigned for Wednesday, January 24.)

On motion by Mr. Birt of East Adjourned until T u e s d a y ,
Millinocket, January 23, at ten o'clock in the
 morning.