

# 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 27, 1973

Senate called to order by the President.

Prayer by the Rev. John Donovan of Winthrop.

Reading of the Journal of yesterday.

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

Bill, "An Act to Provide a Portion of all Public Places and Transportation Vehicles to be Set Aside for Nonsmokers." (S. P. 322) (L. D. 989)

In the Senate February 21, 1973, referred to the Committee on Legal Affairs.

Comes from the House, referred to the Committee on Public Utilities, in non-concurrence.

Thereupon, on motion by Mr. Berry of Cumberland, the Senate voted to Insist.

**House Papers**

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

**Communications****STATE OF MAINE****MAINE EDUCATION COUNCIL**

February 26, 1973

The Honorable Harry N. Starbranch  
Secretary of the Senate

State House  
Augusta, Maine 04330

Dear Mr. Starbranch:

Please accept forty copies of "The Voluntary Certification of Pre-School Teachers and Teacher Aides," a report prepared by the Maine Education Council for the 106th Legislature as ordered by H. P. 1590.

For the Maine Education Council,  
Signed:

LINCOLN T. FISH

Chairman

Which was Read and with accompanying papers Ordered Placed on File.

**STATE OF MAINE****DEPARTMENT OF STATE**

AUGUSTA, MAINE 04330

January 20, 1973

To the Honorable Richard D. Hewes, Speaker of the House of

Representatives of the One Hundred and Sixth Legislature:

I have the honor to herewith transmit the budget estimates of expenses of the sixteen counties within the State for the years 1973-1974, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253, of the Revised Statutes, as amended of 1972.

Signed:

JOSEPH T. EDGAR  
Secretary of State  
(H. P. 886)

Comes from the House, Read, and with accompanying papers referred to the Committee on County Government.

Which was Read and with accompanying papers referred to the Committee on County Government in concurrence.

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

Mr. Graffam of Cumberland presented Bill, "An Act Providing Pensions for Former Governors and their Widows." (S. P. 363)

Mr. Brennan of Cumberland presented Bill, "An Act Transferring Funds from Appropriations to other Departments to the Department of the Attorney General." (S. P. 364)

Mr. Berry of Cumberland presented Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Cumberland County." (S. P. 365)

Mr. Greeley of Waldo presented Resolve, Providing Funds to Repair Dam on Outlet of Branch Pond, Kennebec County. (S. P. 366)

The same Senator presented Bill, "An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville." (S. P. 367)

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

Sent down for concurrence.

**Fisheries and Wildlife**

Mr. Anderson of Hancock presented Bill, "An Act to Correct Errors and Inconsistencies in the Fish and Game Laws." (S. P. 368)

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

Sent down for concurrence.

#### Judiciary

Mr. Clifford of Androscoggin presented Bill, "An Act Relating to Hearing for Provisional Motor Vehicle Licensee on Suspensions." (S. P. 369)

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

Sent down for concurrence.

#### State Government

Mr. Roberts of York presented Bill, "An Act Establishing a Records Management Board." (S. P. 371)

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

Sent down for concurrence.

#### Transportation

Mr. Greeley of Waldo presented Bill, "An Act Relating to Town's Matching Funds for Resurfacing State Aid Highways." (S. P. 370)

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

Sent down for concurrence.

#### Recommended Appropriations and Financial Affairs

The following Bills were recalled from the Legislative Files to the Senate pursuant to Joint Order, Senate Paper 358:

"An Act to Pay One Hundred Percent of Health Insurance Plans for State Employees." (S. P. 165) (L. D. 420)

"An Act Providing for Payment of One Hundred Percent of Health Insurance Plans for State Employees." (S. P. 440) (L. D. 589)

On motion by Mr. Sewall of Penobscot, the Bills were substituted for the Ought Not to Pass Committee Reports.

Thereupon, on further motion by the same Senator, recommended to the Committee on Appropriations and Financial Affairs in non-concurrence.

#### Committee Reports House

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 Repealing the Law Regulating Land Subdivisions." (H. P. 429) (L. D. 578)

#### Leave to Withdraw

The Committee on Veterans and Retirement on Bill, "An Act Providing for the Observance of Veterans Day on November 11th." (H. P. 10) (L. D. 10)

Reported that the same be granted Leave to Withdraw.

The Committee on Veterans and Retirement on Bill, "An Act Providing for the Observance of Veterans Day on November 11th and Memorial Day on May 30th." (H. P. 27) (L. D. 27)

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

The Committee on Education on Bill, "An Act to Authorize Satellite Centers for Vocational Education." (H. P. 219) (L. D. 292)

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 Legal Affairs on Bill, "An Act Relating to Board of Trustees of Independent Churches." (H. P. 152) (L. D. 185)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Outside Signs at Offices of and Increasing Fees of Change of Location of Real Estate Brokers." (H. P. 389) (L. D. 518)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on, Bill, "An Act

Establishing the Lowell E. Barnes Wildlife Management Area, Oxford County." (H. P. 407) (L. D. 535)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Holding Property by Children's Aid Society of Maine." (H. P. 409) (L. D. 558)

Reported that the same Ought to Pass.

The Committee on County Government on Bill, "An Act Increasing Bond of Register of Probate in Cumberland County." (H. P. 417) (L. D. 566)

Reported that the same Ought to Pass.

The Committee on Natural Resources on Resolve, Providing Funds for Project on Swan's Island, Hancock County. (H. P. 446) (L. D. 595)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to Motor Vehicle Auxiliary Lights on Snow Plowing Vehicles." (H. P. 264) (L. D. 371)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to Display of Headlamps on Parked Vehicles." (H. P. 268) (L. D. 375)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Exemption of Certain Securities and Dealers from Registration under the Securities Law." (H. P. 304) (L. D. 406)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Establishing Licensure Fees for Manufacture and Sale of Lightning Rods." (H. P. 305) (L. D. 407)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act to Increase the Fee for Registration of Securities." (H. P. 306) (L. D. 408)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to

Display of Vehicle Headlamps." (H. P. 365) (L. D. 480)

Reported that the same Ought to Pass.

The Committee on Business Legislation on Bill, "An Act Relating to Per Diem Compensation for Members of the Real Estate Commission." (H. P. 373) (L. D. 502)

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.

#### **Ought to Pass — As Amended**

The Committee on Legal Affairs on Bill, "An Act Relating to Bridge Academy." (H. P. 196) (L. D. 269)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-52).

The Committee on Legal Affairs on Bill, "An Act to Amend the Organization of Penobscot Bar Library Association." (H. P. 376) (L. D. 505)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-54).

Comes from the House, the Bills Passed to be Engrossed as Amended by Committee Amendment "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 Legal Affairs on Bill, "An Act Relating to Recording Municipal Ordinances Relating to Land Control." (H. P. 177) (L. D. 219)

Reported that the same Ought to Pass in New Draft Under Same Title. (H. P. 858) (L. D. 1001)

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

Which report was Read and Accepted in concurrence, the Bill in New Draft Read Once and

Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to Wardens and Vestrymen in the Protestant Episcopal Church in the Diocese of Maine." (H. P. 252) (L. D. 333)

Reported that the same Ought Not to Pass.

Signed:

Representatives:

EMERY of Rockland  
BRAWN of Oakland  
SHAW of Chelsea  
FECTEAU of Biddeford  
DUDLEY of Enfield  
CAREY of Waterville  
FAUCHER of Solon

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

Signed:

Senators:

JOLY of Kennebec  
ROBERTS of York  
ALDRICH of Oxford

Representatives:

SHUTE  
of Stockton Springs  
COTE of Lewiston  
CONNOLLY of Portland

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and, on motion by Mr. Berry of Cumberland, the Minority Ought to Pass Report of the Committee Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Education on Bill, "An Act Providing Funds for Elementary School Guidance Counsellors." (H. P. 384) (L. D. 513)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-39).

Signed:

Senator:

MINKOWSKY  
of Androscoggin

Representatives:

MURRAY of Bangor  
LeBLANC of Van Buren

LYNCH

of Livermore Falls  
LAWRY of Fairfield  
TYNDALE

of Kennebunkport  
BITHER of Houlton  
GAGAHAH of Caribou  
LaCHARITE of Brunswick

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

Signed:

Senators:

OLFENE of Androscoggin  
KATZ of Kennebec

Representatives:

FERRIS of Waterville  
LEWIS of Auburn

Comes from the House, the Majority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

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 Election Laws on Bill, "An Act Relating to Accessible Polling Places for Persons with Physical Limitations." (H. P. 282) (L. D. 354)

Reported that the same Ought Not to Pass.

Signed:

Senators:

SHUTE of Franklin  
JOLY of Kennebec  
CIANCHETTE

of Somerset

Representatives:

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

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

Signed:

Representative:

TALBOT of Portland

Comes from the House, the Majority report Read and Accepted.

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

### Second Readers

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

#### House

Bill, "An Act Extending the Territorial Limits of the South Berwick Sewer District." (H. P. 32) (L. D. 450)

Bill, "An Act Exempting Hearing Aids from the Sales Tax." (H. P. 64) (L. D. 479)

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

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

#### House — As Amended

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

Bill, "An Act Revising the Maine Egg Grading Law." (H. P. 20) (L. D. 310)

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

#### Senate

Resolve, Providing Funds for Cerebral Palsy Centers. (S. P. 102) (L. D. 247)

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 Relating to the Franklin Judicial Division of the District Court. (S. P. 103) (L. D. 248)

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

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

An Act Relating to Assistance to Blind Persons in Marking Absentee Ballots. (H. P. 42) (L. D. 49)

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

An Act Revising the Boiler Law to Include Certain Pressure Vessels. (H. P. 164) (L. D. 206)

An Act Relating to Inspection Methods and Frequencies of Steel Hot Water Heating Boilers. (H. P. 179) (L. D. 221)

An Act Permitting the Commissioners of Franklin County to Transfer Bridge Account Moneys. (H. P. 209) (L. D. 282)

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

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

#### Orders of the Day

At this point, there being no objection, the President appointed the following members to the Eastern Regional Committees for the Council on State Governments on Consumer Protection, Environment and Taxation:

Senator Schulten of Sagadahoc — Environment

Senator Cox of Penobscot — Taxation

Senator Marcotte of York — Consumer Protection.

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

Bill, "An Act Revising Certain Motor Vehicle Laws." (H. P. 653) (L. D. 867)

Tabled — February 21, 1973 by Senator Speers of Kennebec.

Pending — Reference. (In the House referred to the Committee on Transportation).

On motion by Mr. Berry of Cumberland, referred to the Committee on Transportation in concurrence.

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

Senate Reports — from the Committee on Fisheries and Wildlife on Bill, "An Act Permitting Sunday Hunting of Rabbits." (S. P. 36) (L. D. 102) Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — February 21, 1973 by Senator Berry of Cumberland.

Pending — Acceptance of Either Report.

Mr. Anderson of Hancock then moved that the Senate Accept the Majority Ought Not to Pass Report of the Committee.

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

Mr. SHUTE: Mr. President and Members of the Senate: I would oppose the motion of my learned colleague and dear friend, the distinguished Senator from Hancock.

This is one of my several children before this body and, being of a protective nature, I feel that I must defend this bill. To give you some history on it, it was proposed to me by a member of my own community who represents a group of rabbit hunters in Franklin County. These people, unfortunately, have to work five and a half or six days a week, unlike most of us I might add, therefore, they find it difficult to follow their recreational pursuit of rabbit hunting in the short time left to them on a Saturday afternoon. So they are requesting that they be permitted to hunt rabbits on Sunday. They aren't asking for anything else. They aren't asking that they hunt deer, moose, or any other animal; just rabbits during the open season for rabbit hunting.

These gentlemen appeared at the hearing about three weeks ago and they were supported by others from other parts of the state — a gentleman from Sagadahoc, another one from Lincoln — who reinforced the testimony of people from Somerset and Franklin Counties. They would like to follow the recreation of hunting rabbits on Sunday. Just as those people have the right to go fishing on Sunday, go snowmobiling, go

skiing, they would like to follow their desired recreational pursuit of hunting on Sunday. The testimony was all by the proponents, and there was only one opponent; that being the Deputy Commissioner of Fisheries and Wildlife, Mr. Peppard, who said that there are little enough rabbits in the State of Maine so he didn't think that the pressure on the rabbits was warranted.

I would take hearty disagreement with Mr. Peppard's findings because as an old rabbit hunter myself I found that there is no dearth of rabbits, particularly in the Franklin County area. So, in support of one of my children, I would like to ask for a division on the motion before you.

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

Mr. ANDERSON: Mr. President and Members of the Senate: Let me reiterate what the good Senator from Franklin Senator Shute, has said, that this is not his brainchild; he was requested to put it in by a constituent.

Now, rabbits are just beginning to make a comeback, and I don't believe that they will stand the pressure of seven days' hunting; they should have at least one day of rest. It would be the temptation, I am sure, of quite a few hunters to take along a couple of buckshot shells with them and take a crack at a deer. Now, as you know, our deer herd is rapidly diminishing and we can't do anything to help out these poachers; we have got to curb it in every way we can. Deer are hunted six days a week, and I think they should have one day of rest free of baying hounds and exploding firearms. And again, I sincerely believe that it is sacrilegious to use firearms and hunt on Sunday. This will simply open the door to all Sunday hunting. I am very much opposed to it and, Mr. President, I move indefinite postponement of this bill.

The PRESIDENT: The Senator from Hancock, Senator Anderson, now moves that Bill, "An Act Permitting Sunday Hunting of Rabbits." (S. P. 36) (L. D. 102) be Indefinitely Postponed.



The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: I would just like to correct two impressions that the Senator from Hancock, Senator Anderson, left with you: first of all, it may be sacrilegious for the Senator to hunt on Sunday, but our good neighbors to the west of us in New Hampshire do hunt deer on Sunday. Secondly, I would like to protect the good name of hunters in Franklin County particularly, and if he is suggesting that they would go out with buckshot and hunt on Sunday, hunt for deer, this is not true; there are no poachers in Franklin County.

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

Mr. SEWALL: Mr. President, I would like to pose a question through the Chair to the good Senator from Franklin, Senator Shute. Number one, is there any kind of hunting allowed on Sunday? Number two, I guess, how do the rabbits feel about this?

The PRESIDENT: The Senator from Penobscot, Senator Sewall, has posed two questions through the Chair which the Senator from Franklin may answer if he desires.

The Chair recognizes the Senator from Franklin, Senator Shute.

Mr. SHUTE: Mr. President and Members of the Senate: The rabbits are not too happy about this bill. They have been multiplying as usual and there are apparently as many rabbits as there have been in the past. Last year a group of us hunted in a particular area and during the hunting season we shot well over one hundred rabbits. We go back to the same area this year and find fully as many rabbits as there were last year.

Your first question, may I ask the clerk to read the first question?

The PRESIDENT: The Chair would inform the Senator that the first question was: Is there any Sunday hunting allowed at the present time?

Mr. SHUTE: Mr. President and Members of the Senate: There is no Sunday hunting of any kind permitted in this state.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the motion of the Senator from Hancock, Senator Anderson, that Bill, "An Act Permitting Sunday Hunting of Rabbits" be indefinitely postponed. As many Senators as are in favor of indefinite postponement will please say yes; those opposed no. The Chair is in doubt and will order a division.

The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I certainly hadn't intended to speak on this subject matter, but since rabbits are in season and since equal rights are also in season — I have always opposed Sunday hunting bills, not for the reasons I have heard here this morning, but we have many, many thousands of non-hunters in the State of Maine. There are thousands of them who enjoy the woods, believe it or not, and most of these people don't like to go into the woods during the week when there is gunfire going around them. They like one day out of the week to at least enjoy the woods, and we do have the most beautiful woods in the world here in the State of Maine, especially during hunting season. They love to go out in the woods on picnics on Sundays with their wives and children and not have to fear gunfire coming over them. So for this reason I oppose this particular bill.

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

Mr. SHUTE: Mr. President and Members of the Senate: In the matter of walking in the woods on a Sunday enjoying the beauties of nature, I am heartily in agreement with the views of the Senator from Penobscot, Senator Tanous. It is just as difficult for one to go walking in the woods either skiing or snowshoeing on a winters day because one has to be wary of speeding snowmobilers. So take your pick: watch out for number six shot or be knocked down by a speeding snowmobiler.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate

is the motion of the Senator from Hancock, Senator Anderson that Bill "An Act Permitting Sunday Hunting of Rabbits" be indefinitely postponed. As many Senators as are in favor of the motion to indefinitely postpone the bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Twenty-two Senators having voted in the affirmative, and eight Senators having voted in the negative, the Bill was Indefinitely Postponed.

Sent down for concurrence.

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

Senate Reports — from the Committee on Liquor Control on Bill, "An Act Relating to Hearings for Applications for Liquor Licenses." (H. P. 125) (L. D. 302). Majority Report, Ought Not to Pass; Minority Report, Ought to Pass.

Tabled — February 23, 1973 by Senator Hichens of York.

Pending — Acceptance of Either Report.

On motion by Mr. Fortier of Oxford, retabled and Tomorrow

Assigned, pending Acceptance of Either Report.

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

House Report — Refer to Legislative Committee on State Government from the Committee on County Government Bill, "An Act to Increase Salaries of Certain Somerset County Officials." (H. P. 301) (L. D. 403)

Tabled — February 26, 1973 by Senator Berry of Cumberland.

Pending — Acceptance.

On motion by Mr. Berry of Cumberland, the Bill was substituted for the Committee Report.

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

Sent down for concurrence.

#### (Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.