

# 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**

Tuesday, January 30, 1973  
Senate called to order by the President.

Prayer by the Honorable Walter W. Hichens of Elliot.

Reading of the Journal of yesterday.

**Papers from the House  
Non-concurrent Matter**

Bill, "An Act Prohibiting Pony Pulling Contests." (S. P. 101) (L. D. 246)

In the Senate January 18, 1973, referred to the Committee on Judiciary and Ordered Printed.

Comes from the House, referred to the Committee on Agriculture, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Resolve, Authorizing Fred P. Haskell, or his Legal Representative, to Bring Civil Action Against State of Maine. (S. P. 77) (L. D. 194)

In the Senate January 17, 1973, referred to the Committee on Legal Affairs and Ordered Printed.

Comes from the House, referred to the Committee on Judiciary in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

**Joint Resolution  
STATE OF MAINE**

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND SEVENTY-THREE  
JOINT RESOLUTION IN  
RECOGNITION OF PEACE WITH  
HONOR IN VIET NAM

WHEREAS, the President of the United States has announced the successful negotiated conclusion of the Viet Nam conflict; and

WHEREAS, the final agreement enabling return of prisoners and troops and establishing peace with honor will be signed on Saturday, January 27, 1973; and

WHEREAS, the People of Maine share with their fellow Americans a sense of profound and prayerful thanks that United States military involvement in Viet Nam has been concluded in an honorable manner; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the One Hundred Sixth Legislature of the State of Maine, now assembled, take this opportunity to commend the efforts of President Richard M. Nixon, Dr. Henry Kissinger and those in the service of our Federal Government who have successfully secured an honorable end to this conflict and, hopefully, the beginning of a generation of peace throughout the world; 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 President of the United States, the National Security Advisor to the President and to the Senators and Representatives in Congress from the State of Maine. (H. P. 337)

Comes from the House, Read and Adopted.

Which was Read and Adopted in concurrence.

**Joint Order**

WHEREAS, Thursday the 25th day of January 1973 has been proclaimed a day of mourning for President Lyndon Baines Johnson; and

WHEREAS, the 106th Legislature will stand at recess on that day and will require the payment of lodging for some of its members, now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Finance Officer be authorized to pay lodging expenses in the usual weekly manner to cover this day of recess. (H. P. 338)

Comes from the House, Read and Passed.

Which was read and on motion by Mr. Berry of Cumberland, tabled until later in today's session, pending Passage.

Bills and Resolve today received from the House requiring Reference to Committees were acted upon in concurrence except for the following Bill, "An Act to Annex Certain Territories to the Town of Howland." (H. P. 231) (L. D. 311)

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

On motion by Mr. Joly of Kennebec, referred to the Committee on Legal Affairs and Ordered Printed in non-concurrence.

Sent down for concurrence.

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE  
04330

January 30, 1973  
To the Honorable Members of the Senate of the 106th Legislature:

In accordance with my duty under Article V, Part 1, Section 9 of the Constitution of Maine, I am transmitting in a separately printed document a Special Message on Legislation.

During the weeks ahead I look forward to working with members of the Legislature as you consider these and other proposals for the welfare of the State of Maine.

Respectfully,  
KENNETH M. CURTIS  
Governor

KMC-gwd

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

**Senate Papers  
Appropriations and Financial  
Affairs**

Mr. Conley of Cumberland presented, Bill, "An Act Making Additional Appropriations from the General Fund for the Expenditures of State Government and for Other Purposes for the Fiscal Year Ending June 30, 1973." (S. P. 150)

Mr. Huber of Knox presented, Bill, "An Act Relating to Authorized Equipment Purchases for Maine State Prison." (S. P. 157)

The same Senator presented, Bill, "An Act Appropriating Funds for Additional Staff at the Maine State Prison." (S. P. 158)

The same Senator presented, Bill, "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." (S. P. 165)

Mr. Conley of Cumberland presented, Bill, "An Act to Reduce the Institutional Reserve Fund un-

der the State Contingent Account." (S. P. 166)

The same Senator presented, Bill, "An Act Relating to Payment of Patients at Certain State Institutions as Employees under Fair Labor Standards Act." (S. P. 167)

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

Sent down for concurrence.

**Business Legislation**

Mr. Shute of Franklin presented, Bill, "An Act Preventing Discrimination in Reimbursement or Payment under Insurance Policies." (S. P. 153)

Which was referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

**Education**

Mr. Katz of Kennebec presented, Bill, "An Act Providing Funds for the Maine Higher Education Council." (S. P. 168)

Which was referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

**Election Laws**

Mr. Shute of Franklin presented, Bill, An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State. (S. P. 151)

The same Senator presented, Bill, "An Act Relating to the Use of Separate Ballot Box for Constitutional Amendments and Referenda." (S. P. 154)

Mr. Joly of Kennebec presented, Bill, "An Act Relating to Copies of Voting Lists to Political Parties." (S. P. 169)

Which were referred to the Committee on Election Laws and Ordered Printed.

Sent down for concurrence.

**Fisheries and Wildlife**

Mr. Cox of Penobscot presented, Bill, "An Act Providing for a Migratory Waterfowl Hunting Stamp." (S. P. 149)

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

Sent down for concurrence.

**Health and Institutional Services**

Mr. Conley of Cumberland presented, Bill, "An Act to Amend Definitions in Ambulance Service Licensing." (S. P. 170)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

**Judiciary**

Mr. Shute of Franklin presented, Bill, "An Act Relating to Protective Services for Incapacitated Adults." (S. P. 152)

Mr. Brennan of Cumberland presented, Bill, "An Act Relating to State Parole Board Composition and Compensation." (S. P. 155)

Mr. Richardson of Cumberland presented, Bill, "An Act Relating to Retirement of Justices of the Supreme Judicial Court, the Superior Court and Judges of the District Court." (S. P. 163)

Mr. Greeley of Waldo presented, Bill, "An Act Relating to Fees of Clerks of Courts." (S. P. 171)

Mr. Fortier of Oxford presented, Bill, "An Act Relating to Probate Fees." (S. P. 172)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Berry of Cumberland presented, Bill, "An Act Regulating Water Well Construction and Pump Installation." (S. P. 173)

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

Sent down for concurrence.

**State Government**

Mr. Greeley of Waldo presented, Bill, "An Act to Place the Position of Director, Bureau of Aeronautics and Director, Bureau of Waterways in the Classified Service." (S. P. 162)

Mr. Conley of Cumberland presented, Bill, "An Act to Repeal the Committee on Maine Public Broadcasting." (S. P. 174)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

**Taxation**

Mr. Wyman of Washington presented, Bill, "An Act Relating to Maine Sardine Inspection Service." (S. P. 159)

Which was referred to the Committee on Taxation and Ordered Printed.

Sent down for concurrence.

**Transportation**

Mr. Shute of Franklin presented, Bill, "An Act Relating to Examinations for Motor Vehicle Operators' Licenses." (S. P. 156)

Mr. Greeley of Waldo presented, Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1974 and June 30, 1975." (S. P. 160)

The same Senator presented, Bill, "An Act to Allocate Moneys from the Highway Fund for State Aid Construction." (S. P. 161)

Which were referred to the Committee on Transportation and Ordered Printed.

Sent down for concurrence.

**Appropriations and Financial Affairs**

Mr. Richardson of Cumberland presented, Bill, "An Act Creating the Maine Veterans Small Business Loan Authority Board and Establishing a Mortgage Insurance Fund." (S. P. 164)

On motion by Mr. Richardson of Cumberland, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

**Committee Reports Ought to Pass**

The Committee on Legal Affairs on, Bill, "An Act Changing Name of Land Owners Association." (H. P. 70) (L. D. 83)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Creating a Second Assistant County Attorney for Kennebec County." (H. P. 83) (L. D. 108)

Reported that the same Ought to Pass.

The Committee on State Government on, Bill, "An Act Relating to Procedure for Securing Specially

Designed Motor Vehicle License Plates for State Officials." (H. P. 85) (L. D. 110)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

Which reports were Read and Accepted, the Bills Read Once and Tomorrow Assigned for Second Reading.

#### Ought to Pass - As Amended

The Committee on State Government on, Bill, "An Act to Correct an Error in the Reorganization of the Department of Civil Defense and Public Safety." (H. P. 111) (L. D. 131)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-6).

The Committee on State Government on, Bill, "An Act Relating to Fees Received by the Clerk of the House of Representatives and Secretary of the Senate." (H. P. 94) (L. D. 115)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-7).

Come from the House, the Bills Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted in concurrence and the Bills, as Amended, Tomorrow Assigned for Second Reading.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

##### House

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

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

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)

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

Which were Read a Second Time and Passed to be Engrossed in concurrence.

#### House - As Amended

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 65) (L. D. 80)

Bill, An Act Increasing the Borrowing Capacity of Bucksport School District. (H. P. 71) (L. D. 84)

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)

Which were Read a Second Time and Passed to be Engrossed, as Amended, in concurrence.

#### Orders of the Day

On motion by Mr. Sewall of Penobscot, recessed pending the sound of the bell.

#### After Recess

Called to Order by the President. The President laid before the Senate Joint Order (H. P. 338), tabled earlier in today's session by Mr. Berry of Cumberland.

Pending — Passage.

On motion by Mr. Berry of Cumberland, retabled until later in today's session, pending Passage.

#### Joint Order

Out of Order and under suspension of the rules on motion by Mr. Berry of Cumberland,

WHEREAS, Thursday, the 25th day of January, 1973, was proclaimed as a day of mourning for former President Lyndon Baines Johnson; and

WHEREAS, a regular session of the Legislature was scheduled for that day; and

WHEREAS, members of the Legislature had made arrangements for lodging on the evening of that day and had become obligated for the same; and

WHEREAS, to require members to pay for lodging from their own pocket would work an undue hardship on the legislators; and

WHEREAS, it is the sense of the Legislature that the above is a unique situation and that the applicable Statute can reasonably

be interpreted to allow payment for such lodging; now, therefore, be it

ORDERED, the House concurring, that the Legislative Finance Officer be authorized to pay lodging expenses in the usual weekly manner to cover this emergency day of recess.  
(S. P. 185)

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: If the members of the Senate will look at the new order and the tabled order, they will see that they purport to do exactly the same thing. The language in the order up for consideration now is in exact phraseology so that it will be very apparent to all concerned that we are talking about a unique situation, namely: the recess last Thursday out of respect to former President Johnson. I just wanted to emphasize very clearly to the members of the Senate that these

orders are identical in purpose, but it was felt necessary to redraft them.

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

Thereupon, the Order received Passage.

Under suspension of the rules, sent down forthwith for concurrence.

The President laid before the Senate Joint Order H. P. 338, tabled earlier in today's session by Mr. Berry of Cumberland.

Pending - Passage

Thereupon, on motion by Mr. Berry of Cumberland, Indefinitely Postponed in non-concurrence.

Under suspension of the rules, sent down forthwith for concurrence

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.