

# 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

Monday, February 26, 1973

Senate called to order by the President.

Prayer by The Honorable Walter W. Hichens of Eliot.

Reading of the Journal of yesterday.

### Papers from the House Non-concurrent Matter

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

In the Senate February 13, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (S-10).

In the House February 21, 1973, Passed to be Engrossed, in non-concurrence.

In the Senate February 22, 1973, the Senate Voted to Insist.

Comes from the House, that Body having Insisted and asked for a Committee of Conference with the following conferees appointed on its part: Henley of Norway, Lynch of Livermore Falls, Dyar of Strong.

On motion by Mr. Anderson of Hancock, the Senate voted to Insist and join in a Committee of Conference.

The President appointed on the part of the Senate the following conferees:  
Senators:

ANDERSON of Hancock  
HICHENS of York  
MINKOWSKY  
of Androscoggin

### Non-concurrent Matter

Bill, "An Act Relating to the Control of Dogs." (H. P. 5) (L. D. 5)

In the Senate February 15, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-25)

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" and House Amendment "A" (H-55), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

### House Papers

Bills and Resolves today received from the House requiring

Reference to Committees were acted upon in concurrence.

Mr. Kelley of Aroostook presented the following Joint Resolution and moved its adoption:

### STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Three

Joint Resolution Proposing A  
Legislative  
Address by Lt. Commander Mark Gartley

WHEREAS, Mark Gartley of Greenville is a native son of Maine who is widely known and respected throughout the State and nation, having been a prisoner of war in the Viet Nam conflict; and

WHEREAS, Lt. Commander Gartley is intimately acquainted with both the experience of being a prisoner of war and the problems of readjustment to civilian life following release; and

WHEREAS, the Viet Nam conflict was recently concluded and released American prisoners of war are in the process of returning home; and

WHEREAS, the attention of our State and nation is focused on their return, there is also a genuine concern that proper recognition be given for their courage through the enactment of compassionate legislation to provide deserved benefits for prisoners of war and their dependents; and

WHEREAS, legislation has been introduced in the 106th Maine Legislature to provide assistance to Maine prisoners of war; and

WHEREAS, it would be highly informative and a considered honor if Lt. Commander Mark Gartley were to address the Maine Legislature respecting such legislation in the light of his experiences, now, therefore, be it

RESOLVED: That we, the Members of the 106th Legislature now assembled in regular legislative session, hereby respectfully extend to Lt. Commander Mark Gartley, an invitation to meet with the Senate and House of Representatives at his earliest convenience, for the purpose of receiving a message concerning the return of American prisoners of war; and be it further

**RESOLVED:** That these resolutions be duly attested by the President of the Senate and the Speaker of the House, and immediately transmitted by the Secretary of the Senate to Lt. Commander Gartley and his commanding officer as a formal invitation. (S. P. 362)

Which was Read.

On motion by Mr. Brennen of Cumberland, tabled and specially assigned for February 28, 1973, pending Adoption.

### **Senate Papers**

#### **Business Legislation**

Mr. Schulten of Sagadahoc presented Bill, "An Act Relating to Investment of Trust Assets." (S. P. 360)

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

Sent down for concurrence.

#### **County Government**

Mr. Kelley of Aroostook presented Bill, "An Act Increasing Salaries of County Officials of Aroostook County." (S. P. 359)

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

Sent down for concurrence.

#### **Legal Affairs**

Mr. Hichens of York presented Bill, "An Act to Revise the Laws Relating to the Practice of Optometry." (S. P. 361)

Which was referred to the Committee on Legal Affairs 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 Prohibiting the Hunting of Bear with Dogs." (H. P. 408) (L. D. 536)

Bill, "An Act Relating to Trapping for Beaver." (H. P. 369) (L. D. 525)

Bill, "An Act Relating to Distribution of Advertising Material." (H. P. 180) (L. D. 222)

Bill, "An Act Providing for Atlantic Standard Time." (H. P. 52) (L. D. 59)

#### **Change of Reference**

The Committee on County Government on Bill, "An Act to Increase Salaries of Certain Somerset County Officials." (H. P. 301) (L. D. 403)

Reported that the same be referred to the Committee on State Government.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

(See action later in today's session.)

#### **Leave to Withdraw**

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Trapping Beaver in West Brook, York County." (H. P. 437) (L. D. 586)

Reported that the same be granted Leave to Withdraw.

The Committee on Fisheries and Wildlife on Bill, "An Act Relating to Minimum Length of Trout in Maine Ponds, Brooks and Streams." (H. P. 174) (L. D. 216)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Leave to Withdraw — Covered by Other Legislation**

Bill, "An Act Creating Sagadahoc County Commissioner Districts." (H. P. 249) (L. D. 330)

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

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

#### **Ought to Pass**

The Committee on Public Utilities on Bill, "An Act Extending the Territorial Limits of the South Berwick Sewer District." (H. P. 332) (L. D. 450)

Reported that the same Ought to Pass.

The Committee on Taxation on Bill, "An Act Exempting Hearing Aids from the Sales Tax." (H. P. 364) (L. D. 479)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act to Amend the Charter of the Portland Water District." (H. P. 419) (L. D. 568)

Reported that the same Ought to Pass.

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

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

The Committee on Agriculture, on Bill, "An Act Revising the Maine Egg Grading Law." (H. P. 230) (L. D. 310)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-51).

The Committee on State Government on Bill, "An Act Relating to Membership on Board of Elevator Rules and Regulations." (H. P. 167) (L. D. 209)

Reported that the same Ought to Pass.

Comes from the House, the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-56).

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

#### Senate Ought to Pass

Mr. Greeley for the Committee on Health and Institutional Services on Resolve, Providing Funds for Cerebral Palsy Centers. (S. P. 102) (L. D. 247)

Reported that the same Ought to Pass.

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

#### Reconsidered Matter

On motion by Mr. Speers of Kennebec, the Senate voted to reconsider its prior action whereby it accepted the report of the Committee on County Government that Bill, "An Act to Increase Salaries of Certain Somerset

County Officials" (H. P. 301) (L. D. 403), be referred to the Committee on State Government.

The PRESIDENT: The Chair recognizes the same Senator.

Mr. SPEERS: Mr. President and Members of the Senate: The Committee on State Government has several bills dealing with increasing the salary of various county attorneys and we have had quite a bit of discussion as to where these bills should be heard. I would hope that someone would table this particular bill until that matter is resolved.

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

Thereupon, on motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

#### Second Readers

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

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

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

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

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

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

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

Resolve, Authorizing the Forest Commissioner to Convey Certain Lands in Southwest Harbor, Hancock County. (H. P. 792) (L. D. 944)

Bill, "An Act Providing for Voluntary Water Quality Monitors." (H. P. 793) (L. D. 945)

Bill, "An Act Relating to Confering Degrees by the College of Atlantic." (H. P. 794) (L. D. 946)

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

**House — As Amended**

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

Bill, "An Act Establishing the West Bath Game Sanctuary." (H. P. 248) (L. D. 328)

(On motion by Mr. Schulten of Sagadahoc, temporarily set aside.)

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

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)

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

The President laid before the Senate the matter set aside by Mr. Schulten of Sagadahoc:

Bill, "An Act Establishing the West Bath Game Sanctuary." (H. P. 248) (L. D. 328)

The PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Schulten.

Mr. SCHULTEN: Mr. President and Members of the Senate: I feel that this particular bill, An Act establishing the West Bath Game Sanctuary, while it is very noble in purpose, it needs a little bit of explanation to enable us to perhaps vote upon it. And in discussing this bill, I feel a great deal, I imagine, like Will Rogers must have felt when he said that all he knows is what he reads in the newspapers.

This bill to set up the West Bath game sanctuary was originally heard by the Fisheries and Wildlife Committee on the 14th of this month and, as I understand it, the representative from the class town involved, the Town of West Bath, sponsored the bill. And speaking as a strong supporter of the bill was the Executive Councilor from that particular district, District No. 3. According to the newspaper article which appeared the following day in the local paper it said that approximately ten other people

spoke in favor of the bill also and that there were no opponents, so this is where the bill stood.

On February 20th there was another local newspaper story that came out which said that the selectmen of the town were circulating a petition among landowners who were opposed to the proposed game sanctuary and that they were interested in trying to stop the bill from going through the legislature.

Now, the selectmen in that article claimed that they had never been officially notified of this bill being presented to the legislature. Also they felt that a number of the landowners, or some of the landowners, had not been notified. This proposed area would comprise land of approximately three miles. So that the representatives at that point, while they were in the newspapers, still had not contacted me but they felt that such a situation should either demand tabling of the article or rescinding of the entire bill.

On the 22nd, the day that we adjourned from the legislature, I got home and this was my first experience with this particular matter. I had a number of phone calls. I didn't realize that in a town of 800 people there were so many that could use the telephone, and they all used it on me.

On the following day, on the 23rd, which was Friday, the local paper had two articles. In one of them the Executive Councilor whom I have identified previously stated that he had received threats concerning this bill against his personal safety and a possible threat against his own property. Also there was a letter to the editor in the same paper which was not complimentary as to the furtherance of this particular bill.

This morning I had a call in person by two of the selectmen from the Town of West Bath, who presented me with a petition — I should back up a moment to say that at the committee hearing the committee passed the bill out as unanimous ought to pass, and based on the knowledge that they had they were quite correct in this proposal that the bill unanimously be passed. They also said in the

paper that 75 names had been put on the petition to support the need for this particular game preserve. At any rate, the two selectmen that I mentioned came into the bank this morning — and I am not permitted to name the bank, but it is the only one you will ever need really — they came in this morning and presented me with a petition with 99 names, and they also presented me with a written appeal that they had signed, asking me to convey it to the members of the Senate.

Now, there seems to be a strong feeling within the town and, as you might have suspected by now, I am the Senator within that particular district. Fortunately, I have been left out of this squabble so far, and I have no intention of getting in the middle if I can possibly avoid it, because I have been there before. But the message that the selectmen would like me to convey to you, with your indulgence, I will read it to you. It is fairly short but it does present the views of the selectmen. Incidentally, it is only signed by two of the selectmen because the third selectman, or the other selectman, was down in hold No. 6 of a ship at dock and he was unable to get up to sign the paper, but he sent word that he was heartily in favor of this memo, that he knew it, he supported it, and he will sign it if you wish. This goes as follows, and I quote:

"We, the undersigned, Selectmen of the Town of West Bath, respectfully ask the Senate to consider the following singular information regarding L. D. 728:

"Item 1. The Committee (Fish & Wildlife) was informed that the selectmen of the Town were aware of this measure when in fact they not only were unaware, but were opposed to it.

"Item 2. The Committee was informed that the inhabitants of the proposed game preserve had been contacted by the proponents and were in favor of the plan when in fact a diligent search failed to turn up an appreciable amount that were even aware of the situation.

"Item 3. Some of the signers of the petition were not residents or landowners in West Bath and at

least one signed before the boundaries were established.

"Realizing that this bill allowed to pass could possibly result in a request for certain tax abatements within this preserve, thereby creating an onerous situation for the rest of the landowners, and the fact that its passage would be based on erroneous information and half-truths; and feeling that the Senate must have a high regard for truth and facts, we ask your help in this matter by tabling this bill."

Now, the Town of West Bath, along with all other towns in the state, will be having a town meeting this coming Saturday, March 3rd, and I would hope that some Senator within this group here would be kind enough to table this particular matter for legislative action sometime next week.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Thereupon, on motion by Mr. Anderson of Hancock, tabled and specially assigned for March 6, 1973, pending Passage to be Engrossed.

#### Senate

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

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) (L. D. 991)

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

Sent down for concurrence.

#### Senate — As Amended

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

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:

### **Emergency**

An Act Relating to Lights on Motor Vehicles of Baxter State Park Rangers. (H. P. 131) (L. D. 155)

This being an emergency measure and having received the affirmative votes of 28 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**

At this point, there being no objection, the President made the following Committee appointments:

Interstate Compact for Education — Senator Katz of Kennebec

New England Board of Higher Education — Senator Katz of Kennebec

Health and Welfare Advisory Committee — Senator Greeley of Waldo

Commission on Interstate Cooperation — Senator Cox of Penobscot

Senator Shute of Franklin

Maine Committee on Problems of the Mentally Retarded — Senator Hichens of York

Campaign Reports Committee — Senator Cianchette of Somerset

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.