

# 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**

Thursday, February 8, 1973

Senate called to order by the President.

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

Reading of the Journal of yesterday.

**Joint Orders**

Out of Order and Under Suspension of the Rules:

On motion by Mr. Roberts of York.

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, February 12, at 2 o'clock in the afternoon. (S. P. 253)

Which was Read and Passed.

Under further suspension of the rules,

Sent down forthwith for concurrence.

Out of order and under suspension of the rules, on motion by Mr. Katz of Kennebec:

WHEREAS, federal support for the operation of the Boothbay Harbor Fisheries Research Station is being withdrawn and the station closed; and

WHEREAS, the future health, prosperity and welfare of the people of Maine is irrevocably tied to the increased development of our marine resources, the pursuit of knowledge of marine biology, and the establishment of improved aquacultural procedures including the improved commercial harvesting of herring, lobster and other commercial fish; and

Whereas, the pressures of foreign fishing off the Maine coast are creating grave new problems for our fishermen and are causing increased concern that Maine must do more rather than less in marine research; and

Whereas, the University of Maine, through its Darling Center at Walpole, is pursuing the status of a Sea Grant Institution, and in partnership with the Boothbay Harbor Fisheries Research Station, the Department of Sea and Shore Fisheries, TRIGOM, Southern Maine Vocational-Technical Institute and the thousands of Maine people who earn their livelihood

from the sea need to be formed into a cohesive force to bring Maine into the forefront as a national leader in the harvesting of the resources of the sea; and

WHEREAS, the loss of the Boothday Harbor Fisheries Research Station would be a serious blow to the realization of the aspirations of Maine people; and

WHEREAS, the Maine Legislature is deeply concerned by the foregoing; now, therefore, be it

ORDERED, the House concurring, that the Commissioner of Sea and Shore Fisheries is directed to forward our concern to the appropriate agencies of the Federal Government and to pursue forthwith all avenues which might result in the advantageous leasing of the Boothbay Harbor Fisheries Research Station to the Department of Sea and Shore Fisheries so that the benefits thereof might continue to accrue to the people of Maine, said leasing to provide either for the operation of the facility unilaterally by the Department or in partnership with the Federal Government; and be it further

ORDERED, that all state departments and the University of Maine cooperate fully with the Commissioner of Sea and Shore Fisheries in the implementation of this Order; and be it further

ORDERED, that the Commissioner report back his findings and recommendations with all due haste to the 106th Legislature; and be it further

ORDERED, that suitable copies of this Order be transmitted forthwith to said Commissioner and members of the Maine Congressional Delegation as notice of our request. (S. P. 255)

Which was Read.

The PRESIDENT: The Chair recognizes that same Senator.

Mr. KATZ: Mr. President and Members of the Senate: The text of this order may be found on Pages 7 and 8 of today's advance journal, and I ask that under suspension of the rules it be sent forthwith to the other house.

It is my understanding that things are moving rather quickly down in Washington with respect to the disposition of this facility,

which apparently is most assuredly going to be closed. This order directs the Commissioner of Sea and Shore Fisheries to enter into negotiations to discover on what basis Maine can either unilaterally or in conjunction with the federal people operate this facility which is such a significant one in the overall needs of the state. And it orders the Commissioner to report back his findings to the legislature so that we may determine then what action to take.

The PRESIDENT: Is it 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.

#### **Papers From The House Non-concurrent Matter**

Bill, "An Act Relating to Safety of Dams." (S. P. 177) (L. D. 485)

In the Senate January 31, 1973, referred to the Committee on Public Utilities and Ordered Printed.

Comes from the House, referred to the Committee on Natural Resources and Ordered Printed, 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 MEMORIALIZING RICHARD M. NIXON, PRESIDENT OF THE UNITED STATES OF AMERICA, TO LIFT THE 18-MONTH MORATORIUM ON FEDERAL HOUSING PROGRAMS.

WHEREAS, the housing supply statistics of the United States Bureau of the Census indicate that there exists in the State of Maine a housing supply shortage of critical proportions in the general area of reasonably-priced, safe and sanitary housing; and

WHEREAS, this shortage of housing has been felt most by the low income, moderate income and elderly citizens of the State of Maine; and

WHEREAS, the above housing shortage is most critical in the more rural communities of the State of Maine; and

WHEREAS, the conventional housing market is unable to provide a sufficiently large supply of reasonably priced, safe and sanitary housing to fill the just needs of the above-noted citizens of the State of Maine; and

WHEREAS, governmental incentives and subsidies have been provided by the United States Department of Housing and Urban Development and the Farmers' Home Administration of the United States Department of Agriculture; and

WHEREAS, the above-noted Federal Governmental Departments have recently declared a moratorium of 18-months' duration on the provision of the above-cited incentives, subsidies and resulting housing production; and

WHEREAS, such an 18-month moratorium will constitute a significant economic and social hardship in Maine by eliminating housing starts, and a resultant loss to the Maine economy, and a deprivation to Maine workers of much employment opportunity; now, therefore, be it

RESOLVED: That the Senate and House of Representatives of the State of Maine do hereby memorialize the Congress of the United States and the Executive Branch of the United States Government to consider the severe hardships this 18-month Freeze of Federal Subsidies on Housing will cause to the citizens of this State and to propose alternate methods of continuing these programs immediately or to reinstate the suspended services until such time as such alternate methods have been devised. (H. P. 574)

Comes from the House, Read and Adopted.

Which was Read, On motion by Mr. Berry of Cumberland, tabled pending Adoption.

#### **House Papers**

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

Bill, "An Act to Amend the Act Creating the Eastport Public Landing Authority." (H. P. 421) (L. D. 570)

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

On motion by Mr. Berry of Cumberland, Referred to the Committee on Marine Resources in non-concurrence and Ordered Printed.  
Sent down for concurrence.

STATE OF MAINE  
Senate Chamber  
President's Office  
Augusta, Maine 04330

February 7, 1973

The Honorable Harry N. Starbranch  
Secretary of the Senate  
State House  
Augusta, Maine

Dear Mr. Starbranch:

Pursuant to Senate Rule 32, I hereby appoint the following to serve during the 106th Legislature: Robert W. Beauchaine as Sergeant at Arms, Theresa Morrison as Assistant Sergeant at Arms, Robert Sellar as Postmaster, David S. Young as Doorkeeper, Rowena Chick and Jill Healey as Pages.

Respectfully yours,

KENNETH P. MACLEOD  
President of the Senate

Which was Read and Ordered Placed on File.

STATE OF MAINE  
Senate Chamber  
Augusta, Maine 04330

February 7, 1973

In compliance with the Senate Order of January 3, 1973, the Committee appointed by the President to examine the returns of votes for Senators for the political years of 1973 and 1974, has attended to its duty and asks leave to report that the returns of votes cast, as submitted by the Secretary of State to the President of the Senate, meets with the approval of the Committee.

RICHARD N. BERRY,  
Chairman

Which was Read and Ordered Placed on File.

**Senate Papers  
Appropriations and Financial  
Affairs**

Mr. Conley of Cumberland presented Bill, "An Act Providing Funds for the State Osteopathic Loan Fund." (S. P. 249)

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

Sent down for concurrence.

**Election Laws**

Mr. Graffam of Cumberland presented Bill, "An Act Relating to Registration and Enrollment of Voters." (S. P. 238)

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

Sent down for concurrence.

**Fisheries and Wildlife**

Mr. Shute of Franklin presented Bill, "An Act Creating the Eustis Sanctuary, Franklin County." (S. P. 244)

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

Sent down for concurrence.

**Health and Institutional Services**

Mr. Roberts of York presented Bill, "An Act to Exempt Methods of Payment for Laboratory Services Provided to Persons Outside of the State." (S. P. 242)

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

Sent down for concurrence.

**Judiciary**

Mr. Graffam of Cumberland presented Bill, "An Act to Prohibit the Use of Unmarked Police Cars." (S. P. 239)

The same Senator presented Bill, "An Act Relating to Parking of Spectators' Vehicles During a Fire." (S. P. 240)

Mr. Roberts of York presented Bill, "An Act Creating the Uniform Marriage and Divorce Act." (S. P. 243)

Mr. Schulten of Sagadahoc presented Bill, "An Act Relating to Penalty for Operation of Motor Vehicle under the Influence of Intoxicating Liquor." (S. P. 251)

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

Sent down for concurrence.

#### Legal Affairs

Mr. Shute of Franklin presented Bill, "An Act Repealing Certain Provisions of the Legal Fence Law." (S. P. 245)

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

Sent down for concurrence.

#### Marine Resources

Mr. Graffam of Cumberland presented Bill, "An Act Relating to Sale of Crawfish or Imitation Lobster." (S. P. 237)

Which was referred to the Committee on Marine Resources and Ordered Printed.

Sent down for concurrence.

#### State Government

Mr. Fortier of Oxford presented Bill, "An Act Amending the Municipal Industrial and Recreational Obligations Act." (S. P. 236)

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

Sent down for concurrence.

#### Taxation

Mrs. Cummings of Penobscot presented Bill, "An Act to Clarify Tax Exemptions for Pollution Control Facilities." (S. P. 250)

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

Sent down for concurrence.

#### Transportation

Mr. Graffam of Cumberland presented Bill, "An Act Relating to Display of Lights on Certain Motor Vehicles During the Day-time." (S. P. 241)

Mr. Morrell of Cumberland presented Bill, "An Act Relating to Reflectorized Bicycle Pedals." (S. P. 247)

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

Sent down for concurrence.

#### Legal Affairs

Mr. Shute of Franklin presented, Bill, "An Act Relating to Removal

of Bridges Crossing Connecting Waterways of the Chain of Ponds, Franklin County." (S. P. 246)

On motion by Mr. Shute of Franklin, referred to the Committee on Legal Affairs and Ordered Printed.

Sent down for concurrence.

#### Veterans and Retirement

Mr. Richardson of Cumberland presented Bill, "An Act Relating to Lowering of the Years of Service to Obtain a Vested Right in State Retirement System for Employees of Participating Local Districts" (S. P. 248)

Mr. Cyr of Aroostook presented Bill, "An Act Relating to Creditable Service under State Retirement Law for Certain Teachers." (S. P. 252)

Which were referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

#### Orders

On motion by Mr. Huber of Knox,

ORDERED, that the President of the Senate be authorized, at his discretion, to permit radio or sound television film or live television, or any two or three of these communication media, in the Senate Chamber while the Senate is in session.

Which was Read and Passed.

On motion by Mr. Olfene of Androscoggin,

ORDERED, the House concurring, that the Legislative Finance Officer be authorized to approve the expenses of his office and accounts for payment. (S. P. 254)

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. Greeley of Waldo,

ORDERED, that the Senate Majority Floorleader and the Senate Minority Floorleader be authorized to hire one secretary each.

Which was Read and Passed.

**Committee Reports**  
**House**  
**Ought to Pass**

The Committee on Transportation on Bill, "An Act Relating to Lights on Motor Vehicles of Baxter State Park Rangers." (H. P. 131) (L. D. 155)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Resolve, to Reimburse R. B. Swan & Son of Brewer for Loss of Beehives by Bear. (H. P. 149) (L. D. 182)

Reported that the same Ought to Pass.

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for an International Arrivals Building at Bangor International Airport." (H. P. 175) (L. D. 217)

Reported that the same Ought to Pass.

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

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

The Committee on Taxation on Bill, "An Act Relating to Administration of the State Income Tax." (H. P. 220) (L. D. 293)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-18).

Which report was Read and Accepted in concurrence and the Bill Read Once. House Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Legal Affairs on Bill, "An Act Permitting Municipalities to Regulate Bicycle Traffic by Ordinance." (H. P. 107) (L. D. 127)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-10).

Signed:

Senators:

JOLY of Kennebec  
 ALDRICH of Oxford  
 ROBERTS of York

Representatives:

EMERY of Rockland  
 SHUTE  
 of Stockton Springs  
 FAUCHER of Solon  
 CONNOLLY of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

Signed:

Representatives:

DUDLEY of Enfield  
 FECTION of Biddeford  
 BRAUN of Oakland  
 SHAW of Chelsea  
 COTE of Lewiston  
 CAREY of Waterville

Comes from the House, the Majority Ought to Pass Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-10).

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence, and the Bill Read Once.

Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Divided Report**

The Majority of the Committee on Education on Bill, "An Act Relating to General Purpose Education Aid." (H. P. 236) (L. D. 317)

Reported that the same Ought Not to Pass.

Signed:

Senators:

KATZ of Augusta  
 OLFENE of Androscoggin  
 MINKOWSKY  
 of Androscoggin

Representatives:

FERRIS of Waterville  
 LEWIS of Auburn  
 LAWRY of Fairfield  
 LYNCH  
 of Livermore Falls  
 MURRAY of Bangor  
 LaCHARITE of Brunswick  
 GAHAGAN of Caribou

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

BITHER of Houlton

TYNDALE

of Kennebunkport

Comes from the House, the Majority Ought Not to Pass report Read and Accepted.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in Concurrence.

**Senate**

**Ought to Pass**

Mr. Wyman for the Committee on Taxation on Resolve, to Reimburse Aviation Oil Company for Tax Paid for Shrinkage of Motor Fuel. (S. P. 5) (L. D. 32)

Reported that the same Ought to Pass.

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to the Renewal of Maine Sales or Use Tax and Income Tax Warrants." (S. P. 72) (L. D. 189)

Reported that the same Ought to Pass.

Mr. Cianchette for the Committee on Transportation on Bill, "An Act Relating to Construction of State Aid Bridges." (S. P. 114) (L. D. 259)

Reported that the same Ought to Pass.

Mr. Cianchette for the Committee on Transportation on Bill, "An Act Authorizing Department of Transportation to Make Advance Replacement Housing Allowance Payments Under the Relocation Assistance Act." (S. P. 116) (L. D. 261)

Reported that the same Ought to Pass.

Mr. Shute for the Committee on Transportation on Bill, "An Act Repealing the Limited User Highway Law." (S. P. 117) (L. D. 262)

Reported that the same Ought to Pass.

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

**Ought to Pass — As Amended**

Mr. Tanous for the Committee on Judiciary on Bill, "An Act Relating to the Preparation of List of Prospective Jurors." (S. P. 59) (L. D. 164)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-9).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

**Committee of Conference Report**

The Committee of Conference on the disagreeing action of the two Branches of the Legislature on, Joint Resolution Memorializing the Honorable Winton M. Blount, Postmaster General and the United States Congress for Restoration of Maine Postal Service. (S. P. 83)

ask leave to report: that the House recede and concur with the Senate in Adopting the Joint Resolution, as Amended by Senate Amendment "A" (S-2).

On the Part of the Senate:

ANDERSON of Hancock

MINKOWSKY

of Androscoggin

HUBER of Knox

On the Part of the House:

SIMPSON of Standish

KELLEHER of Bangor

Which was Read and Accepted.

Sent down for concurrence.

**Second Readers**

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

**House**

Bill, "An Act Repealing the Prohibition Against Mobile Home Sales on Sunday." (H. P. 39) (L. D. 46)

Bill, "An Act Exempting Fuels Used to Burn Blueberry Fields from the Sales Tax." (H. P. 86) (L. D. 106)

Bill, "An Act Relating to Manner of Transferring Investment Securities under Uniform Commercial Code." (H. P. 136) (L. D. 159)

Bill, "An Act Relating to the Holding of Securities by Fiduciaries and by Custodians for Fiduciaries" (H. P. 137) (L. D. 160)



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

**Senate — As Amended**

Resolve, Appropriating Funds to the Bath-Brunswick Mental Health Association to Purchase a Facility for a Federally Funded Expanded Program. (S. P. 108) (L. D. 253)

Which was Read a Second time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

**Enactors**

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Repealing the Law Providing for the Fingerprinting of School Children. (H. P. 296) (L. D. 324)

Which was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Resolve, to Reimburse Willard M. Judkins of Rangeley for Automobile Damage Due to Highway Construction. (H. P. 81) (L. D. 94)

(On motion by Mr. Greeley of Waldo, placed on the Special Highway Appropriation Table.)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Berry of Cumberland, adjourned until Monday, February 12, at two o'clock in the afternoon.