

# 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 20, 1973  
Senate called to order by the President.

Prayer by The Honorable Bennett D. Katz of Augusta.

Reading of the Journal of yesterday.

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

Communication from Congressman William S. Cohen (S. P. 277)

In the Senate February 13, 1973, Read and Ordered Placed on File.

Comes from the House, Not Ordered Placed on File, in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: This body and that other distinguished body at the other end of the hall will soon have a bill to debate before it which will affect 200 million people, and without further comment on this particular issue I move that the Senate recede and concur with the House.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that the Senate recede and concur with the House. Is this the pleasure of the Senate?

The motion prevailed.

**Non-concurrent 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)

In the House February 1, 1973, referred to the Committee on County Government.

In the Senate February 12, 1973, referred to the Committee on Appropriations and Financial Affairs, in non-concurrence.

Comes from the House, that Body having Insisted.

Thereupon, the Senate voted to Recede and Concur.

**Joint Orders**

WHEREAS, nothing on earth is more sacred than the love of two people, each for the other; and

WHEREAS, on February 15, 1946, Mr. and Mrs. Walter A. Birt of East Millinocket, started such a lasting relationship; and

WHEREAS, the Birts are celebrating these happy years and special family relations on this twenty-seventh anniversary of their wedding; now, therefore, be it

ORDERED, the Senate concurring, that We, the Members of the House of Representatives and the Senate of the One Hundred and Sixth Legislature of the State of Maine now assembled, join the twenty-seventh wedding anniversary celebration of our friend and colleague and his dear wife, Dorothy, by extending our warmest congratulations on this memorable occasion, along with our very best wishes for the years to come; and be it further

ORDERED, that a suitable copy of this joint order be immediately transmitted to the Honorable Walter A. Birt of East Millinocket and his devoted wife, as a small memento of our esteem. (H. P. 759)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

WHEREAS, effective legislative performance is directly related to the effectiveness of committee performance; and

WHEREAS, the performance of legislative committees would be greatly enhanced with the aid of new staff by providing for interim accounting of legislative appropriations and mandates; and

WHEREAS, only in this fashion can the Legislature equip itself for the necessary independent effort to become the central force in terms of setting policy for the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committees of the Legislature on Education, Health and Institutional Services and Transportation be authorized to examine the operation of the Departments of: Educational and Cultural Services; Health and Welfare; Mental Health and Corrections and Transportation during periods when the Legislature is not in session to ascertain

the accountability of said departments as to appropriations and statutes and whether the respective programs provided are conducted in an efficient and effective manner or require modification or elimination, and to report the results of such findings to the next special or regular session of the Legislature; and be it further

ORDERED, that each of said Joint Standing Committees shall have at its disposal one of the newly appointed necessary professional legislative staff to properly discharge the purpose of this Order; and be it further

ORDERED, that all departments and agencies of State Government shall cooperate with the respective committees and are directed to provide such technical and other assistance as each committee deems necessary or desirable to carry out the purposes of this Order, including, but not limited to personnel and staff as a part of their regular employment and the study of any subject or matter adjudged by said committees to be relevant or germane to the subject of this accounting or helpful to it in the consummation of their work as ordered, shall be deemed within the scope of said committee's inquiry hereunder; and be it further

ORDERED, that the members of these committees shall be compensated at the rate of \$20 per day while engaged in the performance of its duties and shall be reimbursed for all reasonable expenses actually incurred; and be it further

ORDERED, that \$35,000 be appropriated from the Legislative Account to be divided equally among said committees to carry out the purposes of this Order. (H. P. 657)

Comes from the House, Read and Passed.

Which was Read.

On motion by Mr. Berry of Cumberland, tabled pending Passage.

#### House Papers

Bills, Resolve and Resolutions today received from the House requiring Reference to Committees were acted upon in concurrence.

(See action later in today's session.)

#### Order

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs is directed to report out an emergency bill for an appropriation to the Department of Health and Welfare for the following accounts:

Medical Care

Eye Care and Special Services

Vocational Rehabilitation

(S. P. 302)

Which was Read and Passed.

Sent down for concurrence.

#### Reconsidered Matters

Mr. Katz of Kennebec moved that the Senate reconsider its previous action whereby Bill, "An Act Providing Funds for a Fine Arts Building for the University of Maine at Portland-Gorham" (H. P. 610) (L. D. 808), was referred to the Committee on Appropriations and Financial Affairs in concurrence.

On motion by Mr. Sewall of Penobscot, Tabled and Tomorrow Assigned, pending the motion by Mr. Katz of Kennebec to Reconsider.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, directing the Senate's attention to Bill, "An Act Relating to Control of School Water Supplies (H. P. 619) (L. D. 817), this bill is identical verbatim with a bill that was just considered by the Committee on Education, and I move that the Senate reconsider its action whereby this matter was referred to the Committee on Judiciary.

The PRESIDENT: The Senator from Kennebec, Senator Katz, moves that the Senate reconsider its action whereby Bill, "An Act Relating to Control of School Water Supplies, House Paper 619, Legislative Document 817, was referred to the Committee on Judiciary. Is this the pleasure of the Senate?

The motion prevailed.

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

Sent down for concurrence.

**Senate Papers**  
**Appropriations and Financial Affairs**

Mr. Berry of Cumberland presented Resolve, Relating to Funds Appropriated for Use by the Research Institute of the Gulf of Maine. (S. P. 297)

Mr. Conley of Cumberland presented Bill, "An Act to Increase the Salaries of the Maine State Police." (S. P. 298)

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

Sent down for concurrence.

**Business Legislation**

Mr. Cox of Penobscot presented Bill, "An Act to Amend the Maine Insurance Code to Provide for Regulation of Insurance Holding Company Systems." (S. P. 299)

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

Sent down for concurrence.

**Judiciary**

Mr. Conley of Cumberland presented Bill, "An Act Relating to Fees of Bail Commissioners." (S. P. 300)

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

Sent down for concurrence.

**Natural Resources**

Mr. Aldrich of Oxford presented Bill, "An Act Relating to Pollution Control Costs on Construction Projects." (S. P. 301)

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

Sent down for concurrence.

**Committee Reports**  
**House**

The following Ought Not to Pass reports shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Providing a Deputy Treasurer of Cumberland County by Statute and Providing Compensation Therefor." (H. P. 119) (L. D. 143)

Bill, "An Act Relating to Marking Absentee Ballots at a General Election." (H. P. 146) (L. D. 179)

**Divided Report**

The Majority of the Committee on Election Laws on Bill, "An Act Prohibiting Candidates from Notarizing an Absentee Ballot." (H. P. 105) (L. D. 125)

Reported that the same Ought Not to Pass.

Signed:

Senator:

CIANCHETTE

of Somerset

Representatives:

KELLEY of Machias  
WILLARD of Bethel  
HOFFSES of Camden  
BOUDREAU of Portland  
HANCOCK of Casco  
DUDLEY of Enfield  
BINNETTE of Old Town  
ROSS of Bath  
TALBOT of Portland

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

Signed:

Senators:

SHUTE of Franklin  
JOLY of Kennebec

Representative:

SNOWE of Auburn

Comes from the House, the Bill and Reports Indefinitely Postponed.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Franklin. Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: The handwriting is more than on the wall; it is on the record here. As a matter of practicality, we are not going to oppose what has happened to this bill in the other body where it was soundly defeated. I would like to suggest that at some future date when these halls are filled with statesmen rather than politicians a bill like this will pass. So I now move that we accept the Majority Ought Not to Pass Report.

The PRESIDENT: The Senator from Franklin, Senator Shute, moves that the Senate accept the Majority Ought Not to Pass Report of the Committee. Is this the pleasure of the Senate?

The motion prevailed.

### Senate

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act Relating to School Water Supplies." (S. P. 194) (L. D. 539)

### Leave to Withdraw

Mr. Anderson for the Committee on Fisheries and Wildlife on Bill, "An Act Providing for a Migratory Waterfowl Hunting Stamp." (S. P. 149) (L. D. 383)

Reported that the same be granted Leave to Withdraw.

Which report was Read and Accepted.

Sent down for concurrence.

### Leave to Withdraw — Covered by Other Legislation

Bill, "An Act Relating to Trustees, Power to Hold Property and Change of Name of the Maine Conference of the Methodist Episcopal Church." (S. P. 45) (L. D. 101)

Reported that the same be granted Leave to Withdraw, Covered by Other Legislation.

Which report was Read and Accepted.

Sent down for concurrence.

Mr. Olfene for the Committee on Education on Bill, "An Act Providing Funds for the Maine Higher Education Council." (S. P. 168) (L. D. 423)

Reported that the same Ought to Pass.

Mr. Roberts for the Committee on Legal Affairs on Bill, "An Act Relating to Change of Name, Trustees, Power to Hold Property of the Maine Conference of the United Methodist Church." (S. P. 137) (L. D. 349)

Reported that the same Ought to Pass.

Mr. Roberts for the Committee on Legal Affairs on Bill, "An Act Relating to Holding Property and

Changing the Name of United Baptist Convention of Maine." (S. P. 67) (L. D. 169)

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. Speers for the Committee on Judiciary on Bill, "An Act Relating to Penalty for Buying or Receiving Stolen Property." (S. P. 90) (L. D. 236)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-15).

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.

### Second Readers

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

#### House

Bill, "An Act Classifying Pleasant Lake, Aroostook County." (H. P. 663) (L. D. 765)

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

#### Senate

Bill, "An Act Repealing the Bond for a Manufacturer's Liquor License." (S. P. 126) (L. D. 303)

Bill, "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Penobscot River." (S. P. 130) (L. D. 307)

Bill, "An Act Relating to Apportionment of Cost of Reconstruction of Railroad Grade Separation Structures on Non-federal Aid-State Aid Highways." (S. P. 136) (L. D. 348)

Bill, "An Act Providing for an Additional District Court Judge at Large." (S. P. 65) (L. D. 188)

Bill, "An Act Relating to the Franklin Judicial Division of the District Court." (S. P. 103) (L. D. 248)

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

Sent down for concurrence.

**Senate — As Amended**

Bill, "An Act Relating to Cruelty to Animals." (S. P. 106) (L. D. 251)

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 Relating to Authority of the Legislative Finance Officer. (H. P. 97) (L. D. 118)

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

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

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

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

**Emergency**

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

This being an emergency measure and having received the affirmative votes of 29 members of the Senate, 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 Exempting Fuels Used to Burn Blueberry Fields from the Sales Tax." (H. P. 86) (L. D. 106)

Tabled — February 14, 1973 by Senator Conley of Cumberland.

Pending — Enactment.

On motion by Mr. Conley of Cumberland, retabled and specially assigned for February 22, 1973, pending Enactment.

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

Bill, "An Act Appropriating Funds for an International Arrivals Building at Bangor International Airport." (H. P. 175) (L. D. 217)

Tabled — February 15, 1973 by Senator Sewall of Penobscot.

Pending — Enactment.

On motion by Mr. Sewall of Penobscot, retabled and Tomorrow Assigned, pending Enactment.

Mr. Fortier of Oxford was granted unanimous consent to address the Senate.

Mr. FORTIER: Mr. President and Members of the Senate: Tomorrow morning we will have in the lobby on this floor here a display of Maine tourmalines. You are probably aware that the State of Maine is producing some of the finest and some of the most beautiful and most expensive tourmalines in the world.

The history of the tourmaline in Maine goes back to 1820, when the Hamlin boys discovered tourmalines in the State of Maine. More recently in my County of Oxford, in the Town of Newry, they have discovered a quarry of tourmalines which is considered probably the most beautiful and the most expensive in the world.

At this time the State of Maine owns no Maine tourmaline, although in the museum, we do have, I believe, a few South American tourmalines. Later on in the session you will be asked to pass on a bill appropriating money so that the State may acquire some of these tourmalines.

Now, on this display tomorrow, I am not able to give you the description or the monetary value, but suffice it to say that the owners of this display have insisted that it have police protection every moment that it is in the capitol here, and I do hope you will find time to look at this display to appreciate one more of the many beautiful things which the good Lord has given us here in Maine.

(Off Record Remarks)

On motion by Mr. Sewall of      Adjourned until ten o'clock  
Penobscot,                              tomorrow morning.