

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

SENATE

Wednesday, January 10, 1973
Senate called to order by the President.

Prayer by the Rev. David Dunn of Augusta.

Reading of the Journal of yesterday.

Papers from the House Joint Order

ORDERED, the Senate concurring, that a Joint Special Committee on Public Lands, consisting of ten members, three of whom shall be Members of the Senate appointed by the President of the Senate and seven of whom shall be Members of the House appointed by the Speaker of the House, is hereby created and appointed for the purpose of reviewing legislation introduced in the 106th Legislature in connection with public lands including public lots. The Committee is not only authorized to review all legislation introduced in connection with the public lots but is directed to study and report on the present legal status of the public lots; the legal rights of the citizens of Maine in the public lots; and the alternative uses to which the public lots may be put to in the public interest and to report to the Legislature its views and recommendations in regard to what action, if any, the Legislature should take in regard to the use of public lands including public lots and to draft legislation to implement its recommendations.

The Committee shall act as expeditiously as possible and shall report to the 106th Legislature either in regular or special session in such manner as the Committee deems appropriate.

The Committee shall proceed in its work with the assistance of the Attorney General's Department, the Director of Legislative Research, the Legislative Finance Officer and any other state department, board, commission, authority or agency from which information may be required to carry out and expedite the Committee's duties. Furthermore, said Committee may employ such assistants, clerks, attorneys, agents and advisors as it shall deem necessary and set

the conditions of their employment with the approval of the President of the Senate and the Speaker of the House. If it is necessary for the Committee to meet when the Legislature is not in session, the Committee members shall be reimbursed for their actual expenses in service to the Committee, with the exception of mileage which shall be paid at the same rate received by state employees. The Committee is authorized to conduct public hearings at such times, places and in such manner as it deems appropriate to fulfill its duties.

There is allocated to the Committee from the Legislative Account the sum of \$10,000 to carry out the purposes of this Order. (H. P. 84)

Comes from the House Read and Passed.

Which was Read.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order receive passage in concurrence.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I notice the absence from the chamber of the sponsor. It is a radical departure from legislative procedures, and I would suggest that someone consider tabling this until the sponsor is present.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Thereupon, on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence except for the following:

Bill, "An Act to Provide for Full-time Elected District Attorneys." (H. P. 69) (L. D. 82)

Comes from the House referred to the Committee on Judiciary and Ordered Printed.

Mr. Huber of Knox moved that the Bill be referred to the Committee on State Government in non-concurrence.

On motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending the motion by Mr. Huber of Knox that the Bill be referred to the Committee on State Government.

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

Comes from the House referred to the Committee on Natural Resources and Ordered Printed.

On motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Reference to Committee.

Mr. Hichens of York was granted unanimous consent to address the Senate.

Mr. HICHENS: Mr. President and Members of the Senate: While our chaplain of the day is seated on the rostrum, I would like to briefly say that he is leaving the Augusta area. He has been assistant pastor at the Penney Memorial Church for the last two or three years, has worked directly with the youth, and has had a tremendous influence on the youth in this Augusta area.

This month he leaves to assume the position of pastor to the Littlefield Memorial Baptist Church in Rockland, Maine, and I feel that as Senators, having heard him as our chaplain several times during the past session and this morning, we wish him well as he goes on in God's service.

The PRESIDENT: I am sure that the Senate shares your sentiments.

Communications

STATE OF MAINE

Legislative Research Committee
State House
Augusta, Maine

January 3, 1973

To the Members of the 106th Legislature:

The Legislative Research Committee hereby has the pleasure of submitting to you its report on activities for the past two years. This summary, designated as Volume I, deals with both assigned and unassigned studies and con-

tains the findings and recommendations pursuant thereto.

The Committee was unfortunate in the loss of its original vice-chairman, the late Representative John E. Gill of South Portland. In his death on July 23, 1972, the State of Maine lost an able public servant. We of the Committee gratefully acknowledge our indebtedness to his ability and his contribution to the work of the Committee.

The Committee also wishes to acknowledge with appreciation the countless public and private individuals, organizations and agencies without whose assistance and cooperation the Committee would not have reached its conclusions.

The members of the Committee appreciate having been chosen to participate in this work and sincerely hope the results of many hours of work and devoted study transmitted here will prove beneficial to the members of the Legislature and ultimately to the citizens of the State of Maine.

Respectfully submitted,

(Signed)

JOSEPH SEWALL

Chairman

Legislative Research Committee
(S. P. 048)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

STATE OF MAINE
Department of Audit
Augusta, Maine

January 10, 1973

To the Members of the 106th Legislature:

Pursuant to Senate Order Number 756, dated February 9, 1972, I hereby submit a Special Report by the State Department of Audit concerning the Hospital Improvement Program at Pineland Hospital and Training Center.

Respectfully,

(Signed)

RAYMOND M. RIDEOUT, JR.

State Auditor

(S. P. 049)

Which was Read and with accompanying papers Ordered Placed on File.

Sent down for concurrence.

STATE OF MAINE

One Hundred and Fifth Legislature
Committee on Legislative Ethics

January 4, 1973

To Members of the 106th Legislature

We are pleased to submit for your consideration the report of the Committee on Legislative Ethics with respect to their study of the bill: An Act Relating to Disclosure of Economic Interests by Legislators, House Paper 1572, Legislative Document 2029.

The Committee has devoted a good deal of time and study to the document which relates to disclosure of economic interests by legislators and is of the opinion that present statutes sufficiently accomplish the purpose of the legislation. The Committee does, however, approve of the concept of meaningful disclosure provisions.

(Signed)

KENNETH P. MacLEOD
President of the Senate
Chairman, Committee on
Legislative Ethics
(S. P. 050)

**Report of the Legislative Ethics
Committee**

The Committee on Legislative Ethics was directed by the 105th Legislature of the State of Maine by House Order dated February 29, 1972, a copy whereof is attached hereto, to study the provisions of the bill: An Act Relating to Disclosure of Economic Interests by Legislators, House Paper 1572, Legislative Document 2029. The purpose of the study was to develop, if possible, more meaningful legislation for presentation to the regular session of the 106th Legislature.

The Committee has carefully considered and studied the provisions of Legislative Document 2029. The primary thrust of the legislation was to provide for disclosure of economic interests of legislators although some consideration was given to disclosure of interests of some members of the Judicial and Executive Departments. Basically, the legislation, somewhat vague in details of operation, required each candidate for the Legislature to file a statement of economic interests. The legislation did not require a

disclosure of the legislator's spouse's interests and did not provide for any updating of the information from time to time.

It should also be noted that the 105th Legislature enacted Chapter 602 of the Public Laws of 1971, which is entitled An Act Relating to Legislative Ethics. This is a comprehensive provision which considerably broadens the authority of the Legislative Ethics Committee, defines conflict of interests of legislators and also specifically provides that a legislator has a conflict of interest in the situation where the adoption of proposed legislation will result in a direct significant financial gain to him or his spouse or his employer or to a person, corporation or association in which he or his spouse owns stock or other securities. The legislation prohibits a legislator from voting in such a situation and also provides that a legislator has a conflict where his vote is influenced by a promise of payment of money or promise of employment to him or a member of his family. In short, the legislation is most comprehensive and all encompassing as respects conflicts of interests of legislators.

The real purpose of L. D. 2029 was to reach and eliminate those situations where there might be possible conflicts of interests by legislators. The Committee feels, however, that the recently enacted provisions which broaden the authority of the Legislative Ethics Committee accomplish the purposes of L. D. 2029. Not only is conflict of interest defined in the ethics legislation but the Ethics Committee has the power to subpoena witnesses, conduct investigations, secure books and records and may seek judicial help in the enforcement of its orders. In short, it has very broad powers to inquire into and examine possible conflicts of interests by legislators.

It therefore appears to the Committee that there are ample statutory provisions on the books at this time with respect to conflicts of interests of legislators and that, although the Committee approves of the concept of

meaningful disclosure provisions, the purpose of L. D. 2029 is, in fact, accomplished by existing statutes.

Therefore, the Committee recommends at this time that further legislation in this area is not necessary and respectfully recommends to the members of the 106th Legislature that they carefully observe the workings of the Act Relating to Legislative Ethics in order that its practical effect may be observed before any further steps are taken in this area.

January 4, 1973

Which was Read and Ordered Placed on File.

Sent down for concurrence.

Senate Papers Appropriations and Financial Affairs

Mr. Tanous of Penobscot presented, Bill, "An Act Appropriating Funds for the Maine Commission on Drug Abuse." (S. P. 51)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Fisheries and Wildlife

Mr. Shute of Franklin presented Bill, "An Act Permitting Sunday Hunting of Rabbits." (S. P. 36)

The same Senator presented Bill, "An Act Revising the Laws Relating to Guides under Fish and Game Laws." (S. P. 46)

Which were referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Sent down for concurrence.

Legal Affairs

Mr. Hichens of York presented Bill, "An Act Repealing the York Beach Village Corporation and the York Harbor Village Corporation." (S. P. 47)

Which was referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

Orders

On motion by Mr. Katz of Kennebec,

ORDERED, that the Secretary of the Senate be authorized to purchase ten thousand (10,000) copies of the folder entitled "This is Your Legislature," and ten thousand (10,000) copies of the pamphlet entitled "How a Bill Becomes a Law in Maine," from the League of Women Voters of Maine for the use of members of the Legislature.

Which was Read and Passed.

On motion by Mr. Hichens of York

WHEREAS, the Hawks of Marshwood High School are the winners of the 1972 Southern York Association and Co-Class C Football Championship of the State of Maine; and

WHEREAS, this spirited group of courageous young men have demonstrated a style of sportsmanship and skill only possessed by champions; and

WHEREAS, the Towns of Eliot and South Berwick can be justly proud of this winning team and its individual stars; now, therefore, be it

ORDERED, the House concurring, that the members of the 106th Maine Legislature now assembled in regular session, take this opportunity to commend the Hawks of Marshwood High School and coach, Rod Wotten, for winning the Southern York Association Championship and for being Class C Football Co-Champions for 1972; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to SAD 35 and the principal and coach of Marshwood High School. (S. P. 52)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland

WHEREAS, on December 30, 1972, Maine's Forest Commissioner, Austin H. Wilkins of Augusta, retired from the service of the State; and

WHEREAS, history will record over 44 years of continuous service as a guardian of our stately pine and forest; a record which includes and is further distinguished by 14 years as Commissioner; and

WHEREAS, during this period he has been of great assistance to the Members of the Legislature and all the Members in turn have appreciated his kind service and friendship; now, therefore, be it

ORDERED, the House concurring, that the One Hundred and Sixth Legislature extends to Commissioner Wilkins its very sincere best wishes upon his retirement and commends him for his long and distinguished service to the State of Maine; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to Mr. Wilkins to convey this message of thanks and appreciation. (S. P. 53)

Which was Read.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY: Mr. President and Members of the Senate: The departure of Austin Wilkins from state service is certainly a sad event for the people of the State of Maine, and as I sat listening to our Secretary reading the resolve, it shows how inadequate words can be in an attempt to express appreciation for such a long record of service.

Austin Wilkins, of course, has been Forest Commissioner for longer than any of us in this room have been around in the state. He is an individual who has conducted the affairs of his department, which we all know is of a rather sensitive and delicate nature because he has to walk a path between some people who own our lands and on the other side some people who use our lands, and never in the course of the administration of his department has there been the slightest rumors of scandal, mismanagement, or anything other than the running of the department in a most efficient way.

I have come to regard Austin as a personal friend, from my standpoint, and I am sure I share these feelings with other members of the legislature who through the years have worked with him. He is an example of a capable, dedicated and devoted public servant, and the type of person that

the State of Maine is extremely lucky to have running its affairs.

The PRESIDENT: Is it now the pleasure of the Senate that this order receive passage?

Thereupon, the Order received Passage.

Sent down for concurrence.

Orders of the Day

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Berry of Cumberland:

Joint Order (H. P. 84)

Pending — Passage.

Thereupon, the Joint Order received Passage in concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the first tabled and unassigned matter:

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

Tabled — January 4, 1973 by Senator Berry of Cumberland.

Pending — Reference.

On further motion by the same Senator, referred to the Joint Select Committee on Public Lands in non-concurrence and Ordered Printed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the second tabled and unassigned 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 4, 1973 by Sen. Berry of Cumberland.

Pending — Reference.

On further motion by the same Senator, referred to the Joint Select Committee on Public Lands in non-concurrence and Ordered Printed.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland, the Senate voted to take from the table the fourth tabled and unassigned 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 4, 1973 by Sen. Berry of Cumberland.

Pending — Reference.

On further motion by the same Senator, referred to the Joint Select Committee on Public Lands and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the following matter tabled earlier in today's session by Mr. Berry of Cumberland:

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

Pending — Reference to Committee.

On motion by Mr. Berry of Cumberland, referred to the Joint Select Committee on Public Lands in non-concurrence and Ordered Printed.

Sent down for concurrence.

Committee Appointments

At this time, there being no objection, the President appointed

the following Senators to Senate standing committees, the first-named members thereof to serve as Chairmen:

Bills in the Second Reading

Berry of Cumberland
Anderson of Hancock
Minkowsky of Androscoggin
Marcotte of York

Engrossed Bills

Greeley of Waldo
Peabody of Aroostook
Cox of Penobscot
Olfene of Androscoggin
Tanous of Penobscot
Wyman of Washington
Richardson of Cumberland
Brennan of Cumberland
Conley of Cumberland
Minkowsky of Androscoggin
Danton of York
Kelley of Aroostook

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.