

# 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, April 2, 1973

Senate called to order by the President.

Prayer by the Honorable Richard B. Olfene of Auburn.

Reading of the Journal of yesterday.

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

Bill, "An Act Providing for Mandatory Retirement for Teachers." (H. P. 834) (L. D. 1093)

In the Senate March 26, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-111), in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-144), in non-concurrence.

On motion by Mr. Katz of Kennebec, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Resolve, to Reimburse Audrey G. Pray of Hersey for Loss of Poultry by Foxes. (H. P. 554) (L. D. 734)

In the House, March 27, 1973, Passed to be Engrossed.

In the Senate, Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted. On motion by Mr. Berry of Cumberland, the Senate voted to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act to Provide Sales Tax Credit on Replacement of Lost or Destroyed Motor Vehicles." (H. P. 564) (L. D. 743)

In the House March 27, 1973, Passed to be Engrossed as amended by House Amendment "A" (H-134).

In the Senate March 28, 1973, the Majority Ought Not to Pass report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

Mr. Berry of Cumberland moved that the Senate Recede and Concur.

Thereupon, on motion by Mr. Brennan of Cumberland, tabled and tomorrow assigned, pending the

motion by Mr. Berry of Cumberland to Recede and Concur.

**Non-concurrent Matter**

Bill, "An Act Appropriating Funds for a Local Government Center." H. P. 766) (L. D. 999)

In the House March 22, 1973, Recommended to the Committee on Appropriations and Financial Affairs.

In the Senate March 27, 1973, Passed to be Engrossed, in non-concurrence.

Comes from the House, that Body having Adhered.

On motion by Mr. Sewall of Penobscot, the Senate voted to Adhere.

**House Papers**

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

**Communications**

STATE OF MAINE

House of Representatives

Augusta, Maine 04330

March 29, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

The House voted to Adhere to its action on the following matters:

Bill "An Act Establishing Daylight Saving Time for All Year" (H. P. 542) (L. D. 724) whereby it was Indefinitely Postponed in the House on March 26.

RESOLUTION, Proposing a n Amendment to the Constitution to Permit Appointment of Judges of Probate. (S. P. 292) (L. D. 839) whereby it was Indefinitely Postponed in the House on March 21.

Respectfully,

E. LOUISE LINCOLN, CLERK

House of Representatives

Which was Read and Ordered Placed on File.

**Senate Papers****Health and Institutional Services**

Mr. Anderson of Hancock presented, Bill, "An Act to Upgrade the Quality of Care at Bangor State Hospital." (S. P. 531)

On motion by Mr. Hichens of York, referred to the Committee

on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

#### **Appropriations and Financial Affairs**

Mr. Tanous of Penobscot presented, Bill, "An Act Increasing Salaries of County Attorney and Assistant County Attorneys of Penobscot County." (S. P. 537)

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

Sent down for concurrence.

#### **Education**

Mr. Katz of Kennebec presented, Bill, "An Act Appropriating Funds to Expand Post-secondary Educational Opportunities in Maine's Mid-coast, York County and Lewiston-Auburn Areas." (S. P. 538)

The same Senator presented, Bill, "An Act Establishing the Maine State Student Incentive Grants Program." (S. P. 539)

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

Sent down for concurrence.

#### **Judiciary**

Mr. Brennan of Cumberland presented, Bill, "An Act Prohibiting Deceptive Practices by a Private Detective or Watch, Guard or Patrol Agency." (S. P. 540)

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

Sent down for concurrence.

#### **Labor**

Mr. Tanous of Penobscot presented, Bill, "An Act to Create a Commission to Study the Workmen's Compensation Law." (S. P. 541)

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

Sent down for concurrence.

#### **Legal Affairs**

Mr. Berry of Cumberland presented, Bill, "An Act Relating to the Selection of Architects, Engineers and Land Surveyors." (S. P. 532)

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

Sent down for concurrence.

#### **Natural Resources**

Mr. Shute of Franklin presented, Resolve, to Develop a Comprehensive Development Concept for Maine Mountain Areas and Provide Funds for a Preliminary Plan. (S. P. 542)

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

Sent down for concurrence.

#### **Veterans and Retirement**

Mr. Richardson of Cumberland presented, Bill, "An Act Relating to Retirement of Attorney General, Deputy Attorneys General and Assistant Attorneys General." (S. P. 543)

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

Sent down for concurrence.

#### **State Government**

Mr. Fortier of Oxford presented, Bill, "An Act to Encourage Investment of Revenue Sharing Funds in Local Interest Bearing Accounts." (S. P. 533)

The same Senator presented, Bill, "An Act to Allow the State of Maine to Make Secured Deposits in Interest Bearing Accounts." (S. P. 534)

Mr. Berry of Cumberland presented, Bill, "An Act Re-establishing the Capitol Planning Commission." (S. P. 535)

Mr. Minkowsky of Androscoggin presented, Bill, "An Act Relating to the Maine Development Act." (S. P. 536)

Mr. Morrell of Cumberland presented, RESOLUTION, Proposing an Amendment to the Constitution Broadening the Limitation for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles. (On motion by Mr. Berry of Cumberland, tabled and tomorrow Assigned, pending Reference.)

Which, except for the tabled matter, were referred to the

**Committee on State Government  
and Ordered Printed.**

Sent down for concurrence.

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**Orders**

On motion by Mr. Huber of Knox,

ORDERED, the House concurring, that the following Bill be recalled from the legislative files to the Senate: "An Act Extending the Period of Entitlement to Compensation for Partial Incapacity under the Workmen's Compensation Law in Certain Cases," H. P. 616, L. D. 814. (S. P. 546)

Which was Read.

Thereupon a division was had. Twenty-four Senators having voted in the affirmative and no Senators having voted in the negative, the Joint Order received Passage

Sent down for concurrence.

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**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 Funds to Adjust Pay Ranges for Foresters." (H. P. 1063) (L. D. 1387)

Bill, "An Act to Pay for One Hundred Percent of Health Insurance for Retired Teachers." (H. P. 902) (L. D. 1190)

Resolve, in Favor of Penobscot County for Expenses in Guarding a Certain Prisoner. (H. P. 762) (L. D. 995)

Bill, "An Act to Provide for Night Pay Differential for State Employees." (H. P. 453) (L. D. 602)

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**Leave to Withdraw**

The Committee on Health and Institutional Services on, Bill, "An Act Adding Another Dealer to Board of Hearing Aid Dealers and Fitters." (H. P. 892) (L. D. 1179) Reported that the same be granted Leave to Withdraw.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

**Leave to Withdraw  
Covered by Other Legislation**

The Committee on Liquor Control on, Bill, "An Act to Permit the Sale of Beer on Sunday for Off-premise Consumption." (H. P. 113) (L. D. 133) 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.

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**Refer to 107th Legislature**

The Committee on Natural Resources on, Bill, "An Act to Enable the Board of Environmental Protection to Control the Effects of Erosion." (H. P. 750) (L. D. 963)

Reported that the same be referred to the 107th Legislature.

Comes from the House, the report Read and Accepted.

Which report was Read and Accepted in concurrence.

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**Ought to Pass**

The Committee on Election Laws on, Bill, An Act Relating to Size of Voting Places." (H. P. 895) (L. D. 1182)

Reported that the same Ought to Pass.

The Committee on Election Laws on, Bill, An Act Relating to Voting Checklists as Public Records." (H. P. 973) (L. D. 1280)

Reported that the same Ought to Pass.

The Committee on Health and Institutional Services on, Bill, An Act Relating to Community Based Services for the Mentally Retarded." (H. P. 509) (L. D. 674)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act Relating to Use of Waters of Kezar Lake by Westways Maintenance Corporation." (H. P. 715) (L. D. 921)

Reported that the same Ought to Pass.

The Committee on Natural Resources on, Bill, "An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal." (H. P. 631) (L. D. 845)

Reported that the same Ought to Pass.

Comes 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 - As Amended**

The Committee on Marine Resources on, Bill, "An Act Relating to the Marking of Egg-bearing Lobsters." (H. P. 708) (L. D. 913)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-140).

The Committee on Marine Resources on, Resolve, Providing for a Feasibility Study of Marine Resources Development in Washington County. (H. P. 529) (L. D. 711)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-139).

The Committee on Fisheries and Wildlife on, Bill, "An Act Relating to Hunting Bear With Dogs." (H. P. 191) (L. D. 230)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-138).

The Committee on Fisheries and Wildlife on, Bill, "An Act Extending Open Season on Bear." (H. P. 187) (L. D. 228)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-137).

(On motion by Mr. Anderson of Hancock, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.)

Come from the House, the Bills and Resolve Passed to be Engrossed as Amended by Committee Amendments "A".

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

#### **Senate**

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 Relating to Rules and Regulations of the Bureau of Labor and Industry to Enforce Bedding, Upholstered Furniture and Stuffed Toy Laws." (S. P. 201) (L. D. 546)

Bill, "An Act to Increase the Number of Trustees of the Maine State Retirement System." (S. P. 182) (L. D. 490)

#### **Leave to Withdraw**

Mr. Richardson for the Committee on Veterans and Retirement on, Bill, "An Act Relating to Joint Standing Committee Clerks under State Retirement System." (S. P. 432) (L. D. 1301)

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**

Mr. Peabody for the Committee on County Government on, Bill, "An Act Relating to Payments to Waldo County Law Library." (S. P. 186) (L. D. 493)

Reported that the same be granted Leave to Withdraw.

Mr. Peabody for the Committee on County Government on, Bill, "An Act Relating to Payments to the Nathan and Henry B. Cleaves Law Library of the Cumberland Bar Association." (S. P. 196) (L. D. 541)

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

Mr. Peabody for the Committee on County Government on, Bill, "An Act Increasing Salaries of County Commissioners of Washington County." (S. P. 216) (L. D. 632)

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

Which reports were Read and Accepted.

Sent down for concurrence.

#### **Ought to Pass**

Mr. Katz for the Committee on Business Legislation on, Bill, "An Act to Amend the Savings Bank Law." (S. P. 215) (L. D. 631)

Reported that the same Ought to Pass.

Mr. Katz for the Committee on Business Legislation on, Bill, "An Act Revising the Law Relating to Dealers in Securities." (S. P. 372) (L. D. 1098)

Reported that the same Ought to Pass.

Mr. Shute for the Committee on Transportation on, Bill, "An Act Relating to Movement of Oversize Loads on Highways." (S. P. 351) (L. D. 1048)

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. Tanous for the Committee on Judiciary on, Bill, "An Act Relating to Fines Levied by the Harness Racing Commission." (S. P. 133) (L. D. 345)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-51).

Mr. Speers for the Committee on Judiciary on, Bill, "An Act Relating to Appointment of Complaint Justices in the District Court." (S. P. 91) (L. D. 237)

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

Mr. Katz for the Committee on Education on, Bill, "An Act Creating Regional Library Systems." (S. P. 281) (L. D. 828)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-53).

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

#### **Divided Report**

The Majority of the Committee on Legal Affairs on, Bill, "An Act Regulating Water Well Construction and Pump Installation." (S. P. 173) (L. D. 428)

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

Signed:

Senators:

ROBERTS of York  
JOLY of Kennebec  
ALDRICH of Oxford

Representatives:

EMERY of Rockland  
SHUTE

of Stockton Springs  
CAREY of Waterville  
CONNOLLY of Portland  
SHAW of Chelsea

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

Signed:

Representatives:

FAUCHER of Solon  
DUDLEY of Enfield  
COTE of Lewiston  
FECTEAU of Biddeford  
BRAWN of Oakland

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.

#### **Divided Report**

The Majority of the Committee on Business Legislation on, Bill, "An Act Providing for the Maine Property Insurance Cancellation Control Act." (S. P. 231) (L. D. 666)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-50).

Signed:

Senators:

COX of Penobscot  
KATZ of Kennebec  
MARCOTTE of York

Representatives:

DONAGHY of Lubec  
DESHAIES of Westbrook  
TIERNEY of Durham  
BOUDREAU of Portland  
CLARK of Freeport  
JACKSON of Yarmouth  
HAMBLIN of Gorham  
MADDOX of Vinalhaven  
TRASK of Milo

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

Signed:

Representatives:

O'BRIEN of Portland

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

Bill, "An Act Creating a Standardbred Breeders and Owners Development Fund of Maine." (H. P. 518) (L. D. 683)

Bill, "An Act Relating to Taxation of Farmland." (H. P. 773) (L. D. 1007)

Resolve, Providing Funds for Shalom House, Inc., a Halfway House in Portland. (H. P. 848) (L. D. 1122)

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

#### House - As Amended

Bill, "An Act Relating to Resetting, Tampering or Disconnecting Odometers on Motor Vehicles." (H. P. 896) (L. D. 1183)

Bill, "An Act to Provide Funds for the Development of an Airport in the Rumford-Mexico Area." (H. P. 462) (L. D. 611)

Bill, "An Act Clarifying the Law as to Keeping Wild Animals in Captivity." (H. P. 257) (L. D. 337)

(On motion by Mr. Anderson of Hancock, temporarily set aside.)

Bill, "An Act Providing for Repair, Maintenance and Operation of State-owned Dam on Dead River, Androscoggin County." (H. P. 578) (L. D. 770)

Which was Read a Second Time and except for the matter set aside, Passed to be Engrossed, as Amended, in concurrence.

The President laid before the Senate the matter temporarily set aside by Mr. Anderson of Hancock

Bill, "An Act Clarifying the Law as to Keeping Wild Animals in Captivity." (H. P. 257) (L. D. 337)

On motion by the same Senator, the Senate voted to reconsider its action whereby Committee Amendment "A" was Adopted.

The same Senator then presented Senate Amendment "A" to Committee Amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-55, to Committee Amendment "A" was Read and Adopted and Committee Amendment "A" and Amended by Senate Amendment "A" thereto, was Adopted in non-concurrence.

Thereupon, the Bill, as Amended, was Passed to be Engrossed in non-concurrence.

Sent down for concurrence.

Bill, "An Act Relating to Seizing Firearms Equipped with a Silencer." (H. P. 357) (L. D. 472)

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

#### Senate

Resolve, Providing Funds for Portrait of Honorable Margaret Chase Smith. (S. P. 433) (L. D. 1338)

Bill, "An Act Providing Funds for Treatment of Cystic Fibrosis." (S. P. 269) (L. D. 794)

Bill, "An Act to Increase the Authorized Bonding Limit of the Maine State Housing Authority." S. P. 434) (L. D. 1339)

Bill, "An Act Providing Funds for a Fishway at Pitcher Pond in Lincolnville." (S. P. 367) (L. D. 1081)

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

Sent down for concurrence.

#### Senate - As Amended

Bill, "An Act Relating to Purchase of Blind-made Products by State and Political Subdivisions." (S. P. 105) (L. D. 250)

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 Real Estate Brokers Trust Accounts. (H. P. 372) (L. D. 501)

An Act Requiring Constructed Public Buildings Be Made Accessible to the Physically Handicapped. (H. P. 505) (L. D. 657)



(On motion by Mr. Morrell of Cumberland placed on the special Appropriations Table.)

An Act to Revise the Law Prohibiting the Location of Dumps within 300 Feet of Classified Bodies of Water. (H. P. 643) (L. D. 859)

An Act Relating to Protection of the Public Water Supply. (H. P. 1191) (L. D. 1457)

Which, except for the tabled matter, 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 Authorizing Use of County Funds for Child and Family Services in Piscataquis County and Authorizing Counties to Participate in the Priority Social Services Program. (H. P. 381) (L. D. 510)

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

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

Bill, "An Act Creating Aroostook County Commissioner Districts." (H. P. 55) (L. D. 65).

Tabled— March 28, 1973 by Senator Cyr of Aroostook.

Pending— Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator for Androscoggin, Senator Clifford.

Mr. CLIFFORD: Mr. President, in view of the fact that two of the three Senators from Aroostook are not present, I hope that someone would table this for one legislative day.

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

Thereupon, on motion by Mr. Berry of Cumberland, retabled and tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Amending the Uniform Flag Law." (H. P. 500) (L. D. 653).

Tabled—March 28, 1973 by Senator Tanous of Penobscot.

Pending—Passage to be Engrossed. (Committee Amendment "A" (H-122).

Thereupon, on motion by Mr. Berry of Cumberland, retabled and Tomorrow Assigned, pending Passage to be Engrossed.

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

Bill, "An Act Relating to Risk Sharing Plans in the Field of Property Insurance." (H. P. 189) (L. D. 229).

Tabled — March 28, 1973 by Senator Morrell of Cumberland.

Pending—Motion of Senator Brennan of Cumberland to Recede and Concur.

(In House, Passed to be Engrossed.)

(In the Senate, Indefinitely Postponed.)

(House Insisted.)

Thereupon, on motion by Mr. Morrell of Cumberland, retabled and Tomorrow Assigned, pending the motion by Mr. Brennan of Cumberland to Recede and Concur.

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

Bill, "An Act to Register and License Dispensing Opticians." (H. P. 1233) (L. D. 1610)

Tabled—March 29, 1973 by Senator Berry of Cumberland.

Pending— Reference.

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

Sent down for concurrence.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot,

Adjourned until ten o'clock tomorrow morning.