

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

Tuesday, January 23, 1973

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

Prayer by the Rev. Mr. Harry L. Starbuck of Augusta.

The members stood at attention during the playing of the National Anthem by the S.A.D. 36 Band from Livermore Falls.

The journal of the previous session was read and approved.

Papers from the Senate Non-Concurrent Matter Tabled and Assigned

Bill "An Act Providing for Mandatory Jail Sentences for Night Hunting" (H. P. 153) (L. D. 186) which was referred to the Committee on Fisheries and Wildlife in the House on January 16.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

In the House:

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

Mr. HENLEY: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Norway, Mr. Henley, moves that this matter be referred to the Committee on Judiciary in concurrence.

Thereupon, on motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Henley of Norway to recede and concur and tomorrow assigned.

Tabled and Assigned

From the Senate: The following Joint Resolution: (S. P. 83)

We, your Memorialists, the Senate and House of Representatives of the State of Maine in Regular Session of the One Hundred and Sixth Legislative Session now assembled, most respectfully present and petition the Honorable Winton M. Blount, Postmaster General and the United States Congress as follows:

WHEREAS, Postal service in the State of Maine has greatly deteriorated as the result of suspension of highway post-office

service and the institution of central sorting; and

WHEREAS, the altered service has seriously impaired communication between rural communities, particularly, imposing new handicaps upon rural enterprise and interfering with historic geographic relationships between neighboring towns; and

WHEREAS, for a generation, Federal and State leaders have urged the dispersal of overcrowded population and commercial activities of urban to rural areas, while new policies of the postal service continue to concentrate employment and enterprise in urban centers; and

WHEREAS, an efficient postal service with prompt delivery into and out of rural areas as well as between rural points is essential to the social well-being, cultural improvement and economic health of rural Maine; now, therefore, be it

RESOLVED: That we, your Memorialists, hereby record our dissatisfaction with the existing postal service afforded the Citizens of this State, and respectfully urge and petition said Postmaster General and the Congress of the United States, to take appropriate action to bring the United States Postal Service into conformity with other federal policies aimed at the preservation of rural life and to restore those standards of efficiency, economy and level of postal services in the State of Maine which previously prevailed; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be immediately transmitted by the Secretary of State to the Postmaster General of the United States, to the Senate and House of Representatives in Congress and to the Members of the said Senate and House of Representatives from this State.

Came from the Senate read and adopted as amended by Senate Amendment "A" (S-2).

In the House, the Joint Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentleman of the House: I would like to draw your attention to this order, Under section, "Resolved," it says, "We hereby record our dissatisfaction with the existing postal service afforded the citizens of this state."

I wonder if we have given sufficient deliberation to this. I haven't heard discussion on it. I don't know that this is recognized to be an issue and I wonder if we are to embark on a course of just passing a resolution condemning anything that any one of us is concerned about without the deliberation that anything as widespread as this deserves.

We aren't undermining our whole process here. I think that if we wish to take this action, we should give it more consideration than we have and I think it would warrant tabling at this time.

On motion of Mr. Simpson of Standish, tabled pending adoption and tomorrow assigned.

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

Agriculture

Bill "An Act Revising the Maine Egg Grading Law" (H. P. 230) (Presented by Mr. Smith of Exeter)

Bill "An Act Relating to Federal and State Standards and Labeling of Milk and Milk Products" (H. P. 234) (Presented by Mr. Evans of Freedom)

Bill "An Act Relating to Animal Disease Appraisal and Indemnity" (H. P. 251) (Presented by the same gentleman)

Bill "An Act Placing the Board of Veterinary Examiners within the Department of Agriculture" (H. P. 253) (Presented by the same gentleman)

Bill "An Act Relating to Brucellosis" (H. P. 255) (Presented by the same gentleman)

Bill "An Act to Amend the Maine Commercial Feed Law of 1971" (H. P. 259) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds for Overtime in State Employment and Establishing Hours for a Work Day for State Employees" (H. P. 237) (Presented by Mr. Carey of Waterville)

Bill "An Act Relating to Compensation Upon Retirement of Judges of the District Court and Active Retired Judges" (H. P. 250) (Presented by Mr. McTeague of Brunswick)

(Ordered Printed)

Sent up for concurrence.

County Government

Bill "An Act Creating Sagadahoc County Commissioner Districts" (H. P. 249) (Presented by Mr. Merrill of Bowdoinham)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Relating to General Purpose Education Aid" (H. P. 236) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act Relating to Vocational Education" (H. P. 239) (Presented by Mr. Silverman of Calais)

Bill "An Act Relating to Number of Directors of Swan's Island School Administrative District" (H. P. 242) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act Relating to State Aid for School Construction" (H. P. 245) (Presented by Mr. Merrill of Bowdoinham)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Determining Position of Names of Candidates on Primary Ballots and General Election Ballots" (H. P. 261) (Presented by Mr. Shute of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to the Use of Power Boats on Sandy Pond, Waldo County" (H. P. 235) (Presented by Mr. Evans of Freedom)

Bill "An Act Establishing the West Bath Game Sanctuary" (H.

P. 248) (Presented by Mr. Merrill of Bowdoinham)

Bill "An Act Clarifying the Law as to Keeping Wild Animals in Captivity" (H. P. 257) (Presented by Mr. Parks of Presque Isle)

Bill "An Act Providing Free Hunting and Fishing Licenses to Domiciled Maine Veterans 65 Years of Age or Older" (H. P. 260) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Relating to Tribal Elections, Governor and Council of the Penobscot Tribe of Indians" (H. P. 243) (Presented by Mrs. Murchison of Mattawamkeag)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Annex Certain Territories to the Town of Howland" (H. P. 231) (Presented by Mr. Dudley of Enfield)

Bill "An Act Limiting Prejudgment Attachments and Prejudgment Trustee Process" (H. P. 232) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act Relating to Corporate Names" (H. P. 241) (Presented by Mr. Perkins of South Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Severance Pay for Employees" (H. P. 228) (Presented by Mr. Farley of Biddeford)

Bill "An Act Relating to Medical and Other Personnel in Certain Industries" (H. P. 238) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Resolve, to Reimburse Maurice Norton of Vinalhaven for Loss of Revenue Caused by Failure to Carry his Trucks to Vinalhaven" (H. P. 246) (Presented by Mr. Maddox of Vinalhaven) (By request)

Bill "An Act Relating to Wardens and Vestrymen in the Protestant

Episcopal Church in the Diocese of Maine" (H. P. 252) (Presented by Mr. Dow of West Gardiner)

Bill "An Act Concerning the Opening of Vital Records to Genealogists" (H. P. 256) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Public Lands

Bill "An Act to Clarify the Permanent School Fund" (H. P. 258) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Limiting the Number of Lobster Traps Per Person in York County" (H. P. 233) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to Tax-sheltered Annuities" (H. P. 229) (Presented by Mr. Perkins of South Portland) (Emergency)

Bill "An Act Transferring Allagash Wilderness Waterway to Forestry Department" (H. P. 240) (Presented by Mr. Walker of Island Falls) (By request)

Bill "An Act Creating the Office of State Fire Marshal" (H. P. 244) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Resolve, to Reimburse Mrs. Hilma Webster of Vinalhaven for Damage to Property by Highway construction (H. P. 247) (Presented by Mr. Maddox of Vinalhaven)

The Committee on Reference of Bills suggested the Committee on Transportation.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, I move that this Resolve be referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: May I pose a question through the Chair to the gentleman from Rockland?

The SPEAKER: The gentleman may pose his question.

Mr. SIMPSON: Does the gentleman mean Legal Affairs Committee or Committee on Transportation?

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker and Members of the House: I mean Legal Affairs. May I explain briefly? The Committee on Legal Affairs deals with matters of the State being subject to claims made by individuals who have suffered highway damage, well damage or things of this nature due to highway construction or other activities of the State. It takes over some of the responsibilities previously held by the Committee on Claims in previous years.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, I move this item be tabled for one legislative day.

Whereupon, Mr. Emery of Rockland requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Wayne, Mr. Ault, that this Resolve be tabled for one legislative day, pending the motion of Mr. Emery of Rockland to refer to the Committee on Legal Affairs. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 44 having voted in the negative, the motion did prevail.

Tabled and Assigned

Resolve, to Reimburse William Fitzgerald of Madison for Well Damage by Highway Maintenance (H. P. 254) (Presented by Mrs. Berry of Madison)

The Committee on Reference of Bills suggested the Committee on Transportation.

(On motion of Mr. Ault of Wayne, tabled pending reference and tomorrow assigned.)

Tabled and Assigned

Resolve, to Reimburse Blaine Crabtree of Cherryfield for Property Damage by Highway Construction (H. P. 262) (Presented by Mr. Davis of Addison)

The Committee on Reference of Bills suggested the Committee on Transportation.

(On motion of Mr. Ault of Wayne, tabled pending reference and tomorrow assigned.)

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

WHEREAS, an explosion followed by a furious fire tore through the W. S. Libbey Textile Mill at Lewiston on December 13, 1972, leaving two persons dead and ten injured; and

WHEREAS, in the course of this conflagration Mr. Donald Grondin, an employee of the mill, became trapped in heavy smoke and flame on the roof of the complex; and

WHEREAS, Pvt. Armand L. Beaulé of the Lewiston Firefighters, at great odds and personal risk, ascended an 85-foot aerial ladder obscured in smoke and flame to rescue the injured worker; and

WHEREAS, this daring act of heroism required exceptional courage over and above any call of duty and in complete disregard of personal safety; now, therefore, be it

ORDERED, the Senate concurring, that we, the Members of the One Hundred and Sixth Legislature now assembled, unite in a message of sincere thanks to Pvt. Armand L. Beaulé for this extreme act of valor and extraordinary service; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to Pvt. Beaulé in the presence of our chambers in recognition of his courageous deed. (H. P. 295)

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

On motion of Mr. Henley of Norway, the House reconsidered its action of earlier in the day on Resolve, Authorizing Fred P. Haskell or his Legal Representative, to Bring Civil Action Against State of Maine (S. P. 77) (L. D. 194)

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

Mr. HENLEY: Mr. Speaker and Members of the House: In view of the apparent disagreement on some of these type bills, I for one would like to know a little bit more about this bill before I would like to see it go to Legal Affairs instead of Judiciary, because my experience is that this type of bill has been handled in Judiciary and I just wanted to know more about it before I would let it go to Legal Affairs. Therefore, I would move that this be tabled for one legislative day.

Whereupon, on motion of Mr. Henley of Norway, tabled pending reference and tomorrow assigned.

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

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Sixth Legislative Session now assembled, most respectfully present and petition the Honorable Richard M. Nixon, President of the United States, as follows:

WHEREAS, the Oil Import Administration was established by presidential proclamation on March 10, 1959 to adjust imports of petroleum and petroleum products into the United States; and

WHEREAS, the Oil Import Administration, acting in conjunction with an Oil Import Appeals Board, discharges the responsibilities imposed upon the Secretary of the Interior for regulating oil imports; and

WHEREAS, the purposes for which these functions were originally established, such as the interests of national security, have become hollow in meaning and lacking any current relevance; and

WHEREAS, major burdens have been placed on both industry and

consumers through high prices and shortages pursuant to oil import policies which can no longer be tolerated; now, therefore, be it

RESOLVED: That We, your Memorialists, hereby protest continued federal interference with price and supply of oil imports which are so vital to the economy of the northern states; and be it further

RESOLVED: That we recommend to the Honorable Richard M. Nixon, President of the United States, that appropriate action be immediately taken to abolish all oil import regulation, administration and control which has been carried on under the guise of national security to the detriment of certain states, the State of Maine being but one of those states affected; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Richard M. Nixon, President of the United States and to the Members of the United States Congress from the State of Maine. (H. P. 156)

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

Consent Calendar First Day

From the Committee on Legal Affairs:

Bill "An Act Changing Name of Land Owners Association" (H. P. 70) (L. D. 83) reported "Ought to Pass"

Bill "An Act Relating to Amount of Property Held by Empire Grove Campmeeting Association" (H. P. 72) (L. D. 85) reported "Ought to Pass"

From the Committee on State Government:

Bill "An Act Creating a Second Assistant County Attorney for Kennebec County" (H. P. 88) (L. D. 108) reported "Ought to Pass"

Bill "An Act Relating to Procedure for Securing Specially Designed Motor Vehicle License Plates for State Officials" (H. P. 85) (L. D. 110) reported "Ought to Pass"

Bill "An Act Relating to Fees Received by the Clerk of the House

and Secretary of the Senate" (H. P. 94) (L. D. 115) reported "Ought to Pass as amended by Committee Amendment "A" (H-7)

Bill "An Act to Correct an Error in the Reorganization of the Department of Civil Defense and Public Safety" (H. P. 11) (L. D. 131) (Emergency) reported "Ought to Pass as amended by Committee Amendment "A" (H-6)

The preceding items were ordered placed on the Consent Calendar's Second Day list.

Second Day Passed to Be Engrossed

From the Committee on Appropriations and Financial Affairs:

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction (H. P. 65) (L. D. 80) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-3)

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) (Emergency) — reported "Ought to Pass" as amended by Committee Amendment "A" (H-5)

From the Committee on Education:

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) (Emergency) reported "Ought to Pass"

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

From the Committee on Legal Affairs:

Resolve, to Reimburse William Rich of Buckfield for Loss of Bee Hives by Bear (H. P. 16) (L. D. 16) reporting "Ought to Pass"

Resolve, to Reimburse Merlin Foster of Littleton for Loss of Heifer by Dogs (H. P. 40) (L. D. 47) reporting "Ought to Pass"

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

The preceding items on the Consent Calendar's Second Day list were passed to be engrossed and sent to the Senate.

Orders of the Day

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

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

Tabled — January 18, by Mr. Martin of Eagle Lake.

Pending — Reference.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, inasmuch as this bill seems to have the same predicament as a couple we took up a few minutes ago, I would like to have someone table this for one legislative day.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending reference and tomorrow assigned.

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

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

Tabled — January 18, by Mr. Martin of Eagle Lake.

Pending — Reference.

On motion of Mr. Henley of Norway, referred to the Committee on Judiciary in non-concurrence and sent up for concurrence.

Mr. Martin of Eagle Lake presented the following Joint Resolution and moved its adoption:

WHEREAS, a saddened nation mourns the passing of the late Lyndon Baines Johnson, 36th President of the United States; and

WHEREAS, he is remembered as a man of compassion, courage and humility who rose by his philosophy of "come, let us reason together" from a teacher in a small Texas town to become leader of the world's greatest nation; and

WHEREAS, he will be remembered as a leader in the struggle to make all men equal before the law; and for his pro-

grams to make the government benefit all of the people; and for his efforts to eliminate illiteracy, to provide a decent environment to erase hunger and to give a new start to people suffering from poverty in the land of plenty; and

WHEREAS, he sought a Great Society where the American ideals of equality and justice would become a reality; 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. 292)

The Joint Resolution was received out of order by unanimous consent, read and adopted.

Sent up for concurrence.

On motion of Mr. Simpson of Standish,

Adjourned until ten o'clock tomorrow morning.