

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

Friday, February 23, 1973

Senate called to order by the President.

Prayer by the Rev. Leonard Leclair of Augusta.

Reading of the Journal of yesterday.

Joint Order

Out of Order and Under Suspension of the Rules:

On motion by Mr. Sewall of Penobscot,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to Monday, February 26, at 2 o'clock in the afternoon.

(SP 357)

Which was Read and Passed.

Under further suspension of the rules,

Sent down forthwith for concurrence.

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

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

In the Senate February 20, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-50), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

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

**Senate Papers
Appropriation and Financial
Affairs**

Mr. Roberts of York presented, Bill, "An Act Providing Funds to Defend Lawsuits Pending Against the State of Maine on Behalf of Passamaquoddy and Penobscot Indians." (S. P. 346)

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

Sent down for concurrence.

Health and Institutional Services

Mrs. Cummings of Penobscot presented, Bill, "An Act Relating to Federally Funded Food Programs." (S. P. 349)

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

Sent down for concurrence.

Judiciary

Mr. Joly of Kennebec presented, Bill, "An Act Authorizing File of Abstracts in Registry of Deeds in Guardianship, Conservatorship and Intestate Estates." (S. P. 352)

Mr. Roberts of York presented, Bill, "An Act Increasing Certain Fees of Registers of Deeds." (S. P. 354)

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

Sent down for concurrence.

Natural Resources

Mrs. Cummings of Penobscot presented, Bill, "An Act to Amend Maine Water Pollution Control Laws to Conform with Requirements of a Federal Water Pollution Control Act Amendments of 1972." (S. P. 355)

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

Sent down for concurrence.

Ordered

On motion by Mr. Sewall of Penobscot, ORDERED, the House concurring, that the following Bills be recalled from the legislative files to the Senate: "An Act to Pay One Hundred Percent of Health Insurance Plans for State Employees." Senate Paper 165, Legislature Document 420 and "An Act Providing for Payment of One Hundred Percent of Health Insurance Plans for State Employees." Senate Paper 440, Legislative Document 589. (S. P. 358)

Which was Read.

Thereupon, the Chair ordered a division. 27 Senators having voted in the affirmative, and none having voted in the negative, the Order received Passage.

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 Determining Position of Names of Candidates on Primary Ballots and General Election Ballots." (H. P. 261) (L. D. 341)

Bill, "An Act Relating to Time for Filing Application for Election Returns." (H. P. 115) (L. D. 135)

Bill, "An Act Relating to Wild Animals in Captivity." (H. P. 285) (L. D. 359)

Ought to Pass

The Committee on Labor on, Bill, "An Act Repealing Certain Exemptions from Weekly Payment of Wages." (H. P. 29) (L. D. 36)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Animal Disease Appraisal and Indemnity." (H. P. 251) (L. D. 332)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Relating to Brucellosis." (H. P. 255) (L. D. 335)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act to Amend the Maine Commercial Feed Law of 1971." (H. P. 259) (L. D. 339)

Reported that the same Ought to Pass.

The Committee on Agriculture on, Bill, "An Act Relating to Agricultural Cooperative Agreements." (H. P. 300) (L. D. 402)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Resolve, Providing Funds for Repair of Cathance Lake Dam and Pleasant River Lake Dam, Washington County. (H. P. 287) (L. D. 361)

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 Transportation on, Bill, "An Act to Provide a Feasibility Study for a Turnpike Facility from Houlton to Van Buren." (H. P. 223) (L. D. 296)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-38).

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.

Ought to Pass - As Amended

The Committee on Education on, Bill, "An Act Relating to Borrowing Capacity of Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill and Smyrna." (H. P. 380) (L. D. 509)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-42).

The Committee on Agriculture on, Bill, "An Act Placing the Board of Veterinary Examiners within the Department of Agriculture." (H. P. 253) (L. D. 334)

Reported that the same Ought to Pass as Amended by Committee Amendment "A"

The Committee on Fisheries and Wildlife on, Bill, "An Act Establishing the West Bath Game Sanctuary." (H. P. 248) (L. D. 328)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-40).

Come 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.

Ought to Pass in New Draft

The Committee on Natural Resources on, Resolve, Authorizing the Forest Commissioner to Convey Certain Islands in Southwest Harbor, Hancock County. (H. P. 108) (L. D. 128)

Reported that the same Ought to Pass in New Draft Under New Title: "Resolve, Authorizing the Forest Commissioner to Convey Certain Lands in Southwest Harbor, Hancock County." (H. P. 792) (L. D. 944)

Comes from the House, the Resolve, in New Draft, Passed to be Engrossed.

The Committee on Natural Resources on, Bill, "An Act Providing for Voluntary Water Quality Monitors." (H. P. 330) (L. D. 448)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 793) (L. D. 945)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

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

Divided Report

The Majority of the Committee on Education on, Bill, "An Act Relating to Conferring Degrees by the College of Atlantic." (H. P. 114) (L. D. 134)

Reported that the same Ought to Pass in New Draft Under Same Title (H. P. 794) (L. D. 946)

Signed:

Senators:

KATZ of Kennebec

OLFENE of Androscoggin

Representatives:

TYNDALE

of Kennebunkport

LYNCH

of Livermore Falls

BITHER of Houlton

FERRIS of Waterville

LEWIS of Auburn

MURRAY of Bangor

GAHAGAN of Caribou

LeBLANC of Van Buren

LaCHARITE of Brunswick

LAWRY of Fairfield

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

Signed:

Senator:

MINKOWSKY

of Androscoggin
Comes from the House, the Majority Ought to Pass report Read and Accepted, and the Bill, in New Draft, Passed to be Engrossed.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Minkowsky.

Mr. MINKOWSKY: Mr. President and Members of the Senate: Approximately six years ago the President of the Senate and myself sponsored individual bills for private colleges, namely, Beals Business College at the time and Bliss College of Lewiston, which were in business, as in the case of Bliss College, since 1897, and had substantial credentials to allow them to grant an associate degree in science during that segment of time. These two bills did have a great deal of hardship, shall we say, during the legislative process in the 103rd Legislature, but eventually, based upon the credentials of both colleges, they were granted the associate degree in science.

Today we are speaking about the College of the Atlantic which basically, from the understanding I have, has been in existence approximately a year and half, had received a temporary approval from the Department of Education insofar as using the term "College" in their name, without legislative approval because this can be done when the legislature is not in session by the authority granted to the Department of Education, and also granted them the authorization to award a degree, a baccalaureate degree, on a temporary basis until the legislature did meet. I understand it is a degree in human ecology for a four-year course.

Realizing the plight of private colleges, not only in the State of Maine but throughout the nation, I was a little skeptical when this bill came before us, and I think other members of the committee felt equally so. But with the exceptionally fine array of educators, both from the Depart-

ment of Education, from the State Board of Education, from the various institutions, and the letters we received from various professors in the school system throughout the State of Maine, it proved to be a very very impressive sight simply because of the eminent abilities and talents of the people who testified in behalf of the College of the Atlantic.

I personally myself place a great deal of emphasis on the baccalaureate degree that it should not be given out so freely and so easily just predicated on that they are financially secure at the present time because they have pledges in excess of a million dollars and that they have presently a competent, qualified staff with 32 students on hand. I believe the legislature should give this very, very serious consideration and really screen, evaluate and analyze a great deal more closely so that we do not find ourselves in a dilemma that in future years, should this institution find itself facing a financial dilemma, that the legislature of the State of Maine is not left in a very embarrassing position. Thank you, Mr. President.

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

Mr. KATZ of Kennebec: Mr. President, the Members of the Senate who were here at the time well remember the controversy when Beals and Bliss came up for degree-granting authority. And as a result of that debate in that session the legislature itself set up a procedure to protect future legislatures against that terrible dilemma that faced us.

The procedure that is now followed, and it is a sound procedure, is that an institution may make application to the Secretary of State for degree-granting authority, whereupon the Board of Education appoints a visiting committee of distinguished scholars and others to go to the campus and evaluate not only their ability to offer quality education but also their financial stability and the nature of their facilities. This was done in the case of the College of the Atlantic, and the report that came

back from the visiting team was a remarkably positive statement that degree-granting should be given. This was then, according to Maine law, evaluated by the State Board of Education, and the State Board of Education, with these facts at hand, approved degree-granting authority and recommended to the Maine Legislature that the Legislature, which is the only degree-granting authority, grant degrees to the College of the Atlantic.

The unique part of this whole procedure, which was followed to the letter, is that here we have a case of a small institution, very new, emerging to a place in the sun where it has the confidence of everybody who has looked at it. I must admit that there was a distinguished array of people in support of the institution, but the thing that impressed me more than the names involved were the things that they said. And I must admit that I shared the misgivings of the Senator from Lewiston when the hearing began, but by the time I affixed my signature to the document that it ought to pass I was absolutely convinced that the procedures of Maine law having been followed, the recommendations for degree-granting having been given, then I feel that this is the proper course of action.

The PRESIDENT: As many Senators as are in favor of accepting the Majority Ought to Pass Report of the Committee will say "Yes"; those opposed will say "No".

A viva voce vote being taken, the Majority Ought to Pass Report in New Draft Report of the Committee was Accepted in concurrence, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Senate

The following Ought Not to Pass report shall be placed in the legislature files without further action pursuant to Rule 17-A of the Joint Rules: Bill, "An Act Permitting Liquor Licensed Premises and State Liquor Stores to Remain Open on Election Day and Court Holidays and Regulating Business Hours." (S. P. 127) (L. D. 304)

Ought to Pass

Mr. Cianchette for the Committee on Election Laws on, Bill, "An Act Relating to the Use of Separate Ballot Box for Constitutional Amendments and Referenda." (S. P. 154) (L. D. 388)

Reported that the same Ought to Pass.

Mr. Sewall for the Committee on Appropriations and Financial Affairs on, 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. 356)

Reported pursuant to Joint Order (S. P. 302) that the same Ought to Pass.

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

Divided Report

The Majority of the Committee on Liquor Control on, Bill, "An Act Relating to Hearings for Applications for Liquor Licenses." (S. P. 125) (L. D. 302)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SCHULTEN of Sagadahoc
FORTIER of Oxford

Representatives:

CRESSEY

of North Berwick
KELLEHER of Bangor
STILLINGS of Berwick
FARNHAM of Hampden
IMMONEN

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

Signed:

Senator:

OLFENE

of Androscoggin

Representatives:

FAUCHER of Solon
RICKER of Lewiston
GENEST of Waterville
TANGUAY of Lewiston

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Olfene.

Mr. OLFENE: Mr. President and Members of the Senate: I rise to just inform you a bit on what you are about to vote upon in this proposed piece of legislation.

In the present liquor law, if you are holding a liquor license, you annually are required to advertise for a public hearing to be held by your city council or the county commissioners. All this bill is doing, gentlemen, is waiving this as a mandatory hearing with the exceptions as follows:

1. All new licenses must continue to have a public hearing.

2. It leaves it optional to the city government, the municipality or the county commissioners, who can request a public hearing.

This is a bill that is a departmental bill. I see nothing that would be detrimental in the control of liquor in this state because of this bill simply because the optional attachment is there that you can continue, the city fathers, to hold this annual hearing. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Thereupon, on motion by Mr. Hichen of York, tabled and specially assigned for February 27, 1973, pending Acceptance of Either Report.

Divided Report

The Majority of the Committee on Election Laws on, Bill, "An Act Providing for Field Examiner for Election Division of the Department of the Secretary of State." (S. P. 151) (L. D. 385)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-18).

Signed:

Senators:

SHUTE of Franklin
JOLY of Kennebec
CIANCHETTE

of Somerset

Representatives:

TALBOT of Portland
WILLARD of Bethel
ROSS of Bath
HANCOCK of Casco
BOUDREAU of Portland
KELLEY of Machias
HOFFSES of Camden
SNOWE of Auburn

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

Signed:

Representatives:

DUDLEY of Enfield

BINETTE of Old Town

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee 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

Resolve, to Reimburse Norman W. Ahlholm of Warren for Loss of Beehives. (H. P. 294) (L. D. 398)

Bill, "An Act Relating to Issuance of Temporary Notes by Hospital Administration District No. 1 in Penobscot County." (H. P. 307) (L. D. 409)

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

House - As Amended

Bill, "An Act Relating to Lights and Reflectors on Bicycles." (H. P. 96) (L. D. 117)

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

Senate

Bill, "An Act to Amend the Charter of the Andover Water District." (S. P. 210) (L. D. 554)

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

Sent down for concurrence.

Enactors

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

An Act to Clarify the State Records Law, (S. P. 68) (L. D. 170)

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

Which were Passed to be Enacted and, having been signed by

the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act to Allocate Moneys from the Highway Fund for State Aid Construction. (S. P. 161) (L. D. 416)

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.

Emergency

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)

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

Orders of the Day

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

Bill, "An Act Relating to Discrimination Against Persons Who Refuse to Perform or Assist Abortions." (H. P. 739) (L. D. 952)

Tabled — February 22, 1973 by Senator Berry of Cumberland.

Pending — Motion by Senator Hichens of York to refer to Committee on Health and Institutional Services. (In the House referred to the Committee on Judiciary).

Mr. Hichens of York was then granted leave to withdraw his motion to refer the Bill to the Committee on Health and Institutional Services.

Thereupon, the Bill was referred to the Committee on Judiciary in concurrence.

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

Bill, "An Act Relating to Immunity of Persons or Hospitals Refusing to Perform or Assist in Abortions." (H. P. 740) (L. D. 953)

Tabled — February 22, 1973 by Senator Berry of Cumberland.

Pending — Motion by Senator Hichens of York to refer to

Committee on Health and Institutional Services. (In the House referred to the Committee on Judiciary).

Mr. Hichens of York was then granted leave to withdraw his motion to refer the Bill to the Committee on Health and Institutional Services.

Thereupon, the Bill was referred to the Committee on Judiciary in concurrence.

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

Bill, "An Act Providing Funds for a Fine Arts Building for the University of Maine at Portland-Gorham." (H. P. 610) (L. D. 808)

Tabled — February 22, 1973 by Senator Sewall of Penobscot.

Pending — Motion of Senator Katz of Kennebec of Reconsider

Reference. (Referred to the Committee on Appropriations and Financial Affairs).

Mr. Sewall of Penobscot moved the pending question.

The Senate then voted to reconsider its previous action whereby the Bill was Referred to the Committee on Appropriations and Financial Affairs.

Thereupon, on motion by Mr. Katz of Kennebec, referred to the Committee on Education in non-concurrence and Ordered Printed.

Sent down for concurrence.

(Off Record Remarks)

The Adjournment Order having been returned from the House, Read and Passed in concurrence, on motion by Mr. Sewall of Penobscot, adjourned until Monday, February 26, at two o'clock in the afternoon.