

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

Wednesday, March 7, 1973

Senate called to order by the President.

Prayer by the Rev. Richard Cleaves of Winthrop.

Reading of the Journal of yesterday.

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

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

In the Senate February 22, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-62) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Joint Order

WHEREAS, the Windjammers of Camden-Rockport High School are the Western Maine basketball champions for 1973; and

WHEREAS, these skilled young men further fought long and hard for the State crown only to fall short in overtime of the final game; and

WHEREAS, the citizens of Maine share a special pride and sense of accomplishment for the achievements of this unique basketball team and recognize the hard work and dedication to purpose that these accomplishments represent; 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, now assembled, take this opportunity to recognize and congratulate this outstanding basketball team, its co-captains, Daniel Hart and Tom Hibbert, and commend coach Gary Heald and athletic director, Bearl Leach, for the brilliant job they did in bringing the team to the final game; and be it further

ORDERED, that duly attested copies of this Order be transmitted forthwith to the principal and coach of Camden-Rockport High

School in token of the sentiments expressed herein. (H. P. 1055)

Comes from the House, Read and Passed.

Which was Read and Passed in concurrence.

House Papers

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

Communications

STATE OF MAINE
House of Representatives
Office of the Clerk
Augusta, Maine 04330

March 6, 1973

The Honorable Harry N. Starbranch

Secretary of the Senate
106th Legislature

Dear Mr. Secretary:

Pursuant to House Order 665, Speaker Hewes has today appointed Robert A. G. Monks of Cape Elizabeth, Marion Fuller Brown of York, and Richard E. Morgan of South Harpswell to the Legislative Compensation Committee, as the three Public Members on the part of the House.

Sincerely,

Signed:

E. LOUISE LINCOLN

Clerk of the House

Which was Read and Ordered
Placed on File.

**Senate Papers
Appropriations and
Financial Affairs**

Mr. Huber of Knox presented Resolve, Enabling Certain Conveyances by Governor and Council to Safeguard the Mortgage Insurance Fund of the Maine Industrial Building Authority. (S. P. 411)

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

Sent down for concurrence.

Business Legislation

Mr. Shute of Franklin presented Bill, "An Act Repealing the Corporate Franchise Tax and Adjusting Fees in the Office of the Secretary of State." (S. P. 412)

The same Senator presented Bill, "An Act Amending the Authoriza-

tion of Foreign Banks and Trust Companies to Act as Fiduciaries." (S. P. 413)

Mr. Joly of Kennebec presented Bill, "An Act to Repeal Borrowing Limitations Relating to Trust Companies." (S. P. 414)

The same Senator presented Bill, "An Act to Differentiate and Set Apart Industrial Banks from Industrial Loan Companies." (S. P. 415)

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

Sent down for concurrence.

County Government

Mr. Cyr of Aroostook presented Bill, "An Act Relating to County Estimates and Powers of the Legislative Delegation." (S. P. 416)

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

Sent down for concurrence.

Education

Mr. Katz of Kennebec presented Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws." (S. P. 417)

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

Sent down for concurrence.

Health and Institutional Services

Mrs. Cummings of Penobscot presented Bill, "An Act to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution." (S. P. 418)

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

Sent down for concurrence.

Judiciary

Mr. Berry of Cumberland presented Bill, "An Act Relating to the Uniform Motor Vehicle Accident Reparations Act." (S. P. 419)

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

Sent down for concurrence.

Legal Affairs

Mr. MacLeod of Penobscot presented Bill, "An Act to Promote Quality Health Care to All Persons." (S. P. 420)

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

Sent down for concurrence.

Veterans and Retirement

Mr. Clifford of Androscoggin presented Resolve, Providing for a Pension for Mrs. Gertrude Johnson of Lewiston. (S. P. 421)

Which was referred to the Committee on Veterans and Retirement and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Ought to Pass

The Committee on Judiciary on Bill, "An Act Relating to Penalty for Failure to Stop Vehicles on Signal of Officer Enforcing Fish & Game Laws." (H. P. 225) (L. D. 298)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act Relating to Suspensions under the Motor Vehicle Laws." (H. P. 310) (L. D. 412)

Reported that the same Ought to Pass.

The Committee on Transportation on Bill, "An Act Relating to Reservation of Same Motor Vehicle Registration Number." (H. P. 325) (L. D. 443)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Relating to Permits for State Entry of Animals and Birds." (H. P. 331) (L. D. 449)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Relating to Equine Infectious Anemia (Swamp Fever) in Equidae." (H. P. 333) (L. D. 451)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Providing Funds for Purchase of Electronic Milk Testing Equipment." (H. P. 334) (L. D. 452)

Reported that the same Ought to Pass.

The Committee on Judiciary on Bill, "An Act to Prohibit Contraband in County Jails." (H. P. 401) (L. D. 530)

Reported that the same Ought to Pass.

The Committee on Agriculture on Bill, "An Act Relating to Permits to Engage in Business of Propagating Wild Animals or Wild Rabbits." (H. P. 436) (L. D. 585)

Reported that the same Ought to Pass.

The Committee on Fisheries and Wildlife on Bill, "An Act Creating the Rangeley Plantation Sanctuary." (H. P. 449) (L. D. 598)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act to Revise Laws Relating to Dance Hall Licensing." (H. P. 487) (L. D. 641)

Reported that the same Ought to Pass.

The Committee on Legal Affairs on Bill, "An Act to Revise the Maine Passenger Tramway Safety Board Law." (H. P. 490) (L. D. 644)

Reported that the same Ought to Pass.

The Committee on Natural Resources on Bill, "An Act to Clarify the Law Relating to Motor Vehicle Air Pollution Control Systems." (H. P. 546) (L. D. 727)

Reported that the same Ought to Pass.

Come from the House, the Bills Passed to be Engrossed.

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

Ought to Pass in New Draft

The Committee on State Government on Bill, "An Act Relating to Removal or Destruction of Landmark Boundaries by State Departments." (H. P. 47) (L. D. 54)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 966) (L. D. 1151)

The Committee on Agriculture on Bill, "An Act to Revise the Maine Weights and Measures Law." (H. P. 368) (L. D. 497)

Reported that the same Ought to Pass in New Draft under Same Title (H. P. 967) (L. D. 1152)

Come from the House, the Bills in New Draft Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, the Bills in New Draft Read Once and

Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Transportation on Bill, "An Act Relating to Lights on Volunteer Emergency Rescue Squad or Ambulance Service Vehicles." (H. P. 459) (L. D. 608)

Reported that the same Ought to Pass.

Signed:

Senators:

GREELEY of Waldo

SHUTE of Franklin

CIANCHETTE

of Somerset

Representatives:

WOOD of Brooks

BERRY of Madison

KEYTE of Dexter

FRASER of Mexico

McCORMICK of Union

JACQUES of Lewiston

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

Signed:

Representatives:

McNALLY of Ellsworth

DUNN of Poland

WEBBER of Belfast

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

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Liquor Control on Bill, "An Act Requiring Liquor Inspectors to Wear Uniforms While on Duty." (H. P. 412) (L. D. 561)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin

SCHULTEN of Sagadahoc

FORTIER of Oxford

Representatives:

STILLINGS of Berwick

CRESSEY

of North Berwick

FARNHAM of Hampden
KELLEHER of Bangor
IMMONEN of West Paris

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

Signed:

Representatives:

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

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.

Senate Ought to Pass

Mr. Shute for the Committee on Veterans and Retirement on Bill, "An Act Relating to Creditable Service under State Retirement Law for Certain Teachers." (S. P. 252) (L. D. 703)

Reported that the same Ought to Pass.

Mr. Speers for the Committee on State Government on Bill, "An Act to Revise the Maine Municipal Bond Bank Act." (S. P. 207) (L. D. 551)

Reported that the same Ought to Pass.

Mr. Hichens for the Committee on Health and Institutional Services on Bill, "An Act Relating to Compensation and Expenses of the State Board of Hairdressers." (S. P. 97) (L. D. 300)

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. Minkowsky for the Committee on Health and Institutional Services on Bill, "An Act to Amend Definitions in Ambulance Service Licensing." (S. P. 170) (L. D. 425)

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

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.

Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act to Permit Municipalities to Collect a Fee for Lodging House Licenses." (S. P. 132) (L. D. 344)

Reported that the same Ought to Pass.

Signed:

Senators:

JOLY of Kennebec
ROBERTS of York
ALDRICH of Oxford

Representatives:

EMERY of Rockland
FECTEAU of Biddeford
CONNOLLY of Portland
CAREY of Waterville

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

Signed:

Representatives:

BRAWN of Oakland
SHAW of Chelsea
FAUCHER of Solon
DUDLEY of Enfield
COTE of Lewiston
SHUTE

of Stockton Springs

Which reports were Read.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

Second Readers

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

House — As Amended

Bill, "An Act Relating to High School Equivalency Certificates." (H. P. 272) (L. D. 379)

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

Senate

Bill, "An Act Relating to Safety of Dams." (S. P. 410) (L. D. 1176)

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 Authorize Satellite Centers for Vocational Education. (H. P. 176) (L. D. 218)

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

An Act to Clarify the Municipal Records Law. (H. P. 178) (L. D. 220)

An Act Increasing Renewal Fee of Certificate to Practice Chiropractic and Increasing Compensation of Board of Chiropractic Examination and Registration. (H. P. 224) (L. D. 297)

An Act Relating to Vocational Education. (H. P. 239) (L. D. 320)

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

An Act Relating to Deer Doing Damage to Blueberry Lands. (H. P. 290) (L. D. 364)

An Act Relating to Penalty for Sale of Liquor in Violation of Law. (H. P. 355) (L. D. 470)

An Act Relating to Census and Membership in the Passamaquoddy Tribe of Indians. (H. P. 826) (L. D. 971)

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

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

(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:

House Reports — Ought to Pass from the Committee on Veterans and Retirement on Bill, "An Act Providing for the Observance of Veterans Day on November 11th." (H. P. 22) (L. D. 22).

Tabled — March 5, 1973 by Senator Huber of Knox.

Pending — Acceptance of Report.

Thereupon, on motion by Mr. Huber of Knox, retabled and

specially assigned for March 12, 1973, pending Acceptance of the Committee Report.

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

Bill, "An Act Relating to Earning of Good Time by Inmates." (H. P. 862) (L. D. 1147)

Tabled — March 6, 1973 by Senator Hichens of York.

Pending — Reference. (In the House — Referred to Judiciary)

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

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

Bill, "An Act Relating to Eligibility for a Parole Hearing." (H. P. 867) (L. D. 1155)

Tabled — March 6, 1973 by Senator Hichens of York.

Pending — Reference. (In the House — Referred to Judiciary)

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

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

Bill, "An Act Relating to the Parole of Dangerous Persons." (H. P. 868) (L. D. 1156)

Tabled — March 6, 1973 by Senator Hichens of York.

Pending — Reference. (In the House — Referred to Judiciary)

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

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

Bill, "An Act to Repeal the Statute on Boards of Visitors to State Institutions." (S. P. 401)

Tabled — March 6, 1973 by Senator Speers of Kennebec.

Pending — Reference. (Committee on Health and Institutional Services Suggested)

Thereupon, the Bill was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Creating Public Defender Services." (S. P. 402)

Tabled — March 6, 1973 by Senator Tanous of Penobscot.

Pending — Reference. (Committee on Judiciary Suggested)

Thereupon, the Bill was referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

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

Bill, "An Act Relating to Recording Municipal Ordinances Relating to Land Control." (H. P. 858) (L. D. 1001)

Tabled — March 6, 1973 by Senator Berry of Cumberland.

Pending — Enactment.

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Enactment.

Committee Appointments

At this point, there being no objection, the President appointed the following members to the Joint Select Constitutional State Reapportionment Committee:

Senators:

SHUTE of Franklin

MORRELL

of Cumberland

KELLEY of Aroostook

On motion by Mr. Sewall of Penobscot, recessed pending the sound of the bell.

After Recess

Called to order by the President.

The PRESIDENT: The Chair is very pleased to note the presence in the Senate Chamber this morning of a very distinguished young lady, Miss Brenda Snowman of Caribou, who holds the title this year of Maine Potato Blossom Queen.

I would like to ask the Senator from Aroostook, Senator Cyr, if he would escort Miss Snowman to the rostrum for any remarks she might care to make.

Thereupon, Senator Cyr of Aroostook escorted Miss Snowman to the rostrum where she addressed the Senate as follows:

Miss SNOWMAN: Mr. President and Members of the Senate: I would like to thank you very much for the honor bestowed upon me today in being presented to the Senate.

I would like to mention that the bag of potatoes that you found on your desk this morning is with the compliments of the Maine Potato Commission and that this week is Maine Potato Week, March 7th through the 17th. Thank you.

Thereupon, Senator Cyr escorted Miss Snowman from the rostrum to the rear of the Chamber amid the applause of the Senate, the members rising.

Mr. Shute of Franklin was granted unanimous consent to address the Senate:

Mr. SHUTE: Mr. President, many years ago when I was discharged from the Marine Corps at Bainbridge, Maryland, I was told — I am sure it was in jest — by some of the officers present that some of the states had seen fit to pass out bonuses to the returning veterans, but Maine was in fact giving a sack of potatoes to its returning veterans. I am glad today I have received my bonus, and I thank the sponsors of this very much.

Mr. President, in another vein, it distressed me a great deal to read a headline in a local paper this morning, and I will have to credit it to irresponsible journalism. But my seatmate and I, the good Senator from Knox, Senator Huber, are at least two members here who derive part of our income from broadcasting and the dissemination of news, and as a sponsor of a so-called "Shield Bill" which would protect the sources that newsmen have for their news that they provide for the public, free flow of information, I am very much distressed to see this type of irresponsible headline writing. I can't credit it to the reporter who was here yesterday, but any person who suggests that the State Senate yesterday bowed to pressure on the Equal Rights Amendment vote doesn't know what he is talking about, because if indeed we had all bowed to

pressure that occurred from Wednesday until yesterday's vote, I am sure that the vote would have gone the other way.

I do decry this type of headline writing and I regret it because this is part of my profession.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until 1:30 tomorrow afternoon.