

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

Monday, April 30, 1973

Senate called to order by the President.

Prayer by the Honorable Alton E. Cianchette of Pittsfield.

Reading of the Journal of yesterday.

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

Joint Resolution In Support of the National Guard. (S. P. 600)

In the Senate April 26, 1973, Read and Adopted.

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

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

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

April 27, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Yesterday, April 26, the Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Regulating Water Well Construction and Pump Installation" (S. P. 173) (L. D. 428):

Messrs. PARKS of Presque Isle

DYAR of Strong

HOBBINS of Saco

Respectfully,

E. LOUISE LINCOLN,

Clerk

House of Representatives

Which was Read and Ordered Placed on File

State of Maine
House of Representatives

Augusta, Maine 04330

April 27, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

Today the Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on RESOLVE, to Reimburse Berkshire Mutual Insurance Company for Damage to Property of Leonard Smith by Highway Construction. (H. P. 353) (L. D. 468):

Messrs. SHAW of Chelsea

MARTIN of Eagle Lake

CAREY of Waterville

Respectfully,

E. LOUISE LINCOLN,

Clerk

House of Representatives

Which was Read and Ordered Placed on file.

State of Maine
House of Representatives

Augusta, Maine 04330

April 27, 1973

Hon. Harry N. Starbranch

Secretary of the Senate

106th Legislature

Dear Mr. Secretary:

On April 24, the Speaker of the House appointed the following conferees on the disagreeing action of the two branches of the Legislature on Bill "An Act Raising the Maximum Age of a Juvenile Offender" (H. P. 489) (L. D. 643):

Messrs. WHITZELL of Gardiner

PERKINS of So. Portland

McKERNAN of Bangor

Respectfully,

E. LOUISE LINCOLN,

Clerk

House of Representatives

Which was Read and Ordered Placed on File.

**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 for Use of Emergency Green and White

Lights on Civil Defense and Right of Way for Such Vehicles." (H. P. 592) (L. D. 783)

Bill, "An Act Relating to Sale Price of Liquor." (H. P. 707) (L. D. 912)

Bill, "An Act to Change Conditions in which Lights are Required to be Used on Motor Vehicles." (H. P. 915) (L. D. 1215)

Bill, "An Act Relating to Proximity of Liquor Licenses to Churches." (H. P. 1039) (L. D. 1362)

Bill, "An Act Relating to Disposal of Deceased Animals." (H. P. 1206) (L. D. 1558)

Leave to Withdraw

The Committee on State Government on, Bill, "An Act to Authorize the State Housing Authority to Adopt a State Building Code." (H. P. 813) (L. D. 1109)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Relating to Enforcement of the Liquor Laws." (H. P. 1042) (L. D. 1364)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Changing Name of Industrial Accident Commission and to Make the Chairman Full Time." (H. P. 1152) (L. D. 1483)

Reported that the same be granted Leave to Withdraw.

The Committee on Liquor Control on, Bill, "An Act Permitting Sports Arenas to Sell Malt Liquor." (H. P. 830) (L. D. 1098)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act Relating to Establishment of Police Certification Program by Maine Law Enforcement and Criminal Justice Academy." (H. P. 1111) (L. D. 1447)

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 Education on, Bill, "An Act Relating to Schooling of Indian Children." (H. P. 557) (L. D. 767)

Reported that the same Ought to Pass.

The Committee on Business Legislation on, Bill, "An Act Relating to the Immunity Provisions of the Unfair Trade Practices Act." (H. P. 1235) (L. D. 1606)

Reported that the same Ought to Pass.

The Committee on Marine Resources on, Bill, "An Act to Increase Penalties for Certain Sea and Shore Fisheries Laws." (H. P. 855) (L. D. 1142)

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.

Divided Report

The Majority of the Committee on Transportation on,

Bill, "An Act Relating to Tread Depth of Motor Vehicle Tires." (H. P. 1051) (L. D. 1380)

Reported that the same Ought to Pass.

Signed:

Senators:

GREELEY of Waldo

SHUTE of Franklin

CIANCHETTE

of Somerset

Representatives:

KEYTE of Dexter

WEBBER of Belfast

WOOD of Brooks

McNALLY of Ellsworth

McCORMICK of Union

BERRY of Madison

DUNN of Poland

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

Signed:

Representatives:

FRASER of Mexico

STROUT of Corinth

JACQUES of Lewiston

Comes from the House, Bill and accompanying paper, Indefinitely Postponed.

Which reports were Read.

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

Divided Report

The Majority of the Committee on Agriculture on,

Bill, "An Act Relating to Penalty for Use of Drugs on Animals at Agricultural Fairs." (H. P. 1220) (L. D. 1577)

Reported that the same Ought Not to Pass.

Signed:

Senators:

PEABODY of Aroostook
HICHENS of York
CYR of Aroostook

Representatives:

EVANS of Freedom
HUNTER of Benton
ALBERT of Limestone
MORIN of Fort Kent
BERRY of Buxton
MAHANY of Easton
COONEY of Sabattus
PRATT of Parsonsfield

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

Signed:

Representative:

ROLLINS of Dixfield

Comes from the House, Bill and accompanying papers Indefinitely Postponed.

Which reports were Read.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted.

Senate

Ought to Pass

Mr. Cox for the Committee on Business Legislation on, Bill, "An Act to Repeal Borrowing Limitations Relating to Trust Companies." (S. P. 414) (L. D. 1253)

Reported that the same Ought to Pass.

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

Ought to Pass—As Amended

Mr. Katz for the Committee on Business Legislation on,

Bill, "An Act Relating to Credit Unions." (S. P. 337) (L. D. 1036)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-98)

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.

Ought to Pass in New Draft

Mr. Shute for the Committee on Transportation on, Resolve, Designating Kennebassis Road in Indian Township, Washington County, as a State Road. (S. P. 390) (L. D. 1136)

Reported that the same Ought to Pass in New Draft under Same Title (S. P. 601) (L. D. 1892)

Which report was Read and Accepted, the Bill in New Draft Read Once and Tomorrow Assigned for Second Reading.

Divided Report

The Majority of the Committee on Business Legislation on, Bill, "An Act Relating to the Maine Automobile Insurance Cancellation Control Act." (S. P. 258) (L. D. 755) Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-99).

Signed:

Senators:

COX of Penobscot
KATZ of Kennebec

Representatives:

DESHAIES of Westbrook
DONAGHY of Lubec
TRASK of Milo
BOUDREAU of Portland
JACKSON of Yarmouth
TIERNEY of Durham
MADDOX of Vinalhaven
O'BRIEN of Portland
CLARK of Freeport

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

Signed:

Representative:

HAMBLÉN of Gorham

Which reports were Read.

Thereupon, the Ought to Pass as Amended report of the Committee was Accepted and the Bill Read Once. Committee Amendment "A"

was Read and Adopted and the Bill, as Amended, Tomorrow Assigned for Second Reading.

Papers from the House

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

Committee Reports Ought to Pass

The Committee on Public Utilities on, Bill, "An Act to Validate and Amend the Charter of the Kennebec Sanitary Treatment District." (H. P. 1457) (L. D. 1884)

Reports that the same Ought to Pass.

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

Which report was Read.

On motion by Mrs. Cummings of Penobscot, tabled and Tomorrow Assigned, pending Acceptance of the Committee Report.

Second Readers

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

House

Bill, "An Act to Enable the Department of Environmental Protection to Study the Groundwater Problem of the State." (H. P. 817) (L. D. 1110)

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

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

Senate

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

Bill, "An Act Reestablishing the Capitol Planning Commission." (S. P. 535) (L. D. 1688)

Bill, "An Act to Effect Economies in Distribution of State Publications." (S. P. 566) (L. D. 1705)

Bill, "An Act Relating to Planning Function of the Maine Law Enforcement Planning and Assistance Agency." (S. P. 559) (L. D. 1703)

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

Sent down for concurrence.

Senate - As Amended

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)

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 to Authorize Municipalities to Shut Down All or Parts of a Natural Gas System in Time of Emergency. (S. P. 453) (L. D. 1418)

An Act Establishing a County Records Board. (S. P. 569) (L. D. 1709)

An Act Relating to Committees on Status of Women, Children and Youth, and the Aged. (H. P. 392) (L. D. 521)

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

An Act Authorizing City of Portland to Levy Local Assessments for Snow Removal on Sidewalks. (H. P. 738) (L. D. 941)

An Act Changing the Form of Notice of the Department of Health and Welfare in Municipalities of Recipients of Public Assistance. (H. P. 1447) (L. D. 1867)

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.

Orders of the Day

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

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

Majority Report, Ought to Pass in New Draft with New Title;

Minority Report, Ought Not to Pass.

Tabled—April 27, 1973 by Senator Clifford of Androscoggin.

Pending—Acceptance of Either Report.

On motion by Mr. Berry of Cumberland, retabled and Sepcially Assigned for May 2, 1973, pending Acceptance of Either Report.

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

SENATE REPORT — From the Committee on State Government — 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) Leave to Withdraw.

Tabled—April 27, 1973 by Senator Speers of Kennebec.

Pending—Acceptance of Report.

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

Mr. TANOUS: Mr. President and Members of the Senate: Last Friday one of our very capable Senators from Cumberland, Senator Richardson, questioned the withdrawal of Items 2 and 3 on today's calendar. Both of these bills are mine and I thought perhaps I should explain the reason for this. And I commend Senator Richardson for his interest in this area; he does a lot of industrial accident work, as I do, and I have long been concerned with the plight of the working man in Maine, so that these two bills have a sincere interest to many people.

Our Workmen's Compensation Law in the State of Maine, as perhaps some of you are aware, was enacted some sixty odd years ago, and the basic concept of workmen's compensation is a no-fault concept. In other words, any injured employee in the State of Maine, while in the course of his duties, is allowed the privilege and benefits of workmen's compensation insurance. In turn, he gives up his common law right to bring suit against his employer, and this is the basic concept of Workmen's Comp. It is a benefit that one derives as a result of an injury, and he gives up the right to bring a suit against his employer.

Now, presently in Maine we have four part-time hearing commissioners, and we have approximately 350,000 employees in the State of

Maine covered under this law. So you can see that with four part-time commissioners it is certainly a heavy work load to carry the full burden of carrying out the Workmen's Comp. Law in the state.

We have a Workmen's Comp. Law and then you have your Industrial Accident Commission, which I have mentioned is made up of four people part-time. All of these people are attorneys and they do private practice on the side. I know one individual, for instance, who represents a lot of insurance companies in his private practice, and yet he has to rule against insurance companies relative to matters of Workmen's Comp.

My feeling is this: that originally this law was enacted, as I mentioned, some sixty odd years ago, and the intent of it was to bring quick, economic relief and medical care to people. Because of the heavy work load today, it is virtually impossible for the intent of the law to be carried out because of the number of employees covered. Also, in the event of an appeal from the Workmen's Comp. Commission to the Supreme Court, sometimes these working people wait one to two years before they get a decision, and sometimes longer.

So I submitted these two bills in the hopes of perhaps expediting the process of our Workmen's Comp. Law in the State of Maine and also to make them full-time and divorced from any other area of practice of law. But after I submitted the bills—they were hastily prepared—I did some research and the question is much more complex than I had thought. For instance, these individuals would have to be geographically located throughout the state, they will need office space, they are going to need some staff, some clerical help, so that all of these things require study.

I am also interested, since submitting these bills and doing some research work, in creating an industrial accident court, which would be a novel approach to handle the appeal cases. This industrial accident court can be

made up of our full-time commissioners, excluding the one who has rendered a decision on a particular case. This industrial accident court could sit as a tribunal, as our Supreme Court does, to render a decision of an appeal from an individual hearing commissioner. It is my hope that this would lighten the load from the Supreme Court, as well as to render quick, speedy decisions on cases on appeal.

So for these reasons, I have presently pending a bill before the Labor Committee, which is going to be heard this afternoon, proposing a study in this area and to report back to a special session of the 106th or to the regular session of the 107th. For these reasons, Members of the Senate and Senator Richardson from Cumberland, I have withdrawn these two bills, in the hopes of coming up at the special session with a much more developed plan for disposition of our cases in this area. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate to accept the report of the committee whereby this bill be granted leave to withdraw?

Thereupon, the Committee Report was Accepted.

Sent down for concurrence.

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

SENATE REPORT — from the Committee on State Government—Bill, "An Act Relating to Salaries of Members of the Industrial Accident Commission." (S. P. 406) (L. D. 1208) Leave to Withdraw.

Tabled—April 27, 1973 by Senator Speers of Kennebec.

Pending—Acceptance of Report. Thereupon, the Leave to Withdraw Report of the Committee was Accepted.

Sent down for concurrence.

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

Bill, "An Act to Prohibit Interlocking Directorates in Banking Institutions." (S. P. 575) (L. D. 1766)

Tabled—April 27, 1973 by Senator Richardson of Cumberland.

Pending—Enactment.

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

On motion by Mr. Sewall of Penobscot.

Adjourned until 9:30 tomorrow morning.