

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal  
Augusta, Maine

**HOUSE**

Friday, January 11, 1974

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

Prayer by the Rev. Canon Roger S. Smith of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**  
**Joint Order**

From the Senate: The following Joint Order: (S. P. 822)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs of the 106th Legislature is directed to report out a bill providing emergency funds for staffing a Fuel Allocation Office within the Bureau of Civil Defense for the fiscal year ending June 30, 1974.

Came from the Senate read and passed.

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

**Reports of Committees**  
**Ought Not to Pass**

Report of the Committee on Appropriations and Financial Affairs on Resolve Providing Funds for Maine Historical Society for Aid in Constructing Mezzanine Floor in Nichols Hall (S. P. 705) (L. D. 2117) reporting "Ought not to pass"

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

**Divided Report**

Majority Report of the Committee on Liquor Control on Bill "An Act to Permit Hours of Sale of Liquor in Take-out Stores to Correspond with On-premises Establishments" (S. P. 762) (L. D. 2193) reporting "Ought to pass"

Report was signed by the following members:

Messrs. OLFENE of Androscoggin  
FORTIER of Oxford  
— of the Senate.

Messrs. STILLINGS of Berwick  
KELLEHER of Bangor  
TANGUAY of Lewiston  
CRESSEY of North Berwick  
RICKER of Lewiston

GENEST of Waterville  
FAUCHER of Solon

— of the House.

Minority Report of same Committee on same Bill reporting "Ought not to pass" Report was signed by the following members:

Messrs. FARNHAM of Hampden  
CHICK of Sanford  
IMMONEN of West Paris

— of the House.

Came from the Senate with the Majority "Ought to pass" Report accepted and the Bill passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Kelleher of Bangor, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read once and assigned for second reading the next legislative day.

**Petitions, Bills and Resolves**  
**Requiring Reference**

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

**Agriculture**

Bill "An Act to Repeal Milk Control Prices at the Retail Level and Make Certain Changes in the Membership of the Maine Milk Commission and the Dairy Council Committee" (H. P. 1846) (Presented by Mr. LaPointe of Portland)

(Ordered Printed)

Sent up for concurrence.

**Appropriations and Financial Affairs**

Resolve Reimbursing Southern Aroostook Community School District for Loss by Fire (H. P. 1847) (Presented by Mr. Walker of Island Falls)

Bill "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1848) Emergency (Presented by Mr. Ross of Bath)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act to Initiate Issuance of Nonresident Marine Sports Fishing

Licenses" (H. P. 1849) (Presented by Mr. Briggs of Caribou)  
(Ordered Printed)  
Sent up for concurrence.

### Judiciary

Bill "An Act Granting Energy Emergency Powers to the Governor" (H. P. 1850) Emergency (Presented by Mr. Martin of Eagle Lake)  
(Ordered Printed)  
Sent up for concurrence.

### Legal Affairs

Bill "An Act Validating the Franco-American Oblate Fathers, Inc. as a Legal Entity" (H. P. 1851) (Presented by Mr. MacLeod of Bar Harbor)

Bill "An Act Relating to Name of Maine Ambulance and Rescue Association" (H. P. 1852) (Presented by Mr. Pratt of Parsonsfield)  
(Ordered Printed)  
Sent up for concurrence.

### Liquor Control

Bill "An Act to Exempt Charter and Tour Buses as a Public Place under the Liquor Laws" (H. P. 1853) (Presented by Mr. LaCharite of Brunswick)  
(Ordered Printed)  
Sent up for concurrence.

### State Government

Resolution Proposing an Amendment to the Constitution to Provide Appointment of the Attorney General and the Treasurer by the Governor (H. P. 1854) (Presented by Mr. Bustin of Augusta)

Bill "An Act to Provide Legislative Review of Administrative Rules and Regulations" (H. P. 1845) (Presented by Mr. Dyar of Strong)

Bill "An Act to Transfer the Water Resources Planning Unit of the State Planning Office to the Department of Conservation." (H. P. 1855) (Presented by Mrs. Clark of Freeport)  
(Ordered Printed)  
Sent up for concurrence.

### Taxation

Resolution Proposing an Amendment to the Constitution to Permit the Federal Government, by Agreement, to Collect Maine Individual Income Taxes (H. P.

1856) (Presented by Mr. Sproul of Augusta)  
(Ordered Printed)  
Sent up for concurrence.

### Transportation

Bill "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation" (H. P. 1857) Emergency (Presented by Mr. Webber of Belfast)  
(Ordered Printed)  
Sent up for concurrence.

### Orders

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, distinguished men rise, from time to time, to the duties of higher positions leaving a mark of significance and impact in the wake of their tenure; and

WHEREAS, the noble profession of journalism has been greatly enhanced by the distinguished services in the person of David L. Swearingen, Associated Press Correspondent at the State House; and

WHEREAS, David holds the unique distinction of being called both a Democrat and a Republican simultaneously for the same story and of lacking the necessary qualifications for AP service in Fargo, North Dakota; and

WHEREAS, he is a person of rare talent and quiet personal charm whose fair and objective reporting has earned the respect, loyalty and devotion of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the 106th Legislature of the State of Maine take this opportunity, while meeting in special legislative session on the 11th day of January, 1974 and the day of departure of our youthful friend, David L. Swearingen, as Associated Press Correspondent at Augusta, Maine to express our heartiest congratulations and sincere best wishes for good luck and godspeed in his new office; and be it further

ORDERED, that a suitable copy of this Order be prepared and presented to him as head of the new Associated Press Control Bureau for Northern New

England to be located at Concord, N.H. in token of our esteem. (H. P. 1858)

The Order was read and passed.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that Fargo, North Dakota is the Siberia for most news correspondents.

I had the opportunity as a freshman legislator to sit in this body and this chamber and go to a prelegislative conference when the head of the press corps here in the State House addressed us. I can remember very vividly the words he said, that his door was always open and that he would like to do everything in his power to assist us, and above all, he would be as objective and as fair and sincere as he could be in his news reporting. Since that time I have found this gentleman to be just that. I think no matter when you have gone to him he has always found time to listen to you, and he has also found time at any time you thought you had a complaint, one way or another, he would try to take and rectify it.

I believe that at a time when many of us are always looking at our public image and especially the way the news media presents it, without a doubt, Dave Swearingen to me, in his operation with the Associated Press, has always made sure that above all he gives a balanced view and he has offered both sides in his stories when it comes to news coverage.

I personally have grown to really find a great deal of personal admiration in the way this man has gone about his work. I know that I probably get a chance to take a closer look at him down here when he sits in the corner than maybe some of you do, but I know one thing, that this body and the State of Maine is losing one heck of a newsmen. Yet, I think we have to realize that in his new position with the AP in Concord he is not going to be that far from us, and we know that he is going to be a tremendous asset and that he didn't get the job because they were looking for just anybody. They were looking for the tops and they got it.

Dave, I want to congratulate you personally and thank you for everything you have done for us. ~

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the Maine House of Representatives: I have always told you that the City of Bath was a very great place. It is only natural to want to brag a bit about pride of ownership. It was from this city of its splendid traditions that came one David Swearingen. I have known him since he was a mere boy. I grew up with his mother. She and I work together on a great many projects. No one was ever a more hard-working or conscientious person than she is. Dave could hardly help but becoming a success with such fine parents. I see his father almost every day. He was once the chief of our outstanding fire department. As befits and as is expected of a resident of Bath, he did an outstanding job. Both his mother and father are extremely well liked. I have never heard an unkind word or derogatory remark about either one of them.

Dave started to work on the Bath Daily Times while he was still in high school. This has always been a fine, small, daily newspaper. Nevertheless, it could hardly be called the jumping off place into echelons of journalism. Still, Dave made it, and I predict that he will go further.

He is one of the few modern newspaper men who is completely unbiased. He reports the news as it is, not as he interprets it or as he wishes it was. As long as I have known him, I have no idea whether he is a republican or a democrat, and it makes absolutely no difference to me. He is as fair to one segment as another.

In conclusion I can only add, not only does this legislature wish him the best of luck, but I will guarantee that all the citizens of Bath are extremely proud of him and join with us in extending to Dave Swearingen their congratulations and the very best luck and continued success in his chosen field and most important one.

The SPEAKER: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker and Members of the House: After some of the remarks of the gentleman from Bath, perhaps I might do well to say, in spite of

the remarks of the gentleman from Bath, but that might get me in trouble with the gentlelady from Bath. So I can't say that very well.

I do, on behalf of the members of my party, congratulate Dave for having been promoted to Concord, New Hampshire, and wish him the best. I do think that most newsmen in the State House corps at this point are probably saying, "Maybe we ought to leave, too, so that we can have the Maine Legislature say something nice about us once in a while. But I think on the whole that the Maine Legislature has been served by newsmen that attempt to be fair, and I think that Dave demonstrates to the highest degree that type of quality which we've had here in the State House halls.

So I would just say good luck to him. I hope that he enjoys Concord. If he doesn't, he can always come back to Maine. Will the Sergeant-at-Arms kindly escort the honored gentleman to the rostrum.

Thereupon, Mr. Swearingen was escorted to the rostrum by the Sergeant-at-Arms, amid the standing applause of the House, the members rising.

The SPEAKER: On behalf of the Members of the Legislature, Dave, we are honored to present to you a token of our appreciation for the wonderful work you have done. I think you epitomize the unbiased conscientious fairness of the reporters and the news media here at the State Capitol. As has just been said, we are indeed fortunate to have you, not only to report the news, but I think you are a kind human being with compassion. We, indeed, wish you the very best. If you would care to say a few words we would be pleased to have you.

Mr. SWEARINGEN: Thank you, Mr. Speaker. For once I am nearly speechless. I was caught without notes.

The past five years have been the most rewarding I think and significant years of my career. I have enjoyed every minute here at the State House. I think I have grown in the job. And I think I have seen the Legislature and the legislative process grow in its response to people.

The first session in '69, the 104th faced financial problems, and we came down to the wire on one rather warm Saturday afternoon and passed the income tax,

which is a day I am sure many of us will never forget.

And the next Session we came to grips with the problems of government reorganization. And the next Special Session all the environmental laws were passed.

This past session of '73 I think you have done more probably to strengthen the responsiveness of the legislation to the people than any other session by implementing the system of full-time aides to give you better staffing. And I am sure it will be just a start. I thank you very much.

Thereupon, the Sergeant-at-Arms escorted Mr. Swearingen from the Hall of the House, amid prolonged applause, the members rising.

By unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER: The House is proceeding under Orders. The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I have a distasteful task this morning which I am going to bring before you upon the floor.

I picked up the Maine Times; one of the gentlemen here told me about it — yesterday's. You look on Page 14. It says, at least one Maine town's luxuries apparently have included electricity; kerosene for oil lamps metered out to the town's poor as an alternative to paying electric bills in the town when Francis Brawn, who is now the area Representative, was overseer of the poor. Telephones were lumped into a luxury for the paupers." This article was written by A. T. Larkin, better known in my town as Alice True Larkin.

Let me fill you in on the truth of this. Only one side has been heard. I served on the Oakland Town Council three years as overseer of the poor. I was also chairman of that council. I did not choose to run again. I stayed off, I believe it was four years. I was re-elected for three more years, and I was again overseer of the poor and chairman.

During my first term, and I believe it was the year that I was chairman, a family moved into my town from Connecticut. They came for aid. My town is

not hard-boiled; we believe in helping everyone that needs help. We have a rule in the municipality that any person who has a television, automobile or a telephone which is not necessary, that the town will not pay these bills.

This gentleman claimed that he had hurt his back. We had large hospital bills for this family. We have to look out for the taxpayers' money. People came to me and told me that this family had an automobile that they were running all the time, going everywhere. They also told me that they had a telephone. They also told me they had a television and wanted me to use them as every other indigent person that was receiving aid in my municipality would have to take. It was my duty to go to this family, which I did, with the town manager — he was with me, I was not alone — and we informed her that due to the fact that her mother lived directly across the road and there was houses within 100 or 150 feet of her house, it is a built-up section, that we would have to pick up her number plates on this automobile and that the telephone would have to be taken out, as the town could not pay it. We would leave the television, because we felt that that was educational for the little children. This woman told me — and I won't tell you what she did tell me — that they didn't need any of our so-and-so help. They ceased to have help.

Now she also says in here that her husband needed a telephone to put ads in the paper. If this had been the case, we would have gone along with it. But you may call our town office, you may talk with the office girl that is now there and she will relate to you the truth. This man did have an ad in the paper to fix small appliances. She called him to fix a washing machine. And he was having it so easy from the municipality that he didn't want to do anything, and he refused to go. And the people who I am referring to is Stineford. So you can check out what I am telling you is the truth.

Now, when these things come before the Town Council, we must use everybody the same, and we must work for the taxpayer. And this is the position I was in.

So when this person prints this here, the editor of this paper, detrimental to my character, without talking with me

whatever, I think this man should be hit and hit hard, and I think he owes me an apology.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Bath, Mr. Ross, to the rostrum, please.

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

**House Reports of Committees  
Leave to Withdraw**

Mr. Curtis from Committee on State Government on Bill "An Act to Transfer Personal and Consumer Division and Securities Division from the Bureau of Banks and Banking to Department of Business Regulation" (H. P. 1715) (L. D. 2108) reporting Leave to Withdraw

Mr. Bragdon from Committee on Appropriations and Financial Affairs on Bill "An Act to Provide a Minimal Base Income Each Year for the Elderly" (H. P. 1767) (L. D. 2239) reporting Leave to Withdraw.

Reports were read and accepted and sent up for concurrence.

**Leave to Withdraw  
Covered by Other Legislation**

Mr. Jalbert from Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Payment of Costs in a Statewide Food Program" (H. P. 1759) (L. D. 2227) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

**Ought to Pass  
Printed Bill**

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Providing Funds for Marine Research" (H. P. 1768) (L. D. 2240) reporting "Ought to pass"

Report was read and accepted, the Bill read once and assigned for second reading the next legislative day.

**Ought to Pass with  
Committee Amendment**

Mr. LaCharite from Committee on Education on Bill "An Act to Authorize Satellite Centers for Vocational Education" (H. P. 1757) (L. D. 2216) Emergency reporting "Ought to pass" as

amended by Committee Amendment "A" (H-627)

Mr. Brawn from Committee on Legal Affairs on Resolve to Reimburse Sheila Herbert of Chelsea for Damage to Motor Vehicle by State Ward. (H. P. 1704) (L. D. 2097) reporting "Ought to pass" as amended by Committee Amendment "A" (H-628)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Bills assigned for second reading the next legislative day.

At this point, Speaker Hewes returned to the rostrum.

**SPEAKER HEWES:** The Chair thanks the gentleman and appreciates the fine job.

Thereupon, the Sergeant-at-Arms escorted Mr. Ross to his seat on the floor, amid the applause of the House, and Speaker Hewes resumed the Chair.

### Consent Calendar

#### First Day

(S. P. 731) (L. D. 2143) Bill "An Act to Correct an Inconsistency in the District Attorney Law" — Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-309).

(H. P. 1681) (L. D. 2074) Bill "An Act Relating to Area Directional Sign for Rangeley Lakes — Saddleback Mountain Region" — Committee on Transportation reporting "Ought to pass"

(H. P. 1720) (L. D. 2113) Bill "An Act to Provide for Special Motor Vehicle License Plates Observing the Bicentennial of the American Revolution" — Committee on Transportation reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

### Consent Calendar

#### Second Day

(H. P. 1743) (L. D. 2202) Bill "An Act Relating to the Collection and Disposal of Solid Wastes by the Lincoln County Commissioners"

(H. P. 1693) (L. D. 2086) Bill "An Act to Authorize Maine Maritime Academy to Grant Honorary Degrees"

No objection having been noted, were passed to be engrossed and sent to the Senate.

### Passed to Be Engrossed

Bill "An Act to Establish a Vocational Training and Sheltered Workshop at Camp Waban in Sanford." (H. P. 1799) (L. D. 2279)

Resolve to Reimburse Lauren Sturtevant of South Paris for Damage to Property by Escapee from Boys Training Center (H. P. 1699) (L. D. 2092)

Resolve, to Reimburse Ansel Fowler, Sr., of Costigan for Loss of Beehives (H. P. 1708) (L. D. 2101)

Resolve to Reimburse Mr. and Mrs. Ernest Glidden of Gardiner for Property Damages Caused by State Wards (H. P. 1772) (L. D. 2244)

Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 1683) (L. D. 2076) Emergency (C. "A" H-626)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

### Second Reader

#### Tabled and Assigned

Bill "An Act Relating to Number of Directors of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties" (H. P. 1735) (L. D. 2181) Emergency.

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

(On motion of Mr. Martin of Eagle Lake, tabled pending passage to be engrossed and specially assigned for Tuesday, January 15.)

### Orders of the Day

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

Joint Order Relative to hearing of the Maine Milk Commission (H. P. 1843)

Tabled — January 10, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Kelleher of Bangor to indefinitely postpone.

The **SPEAKER:** The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. **EVANS:** Mr. Speaker, I ask permission to withdraw this order.



The SPEAKER: The gentleman from Freedom, Mr. Evans, requests permission to withdraw his Order.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to maybe clarify something here and also to take and expand out on what some of the debate was yesterday. Within the legislation creating the Legislative Council, we have the prerogative to authorize orders such as this or to authorize travel or payment for expenses for travel or participation at different events.

Since the council meets only once a month and the meeting will not be coming up until next week, this order was then recommended as a means of handling this so that it could be expedited.

It was our feeling at the time of it that -- I think all of us here feel quite certain that we should gain all the expertise that we could possibly gather, especially as it relates to our individual committees. During the period between our sessions we have attempted to give the Joint Standing Committees, within reason, as much of a latitude as possible to delve into areas where they should have expertise.

We have authorized travel within the state to attend certain public hearings that would relate to their particular committees. We have authorized them to travel as subcommittees to hold hearings or as committees of a whole to hold hearings around the state. We have also authorized travel for individuals within the legislature and also individuals within certain committees to travel out of state to attend conferences or anything when we feel that it can add to their ability to function as a committee. And that is the reason why we felt very strongly about this particular issue, because it is a public hearing that we feel deals with something that I know I personally don't have that much knowledge

about, and yet we feel that maybe there are individuals on the Agriculture Committee that don't, and they should have had the opportunity to attend the particular meeting to gather all the particular information they can in light of the number of bills that they have before them. Because if you see the bills before them, that are coming up, they pertain to a certain segment of it, but they do not pertain to the entire operation of the Maine Milk Commission. So that is the reason the order was put in the way it was, and that was our feeling behind it.

I go along with the gentleman's offer to withdraw the motion, but I feel as though you should know it, and I feel as though if the Legislative Council in the future does pass on such things and we do send people out or authorize travel to conferences such as this or public hearings, it will probably be along committee lines and not along lines where the whole legislature should go in general.

Thereupon, Mr. Evans of Freedom was granted permission to withdraw his Order.

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The following Committee Report appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Mr. Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to a State-wide Food Stamp Program" (H. P. 1774) (L. D. 2246) reported "Ought to pass" as amended by Committee Amendment "A"

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-629) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, January 14, at four o'clock in the afternoon.