

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume II

April 23, 1973 to June 5, 1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, April 27, 1973
Senate called to order by the President.

Prayer by the Rev. Lawrence E. Merckens of Hallowell

Reading of the Journal of yesterday.

Papers From the House

Non-concurrent Matter

Bill, "An Act Relating to Use of Studded Tires on Motor Vehicles." (S. P. 79) (L. D. 196)

In the Senate April 17, 1973, Passed to be Engrossed as Amended by Senate Amendment "B" (S-71) and Senate Amendment "C" (S-79).

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-280), Senate Amendment "B" and Senate Amendment "C", in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution Reducing Residence Requirement for Voting to Thirty Days. (H. P. 9) (L. D. 9)

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

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-281), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

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

In the Senate April 17, 1973, Passed to be Engrossed, in concurrence.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-278) as Amended by House Amendment "B" Thereto (H-286) in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Non-concurrent Matter

Bill, "An Act Prohibiting Bringing Animals Into Food Stores." (H. P. 986) (L. D. 1306)

In the Senate April 17, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" (H-188), in concurrence. In the House April 19, 1973, Passed to be Enacted.

In the Senate April 24, 1973, Passed to be Engrossed as Amended by Committee Amendment "A" and Senate Amendment "A" (S-90), in non-concurrence.

Comes from the House, that Body having Insisted.

On motion by Mr. Olfene of Androscoggin, the Senate voted to Insist.

Non-concurrent Matter

Bill, "An Act Relating to the Appointment of Clerks of the Judicial Courts." (S. P. 456) (L. D. 1428)

In the Senate April 24, 1973, Passed to be Engrossed.

Comes from the House, Indefinitely Postponed, in non-concurrence.

On motion by Mr. Brennan of Cumberland, the Senate voted to Insist and ask for a Committee of Conference.

Non-concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution Providing for Regulation of Municipal Borrowing by the Legislature. (S. P. 586) (L. D. 1804)

In the Senate April 18, 1973, Passed to be Engrossed.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-283), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

Papers From the House

Out of Order and under suspension of the rules, the Senate voted to take up the following:

Non-concurrent Matter

Resolve, Designating a Certain Bridge Across the Androscoggin River as "The Veterans Memorial Bridge." (S. P. 329) (L. D. 1033)

In the Senate April 11, 1973, Passed to be Engrossed.

In the House April 20, 1973, Bill and accompanying papers, Indefinitely Postponed.

In the Senate April 23, 1973, that Body having Insisted.

Comes from the House, Passed to be Engrossed as Amended by House Amendment "A" (H-282), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

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 Relating to Withdrawal from Participation in the Cumberland County Recreation Center." (H. P. 981) (L. D. 1295)

Bill, "An Act Relating to when Merger or Consolidation of Corporations Becomes Effective." (H. P. 1209) (L. D. 1561)

Leave to Withdraw

The Committee on Judiciary on, Bill, "An Act Relating to Compensation Upon Retirement of Judges of the District Court and Active Retired Judges." (H. P. 250) (L. D. 331)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on, Bill, "An Act Appropriating Funds for a Community College in York County under the State University System." (H. P. 511) (L. D. 676)

Reported that the same be granted Leave to Withdraw.

The Committee on Education on, Bill, "An Act to Appropriate \$278,000 to Establish a 2-year Community College in York County." (H. P. 1237) (L. D. 1622)

Reported that the same be granted Leave to Withdraw.

Comes from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Natural Resources on, Bill, "An Act to Enable the Department of Environmental Protection to Study the Ground-water Problem of the State." (H. P. 817) (L. D. 1110)

The Committee on Legal Affairs on, Bill, "An Act Changing the Name of U.M.P.G. Alumni Association." (H. P. 1302) (L. D. 1696)

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.

Divided Report

The Majority of the Committee on State Government on, Bill, "An Act Designating Remembrance of Martin Luther King a Legal Holiday." (H. P. 168) (L. D. 210)

Reported that the same Ought to Pass in New Draft under New Title: Bill, "An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr." (H. P. 1440) (L. D. 1810)

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

GOODWIN of Bath
FARNHAM of Hampden
NAJARIAN of Portland
CROMMETT

of Millinocket

COONEY of Sabattus

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

Signed:

Senators:

SPEERS of Kennebec
WYMAN of Washington

Representatives:

SILVERMAN of Calais
STILLINGS of Berwick
CURTIS of Orono

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

Which reports were Read.

On motion by Mr. Clifford of Androscoggin, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

Divided Report

Six members of the Committee on State Government on, Bill, "An

Act to Transfer the Pesticides Control Board to the Department of Environmental Protection." (H. P. 1125) (L. D. 1460)

Reported in Report "A" that the same Ought Not to Pass.

Signed:

Senators:

SPEERS of Kennebec
WYMAN of Washington

Representatives:

STILLINGS of Berwick
SILVERMAN of Calais
FARNHAM of Hampden
CURTIS of Orono

Four members of the same Committee on the same subject matter reported in Report "B" that the same Ought to Pass as Amended by Committee Amendment "A" (H-273).

Signed:

Senator:

CLIFFORD

of Androscoggin

Representatives:

COONEY of Sabattus
GOODWIN of Bath
BUSTIN of Augusta

Two members of the same Committee on the same subject matter reported in Report "C" that the same Ought to Pass.

Signed:

Representatives:

CROMMETT of
Millinocket
NAJARIAN of Portland

Comes from the House, Report "A", Ought Not to Pass, Read and Accepted.

Which reports were Read, and on motion by Mr. Speers of Kennebec, the Ought Not to Pass Report "A" of the Committee Accepted in Concurrence.

Senate

Leave to Withdraw

Mr. Clifford for the Committee on State Government on, Bill, "An Act to Make the Industrial Accident Commission Full Time and to Establish the Salaries of its Members." (S. P. 408) (L. D. 1210)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

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

Mr. RICHARDSON: Mr. President, if I may, I would inquire of the Senator from Androscoggin, Senator Clifford, what the plans of the State Government Committee are with respect to the question of making the members of the Industrial Accident Commission full-time and prohibiting private law practice?

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

Mr. SPEERS: Mr. President, the Chairman of the State Government Committee was approached by the sponsor of this particular bill and these two other bills, and we did receive a request to withdraw these two bills. For that reason, we reported them out granting leave to withdraw.

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

Mr. RICHARDSON: Mr. President and Members of the Senate: It is a rather unique experience, at least for me, but the Industrial Accident Commissioners of this state are dealing directly with the lives of hundreds, indeed thousands, of Maine working people who are injured during the course of their employment. These Industrial Accident Commissioners are, in effect, judges. They handle cases which I believe are on a par with, if not substantially in excess of, the size of a case being handled in civil court, in Superior Court. I am very reluctant to see us just pass this issue by the boards here without doing something about it. I think we should have full-time Industrial Accident Commissioners. I think that they are dealing with hundreds and hundreds of thousands of dollars and are making decisions which could directly affect the lives of hundreds and hundreds of people.

With all deference to the sponsor, I would appreciate it if the Senate Chairman of State Government or a member of State Government would table this until the next legislative day in order that we could see what the reason is for abandoning what I think was a very worthwhile proposal.

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

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

Mr. Clifford for the Committee on State Government on, Bill, "An Act Relating to Salaries of Members of the Industrial Accident Commission." (S. P. 406) (L. D. 1208)

Reported that the same be granted Leave to Withdraw.

Which report was Read.

On motion by Mr. Speers of Kennebec, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Ought to Pass

Mr. Speers for the Committee on State Government on, Bill, "An Act Relating to Planning Function of the Maine Law Enforcement Planning and Assistance Agency." (S. P. 559) (L. D. 1703)

Reported that the same Ought to Pass.

Mr. Clifford for the Committee on State Government on, Bill, "An Act Reestablishing the Capitol Planning Commission." (S. P. 535) (L. D. 1688)

Reported that the same Ought to Pass.

Mr. Speers for the Committee on State Government on, Bill, "An Act to Effect Economies in Distribution of State Publications." (S. P. 566) (L. D. 1705)

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. Hichens for the Committee on Health and Institutional Services on, Bill, "An Act to Provide for Notice Upon Release or Change of Status of a Patient in a State Mental Institution." (S. P. 418) (L. D. 1257)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-97).

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 State Government on, Bill, "An Act Relating to Legislative Counsel or Agents." (S. P. 463) (L. D. 1494)

Reported that the same Ought to Pass.

Signed:

Senators:

SPEERS of Kennebec

CLIFFORD

of Androscoggin

Representatives:

CURTIS of Orono

STILLINGS of Berwick

GAHAGAN of Caribou

GOODWIN of Bath

NAJARIAN of Portland

BUSTIN of Augusta

COONEY of Sabattus

CROMMETT

of Millinocket

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

Signed:

Senator:

WYMAN of Washington

Representative:

FARNHAM of Hampden

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

Resolve, Appropriating Moneys for Spruce Budworm Control. (H. P. 735) (L. D. 938)

Bill, "An Act to Provide that Wages Earned by Prisoners in State Correctional Institutions shall Draw Interest Pending Release of Prisoner." (H. P. 1456) (L. D. 1880)

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

House - As Amended

Bill, "An Act Authorizing Food Stamp Program for Certain Municipalities." (H. P. 1037) (L. D. 1357)

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

Senate

Bill, "An Act Relating to the Deletion of an Exemption under the Unfair Trade Practices Act." (S. P. 483) (L. D. 1550)

Bill, "An Act Relating to Waiver by Consumer under Unfair Trade Practices Act." (S. P. 485) (L. D. 1552)

Bill, "An Act Relating to Rules and Regulations Promulgated under the Unfair Trade Practices Act." (S. P. 484) (L. D. 1551)

Bill, "An Act Relating to Assurances of Discontinuance under the Unfair Trade Practices Act." (S. P. 486) (L. D. 1553)

Bill, "An Act Amending the Authorization of Foreign Banks and Trust Companies to Act as Fiduciaries." (S. P. 413) (L. D. 1252)

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) (L. D. 1691)

RESOLUTION, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. (S. P. 273) (L. D. 798)

Which were 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 Management of Endowment Funds of Educational Organizations. (S. P. 285) (L. D. 832)

An Act to Prohibit Interlocking Directorates in Banking Institutes. (S. P. 575) (L. D. 1766)

(On motion by Mr. Richardson of Cumberland, tabled and Tomorrow assigned pending Enactment.)

An Act Increasing Nonresident Hunting License Fee. (H. P. 188) (L. D. 265)

An Act Amending Fee Schedule for Registered Nurses. (H. P. 710) (L. D. 916)

An Act Relating to Permanent Motor Vehicle Operators License Numbers. (H. P. 914) (L. D. 1214)

An Act Amending the Law Relating to the Provision of Housing and Meals to State Employees. (H. P. 1021) (L. D. 1344)

(On motion by Mr. Conley of Cumberland, placed on the Special Appropriations Table.)

An Act to Repeal the Law Providing for Town Workhouses and Houses of Correction. (H. P. 1121) (L. D. 1459)

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.

An Act to Permit Savings Banks to Invest in Obligations of the Asian Development Bank. (H. P. 1070) (L. D. 1395)

Comes from the House, Indefinitely Postponed. On motion by Mr. Cox of Penobscot, tabled and Specially Assigned for May 1, 1973, pending Enactment.

An Act Increasing License Fee for Nurserymen. (H. P. 1019) (L. D. 1342)

Comes from the House, Indefinitely Postponed.

Which was Passed to be Enacted in non-concurrence.

Sent down for concurrence.

Emergency

An Act Providing Funds for Director of the State Crime Laboratory. (S. P. 446) (L. D. 1413)

Comes from the House, Indefinitely Postponed. On motion by Mr. Berry of Cumberland, tabled and Tomorrow Assigned, pending Enactment.

Reconsidered Matter

On motion by Mr. Marcotte of York, the Senate voted to recon-

sider its action of yesterday whereby Bill, "An Act Relating to Deceptive Price Comparison Advertising under Uniform Deceptive Trade Practices Act", was Passed to be Engrossed.

On further motion by the same Senator, the Bill was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

On motion by Mr. Berry of Cumberland,

Adjourned until Monday, April 30, 1973 at ten o'clock in the morning.