

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, February 13, 1973
Senate called to order by the President.

Prayer by the Rev. Richard Rice of Augusta.

Reading of the Journal of yesterday.

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

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

In the House January 31, 1972, referred to the Committee on Legal Affairs.

In the Senate February 8, 1973, referred to the Committee on Marine Resources, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

Non-Concurrent Matter

Bill, "An Act Relating to Hunting Pheasants." (H. P. 101) (L. D. 121)

In the Senate February 6, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-19), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Relating to Regulations Governing Horsepower of Boats on Certain Inland Waters." (S. P. 11) (L. D. 68)

In the Senate February 7, 1973, passed to be Engrossed as Amended by Committee Amendment "A" (S-4).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" as Amended by House Amendment "A" Thereto (H-26) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the State of Maine was magnificently represented by the Freeport High School Band at the inauguration of Richard M.

Nixon for his second term as President of the United States of America; and

WHEREAS, sentiments of pride and patriotism abundantly flowed from the citizens of Maine as the Freeport High School Band played in a grand moment before the President of the United States and the eyes of the nation during the Inaugural Parade; and

WHEREAS, the march down Pennsylvania Avenue to a stirring rendition of the Maine Stein Song called to mind the tremendous effort of the members themselves, their families, their community and many others who made the trip possible; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Maine Legislature extend to the combined membership of the Freeport High School Band, its director, George F. Bookataub, and high school principal, Edward S. Ferguson, a message of gratitude for an outstanding accomplishment and wish them continual success in their efforts to bring recognition and honor to our State and Nation; and be it further

ORDERED, that copies of this Joint Order, duly authenticated, be immediately transmitted by the Secretary of the Senate to Mr. George F. Bookataub, Mr. Edward S. Ferguson, and to each member of the Freeport High School Band in recognition of the band's inspiring performance. (H. P. 661)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

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 Relating to coverage of Treatment by Psychologists under Health and Accident Insurance Contracts." (H. P. 513) (L. D. 678)

Comes from the House referred to the Committee on Health and Institutional Services and Ordered Printed.

On motion by Mr. Berry of Cumberland, referred to the Committee on Business Legislation in non-concurrence and Ordered Printed.

Sent down for concurrence.

Bill, "An Act Providing for Reduced Rates for Senior Citizens Using State Recreation and Camping Areas." (H. P. 526) (L. D. 708)

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

On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Reference to Committee.

Bill "An Act Requiring Constructed Public Buildings Be Made Accessible to the Physically Handicapped." (H. P. 505) (L. D. 657)

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

On motion by Mr. Minkowsky of Androscoggin, referred to the Committee on Health and Institutional Services in non-concurrence and Ordered Printed.

Sent down for concurrence.

Communication

CONGRESS OF THE UNITED STATES

House of Representatives

Washington, D.C. 20515

February 6, 1973

106th Maine State Legislature

State House

Augusta, Maine 04330

Dear Sirs:

I have followed with a great deal of interest the progress of the 27th Amendment to the Constitution dealing with equal rights for women.

Although I was not a member of the Congress which enacted this legislation, I enthusiastically support it.

I hope Maine will join with the 25 other states which have already approved this amendment and I urge the Legislature to give speedy action so that the long-time injustices that are covered by it can be corrected.

Sincerely,

WILLIAM S. COHEN
(S. P. 277)

Which was Read and Ordered Placed on File.

Sent down for concurrence.

Senate Papers

Appropriations and Financial Affairs

Mr. Conley of Cumberland presented Bill, "An Act Providing Funds for Treatment of Cystic Fibrosis." (S. P. 269)

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

Sent down for concurrence.

County Government

Mr. Tanous of Penobscot presented Bill, "An Act Authorizing Piscataquis County to Collect and Dispose of Solid Waste on a Regional Basis." (S. P. 270)

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

Sent down for concurrence.

Education

Mrs. Cummings of Penobscot presented Bill, "An Act Providing Funds for Creating Regional Library Systems." (S. P. 271)

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

Sent down for concurrence.

Judiciary

Mr. Brennan of Cumberland presented Bill, "An Act Relating to Commitment of Juveniles to Juvenile Institutions." (S. P. 272)

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

Sent down for concurrence.

State Government

Mr. Clifford of Androscoggin presented, Resolution, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. (S. P. 273)

The same Senator presented Resolution, Proposing an Amendment to the Constitution Making a Further Exception to State Credit Loaning and Debt Limit By Exceeding for Construction of Buildings to be Used in Whole or

in Part by the State Government.
(S. P. 274)

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

Sent down for concurrence.

Taxation

Mr. Conley of Cumberland presented Bill, "An Act Exempting Sales to Incorporated Nonprofit Boarding Homes for the Elderly from the Sales Tax." (S. P. 275)

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

Sent down for concurrence.

**Committee Reports
House**

Leave to Withdraw

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Penalty for Night Hunting." (H. P. 197) (L. D. 270)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

Ought to Pass

The Committee on Judiciary on Bill, "An Act to Revise Maine Boat Law to Conform with Federal Law." (H. P. 62) (L. D. 74)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

The Committee on Public Utilities on Bill, "An Act Prohibiting Swimming or Bathing in Upper and Lower Hadlock Ponds, Hancock County." (H. P. 109) (L. D. 129)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-20).

The Committee on Public Utilities on Bill, "An Act Prohibiting Pollution of Eagle Lake, Hancock County." (H. P. 142) (L. D. 175)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-23).

The Committee on Judiciary on Bill, "An Act Relating to Discharges of Mortgages, Attachments and Liens." (H. P. 120) (L. D. 144)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-22).

The Committee on Public Utilities on Bill, "An Act Prohibiting Swimming or Bathing in Jordan Pond, Hancock County." (H. P. 116) (L. D. 136)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-21).

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

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

**Senate
Ought to Pass**

Mr. Speers for the Committee on State Government on Bill, "An Act to Clarify the State Records Law." (S. P. 68) (L. D. 170)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Ought to Pass — As Amended

Mr. Shute for the Committee on Transportation on Bill, "An Act to Authorize the Construction of a Bridge Across Cowseagan Narrows, Back River, between the Towns of Westport and Wiscasset." (S. P. 118) (L. D. 263)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-11).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" was Read and Adopted.

Thereupon, under suspension of the rules, the Bill was given its Second Reading and Passed to be Engrossed.

Sent down for concurrence.

Ought to Pass in New Draft

Mr. Marcotte for the Committee on Natural Resources on Bill, "An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls Beyond 600 Feet." (S. P. 107) (L. D. 252)

Reported that the same Ought to Pass in New Draft Under New Title: "Bill, An Act to Increase Outdoor Advertising License and Permit Fees and Extend Controls." (S. P. 276) (L. D. 764)

Which report was Read and Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House

Bill, "An Act Relating to Number of Directors of Swan's Island School Administrative District." (H. P. 242) (L. D. 323)

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

House — As Amended

Bill, "An Act Relating to the Wearing of Fluorescent Orange Clothing While Hunting During Hunting Season." (H. P. 50) (L. D. 57)

(On motion by Mr. Tanous of Penobscot, temporarily set aside.)

Bill, "An Act Relating to Possession of Salmon, Trout, Togue or Black Bass." (H. P. 75) (L. D. 88)

Resolve, to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear. (H. P. 151) (L. D. 184)

Bill, "An Act Relating to Authority of the Legislative Finance Officer." (H. P. 97) (L. D. 118)

Which were Read a Second Time and, except for the matter set aside, Passed to be Engrossed, as Amended, in concurrence.

The President laid before the Senate the matter previously set aside at the request of Mr. Tanous of Penobscot.

Bill, "An Act Relating to the Wearing of Fluorescent Orange Clothing While Hunting During

Hunting Season." (H. P. 50) (L. D. 57)

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: L. D. 57 perhaps appears to be an innocuous little bill but I am afraid that a bill of this type statewide would create a lot of problems, especially perhaps in areas of northern Maine where I come from.

The bill would require any person while hunting, and I guess it has been amended to during deer season, to wear fluorescent orange clothing. The bill doesn't determine the extent of the orange clothing, whether it is only a hat, jacket, pants, or whether it is a shirt that is inside of a jacket; it really doesn't spell it out. Probably the bill ought to spell out what we mean, first of all, by orange clothing if we are going to enact this, and what extent of clothing we are referring to.

The next item that has been brought to my attention by people, especially in lumberjacking areas, is that we have a lot of lumberjacks in the woods during hunting season. I would hate to see an open season on lumberjacks if they don't have orange clothing. There are many hunters, I suppose, that look and if they don't see orange clothing they figure it is a deer. We have a lot of lumberjacks up my way that don't wear orange clothing during the hunting season. So I feel in many respects, while this is intended as a safety measure, in my opinion it would create an equal amount of problems, if not create more danger than exists at the present.

From my recollection last fall, I don't recall that we had that vast number of hunting accidents due to not recognizing the hunter. And to mandate upon every single hunter to wear fluorescent clothing is certainly, in my opinion, mandating something that perhaps the state ought not to be doing principally based on need. I don't see where any need has been shown, at least in the last several years, that we need legislation of this type. So I would move, Mem-

bers of the Senate, the indefinite postponement of L. D. 57.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that Bill, "An Act Relating to the Wearing of Fluorescent Orange Clothing While Hunting During Hunting Season," be indefinitely postponed.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: I have always been reluctant to vote for this bill, but it has proven out so well in the test areas that this year I decided to go along with it. Now, the bill has been amended: "Any person while hunting during any hunting season," that has been eliminated, "during any hunting season," and supplied "while hunting with firearms during firearm season on deer." I think that we should have this bill. It has proven out to be satisfactory in the test areas, and I can see no reason now why we shouldn't pass the bill.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: May I inquire of the good Senator from Hancock, Senator Anderson, of the number of fatalities last year that were attributed to the fact that people perhaps were not wearing fluorescent clothing, if this information was revealed to him at the hearing?

The PRESIDENT: The Senator from Penobscot, Senator Tanous, has posed a question through the Chair which the Senator from Hancock may answer if he desires.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: In 1972 there were three fatal visibility-connected accidents. Only one victim was wearing fluorescent orange; a greasy cap. This was not in the test area. There were 13 non-fatal visibility-connected accidents. Four of the victims wore fluorescent. Three of these were in the northern area and one was in the test area.

In 1971 there were two fatal visibility-connected accidents. Neither victim wore fluorescent. There

were eight non-fatal visibility-connected accidents, two of which involved fluorescent orange, both in the test area.

In 1970 there were six fatal visibility-connected accidents. None of the victims wore fluorescent. There were 16 non-fatal visibility-connected accidents. Six of the victims wore orange. Four of them were in the test area and two in the northern area.

The way this bill reads, they can wear any article of clothing, just simply a hat, as long as it can be seen from all angles, 360 degrees, and I urge passage of this bill.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Penobscot, Senator Tanous, that Legislative Document 57 be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Six Senators having voted in the affirmative, and 25 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in concurrence.

The PRESIDENT: The Chair is very pleased to note the presence in the Senate Chamber this morning of the Senior United States Senator from Maine, the Honorable Edmund S. Muskie. The Chair would like to invite the Senator to approach the rostrum to make any remarks he might care to, and ask the Sergeant-at-Arms to escort the Senator.

Thereupon, the Sergeant-at-Arms escorted Senator Muskie to the rostrum where he addressed the Senate as follows:

Thank you very much, Mr. President. I approach this opportunity with some misgivings because I was never a member of this body. As I consider the political make-up of the Senate, it occurred to me from listening to the debate that I should have walked up wearing

fluorescent orange clothing. But the Senate hasn't changed since I was here as Governor. I think the last time I spoke to the Senate was as Governor to express my appreciation for the work of the legislature at the third special session of my last year in office, and it is a pleasure to be back.

I just came from the House where I had an opportunity to say a few words. I looked at my old seat, which was No. 151, the last one, and mine was next to the Indians. I suppose that is where you put Democrats in those days. But, in any case, the reason I took 151 was that I bore in mind that old biblical story that if you go to the foot of the table somebody will come and put you in a higher place. As you can see, it worked. Somebody told me in those days in the legislature that if I changed my party and became a Republican that I could get places in politics. I have always borne that in mind over the years that have passed since that time. But it is a pleasure to be back.

I will tell you what I said to the House very briefly. It seems to me that this year to a greater degree than any degree I can remember the nature of the relationships between the federal government and the state and local governments have to be carefully watched so that we can make the adjustments that quite clearly we are going to be forced to make as the result of the budget decisions that the President has presented to the Congress. I am not going to get here into the differences and disagreements between the Congress and the President; they will be fought out in Washington. But whatever the result of that struggle, those contests, the impact upon your state budget, upon local budgets, upon programs affecting your people and mine, is going to be very heavy and very serious. So I have been talking to your Governor and to your legislative leaders on both sides of the aisle this morning to see if we couldn't establish more formal relationships between the delegation and state government so that we can understand the impact of what is being proposed and adjust to it. Unless we do it in a formal

way, I am afraid that things can fall between the cracks because, in the last analysis, what we are talking about is programs that affect people.

The state general fund budget that has been proposed is eight and a half times the general fund budget when I became Governor. State agencies are administering like a billion dollars of state and federal money every biennium. That means that your involvement in the lives of communities and people is infinitely greater than it was when I was Governor. So when there are massive changes in that involvement it is going to hurt people, or potentially hurt people. We have a responsibility at all three levels to try to work it out. So that is why I am in Augusta today.

I appreciate the opportunity to indulge in nostalgia and memories, and it has been very pleasant this morning. I am glad I came back and I will be tempted to come back and listen to more of those debates. I must say they are much briefer than debates in the United States Senate. Maybe it is because the President has a heavier gavel than the Vice President of the United States, who really doesn't have much influence, whoever he is, over the proceedings of the United States Senate. So it is pleasant to be back, and thank you very much for welcoming me and giving me this opportunity to say a few words. I wish you luck in your work in the weeks and months ahead.

Thereupon, the Sergeant-at-Arms escorted Senator Muskie from the rostrum amid the applause of the Senate Chamber, the members rising.

Senate

Bill, "An Act Relating to Duties of School Committees Concerning Persons not Immunized Against Certain Diseases." (S. P. 88) (L. D. 234)

Bill, "An Act Relating to Sale of Certain Publications of Department of Inland Fisheries and Game." (S. P. 113) (L. D. 258)

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

Sent down for concurrence.

Senate — As Amended

Bill, "An Act Providing Complimentary Hunting Licenses to Maine Residents Over 70 Years of Age." (S. P. 1) (L. D. 28)

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 Exempting Prosthetic Devices from Sales Tax. (H. P. 30) (L. D. 37)

(On motion by Mr. Sewall of Penobscot, Placed on the Special Appropriations Table.)

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

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

Orders of the Day

The President laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act to Authorize Oxford County to Raise Money for the Development of an Airport in the Rumford-Mexico Area." (H. P. 464) (L. D. 612)

Tabled — February 12, 1973 by Senator Sewall of Penobscot.

Pending — Reference.

Thereupon, referred to the Committee on Appropriations and Financial Affairs in non-concurrence and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (H. P. 469) (L. D. 617)

Tabled — February 12, 1973 by Senator Hichens of York.

Pending — Reference.

On motion by Mr. Hichens of York, referred to the Committee

on Health and Institutional Services in non-concurrence and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act to Improve the Efficiency and Fairness of the Local Welfare System." (H. P. 477) (L. D. 624)

Tabled — February 12, 1973 by Senator Hichens of York.

Pending — Reference.

On motion by Mr. Hichens of York, referred to the Committee on Health and Institutional Services in non-concurrence and Ordered Printed.

Sent down for concurrence.

The President laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Changing Name of Pine Tree Warriors, Inc." (H. P. 20) (L. D. 20)

Tabled — February 12, 1973 by Senator Clifford of Androscooggin.

Pending — Acceptance of Report.

Thereupon, the Ought to Pass as Amended Report of the Committee was 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.

Reconsidered Matter

On motion by Mr. Berry, the Senate voted to reconsider its action of yesterday whereby Bill, "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area," (H. P. 462) (L. D. 611), was referred to the Committee on Transportation in non-concurrence.

On further motion by the same Senator, referred to the Committee on Appropriations and Financial Affairs in concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.