

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

*1st Special Session*

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal  
Augusta, Maine

## SENATE

Tuesday, January 29, 1974

Senate called to order by the President.

Prayer by Father Leonard LeClair of Togus:

O God, we thank Thee for a new day, another opportunity for work and constructive leadership. As we are faced with many and difficult problems, problems that affect many segments of our population, mostly the poor, the sick, the underprivileged, the oppressed and the elderly, we turn to you, our Heavenly Father, because Thou art the source of our lives, the strength of our minds and the inspiration of our hearts. In our deliberation, grant us the wisdom and the courage necessary to meet these challenges that will confront us adequately so that our decisions will reflect a thorough understanding of the needs and urgent necessities of the people we represent. Give us a strength greater than our own so that we can cope with our tremendous responsibilities effectively and successfully. We ask these things in Thy name and for Thy sake. Amen. God bless you.

Reading of the Journal of Yesterday.

### Papers from the House Non-concurrent Matter

Bill, "An Act to Repeal the Corporate Franchise Tax and Recover Revenue Losses by an Adjustment in the Proposed Annual Report Fee." (S. P. 877) (L. D. 2442)

In the Senate January 24, 1974, referred to the Committee on Taxation and Ordered Printed.

Comes from the House, referred to the Committee on Business Legislation and Ordered Printed, in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

### Joint Order

WHEREAS, the present fuel shortage has caused a decrease in the number of vehicular miles traveled in the State of Maine; and

WHEREAS, the speed limit on the Maine Turnpike and the Maine Interstate Highway system has been reduced to 55 miles per hour and the speed limit

on other state highways has been similarly reduced; and

WHEREAS, the reductions in speed have resulted in a significant reduction in the number and severity of vehicular accidents and resulting personal injuries; and

WHEREAS, this development has brought about a corresponding decrease in insurance claims and the lowering of insurance rates in the States of Rhode Island, Massachusetts and Arkansas; now, therefore, be it

ORDERED, the Senate concurring, that the Bureau of Insurance within the Department of Business Regulation be respectfully directed to investigate the extent by which curtailment of speed has affected insurance rates in this and other states and to fully inform the Members of the Legislature as expeditiously as possible what course of action the Superintendent of Insurance recommends and will implement to deal with the problem; and be it further

ORDERED, that a copy of this Order be immediately transmitted to said department and bureau as notice of inquiry contained herein. (H. P. 1930)

Comes from the House, Read and Passed.

Which was Read.

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

Mr. BERRY: Mr. President and Members of the Senate: The intent of this order is to give some measure of relief to the poor besieged driver. In the last several months, under the pressure of the energy shortage, we have seen a lot of restrictive regulations placed upon all of us who drive cars. It seemed to be only in order that we attempt to get some small relief for those of us in the State of Maine who drive cars and drive at a slower rate. It is our sincere hope that the Insurance Commissioner will seize upon this opportunity and carry through, and let's hope that we receive some practical benefit from these reduced speed limits.

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

Mr. TANOUS: Mr. President and Members of the Senate: I have already had the opportunity to discuss this mat-

tér with the Insurance Commissioner for the State of Maine and, though I don't oppose the order, I might add that credit should be given where it is due. This has been in the process for the last two months and there is work being done already in this area in anticipation of having a reduction in our rates. Thank you.

The PRESIDENT: Is it now the pleasure of the Senate that this Joint Order receive passage in concurrence?

Thereupon, the Joint Order received Passage in concurrence.

### House Papers

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

### Senate Papers

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Transporting School Children to Other Than Public Schools." (S. P. 880)

On motion by Mr. Minkowsky of Androscoggin, tabled and Tomorrow Assigned, pending Reference to Committee.

### Committee Reports

#### House

#### Ought to Pass in New Draft

The Committee on Business Legislation on, Bill, "An Act Clarifying Law on Records of Bank Loans." (H. P. 1686) (L. D. 2079)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Clarifying Banking Laws." (H. P. 1918) (L. D. 2450)

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 Fisheries and Wildlife on, Bill, "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas." (H. P. 1836) (L. D. 2327)

Reported that the same Ought to Pass.

Signed:  
Senators:

ANDERSON of Hancock  
GRAFFAM of Cumberland  
SHUTE of Franklin

#### Representatives:

GOOD of Westfield  
KELLEY of Southport  
PARKS of Presque Isle  
MILLS of Eastport  
MORIN of Fort Kent  
WALKER of Island Falls  
CHURCHILL of Orland

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

Signed:

#### Representatives:

DOW of West Gardiner  
CAMERON of Lincoln

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

Which reports were Read.

Mr. Anderson of Hancock then moved that the Senate Accept the Majority Ought to Pass Report of the Committee in concurrence.

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

Mr. SPEERS: Mr. President, I wonder if some member of the Committee on Fisheries and Wildlife might enlighten the Senate as to whether or not this bill means that there shall be permitted hunting on Sundays from now on?

The PRESIDENT: The Senator from Kennebec, Senator Speers, has posed an inquiry through the Chair, which any member of the Committee may answer if he desires.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: Yes, it does favor hunting on Sundays in the commercial areas. Does that answer the Senator's question?

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President, may I ask of anybody who is willing to answer how many of these commercial areas we have?

The PRESIDENT: The Senator from York, Senator Hichens, has posed an inquiry through the Chair, which any member of the Senate may answer.

The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President and Members of the Senate: Let me first say that ever since the 100th Legislature I have been violently opposed to statewide Sunday hunting. I still am. Begging your indulgence for a moment, I would like to give you the background of these commercial shooting areas.

There are 44 States with legalized game preserve shooting. Only 430 out of 3,000 licensed preserves in the country wish to be listed in the directory. The rest have about all the membership they can handle, or are already a closed membership club, with only occasional membership openings to friends of present members.

All the 3,000 preserves in the country, except the eastern seaboard states that still have the Sunday "Blue Laws", operate on a seven-day basis so that the entire family can derive pleasure from this type of operation. Many are now going out of Maine for their preserve shooting, which results in a considerable loss of revenue for the state.

The level of thinking that the game preserve deprives the non-game farm hunter of land to hunt on has been proven to be the direct opposite of actual happening. What the game preserve does is to satisfy the gunner who can afford to pay for his shooting and remove him from land the non-paying hunter guns over, which results in better hunting and more game for him.

Game preserves are licensed by the State. They are permitted to raise X number of birds per acre and, since a proportion of game preserve birds escape to outside areas, preserve operators have an indirect hand in stocking land that is not incorporated in their holdings, which the state licensed hunter can hunt on without a fee.

The license for the State of Maine for the first year is \$250, and each year following is \$100. The preserve must have over 200 acres, and not more than 400 acres, which must be posted for "Commercial Shooting Area". A "Commercial Shooting Area" license is \$5 which goes back to the Maine Fish and Game Department and is sold on the preserve premises. Wing bands costing five cents each, bought from the Maine Fish

and Game Department, are attached to every bird leaving the preserve grounds.

Now, they charge \$21 for three birds, and the hunters are permitted to use their dogs, if manageable. If not manageable, they have a right to expel all dogs not under control by owners.

As I say, I am violently opposed to statewide Sunday hunting, but I think this is an entirely different proposition. Again, Mr. President, I urge that we accept the Majority Ought to Pass Report, and I ask for a division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I do not believe the gentleman answered my question of how many commercial areas we have within the state, but I have received several letters from hunters throughout the state who are very much concerned with the statement of fact that goes along with this bill. It says, "The purpose of this bill is to make clear that hunting is permitted on Sundays during the hunting season." It doesn't limit it to commercial areas, as far as the statement of fact is concerned. These people are very much concerned that if we start to making an exception that in the very near future we will be having Sunday hunting all over the state.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Henley.

Mr. HENLEY: Mr. President and Members of the Senate: I don't know whether I differ with my very good friend from Hancock, Senator Anderson. I agree with him in that I have always strongly opposed Sunday hunting. I just wonder if this bill isn't possibly a step in the door. I question it the same as Senator Hichens questions it. Until it came up now, I hadn't realized its possible implications.

I wonder if we aren't going to, if we pass this bill and if it is confined to commercial areas, are we not going to have in the next session of the legislature a leverage by which the rest of our hunters are going to say, "Well, now if you have got enough money you can hunt on Sundays. What about the rest of us who work all week and want to hunt on Sunday,

and we have been trying to for years?" I am a little bit disturbed about this bill myself, and I think that I shall oppose this motion as it is right now. Thank you.

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

Mr. ANDERSON: Mr. President and Members of the Senate: I would like to emphasize that this is just for birds only; no other type of shooting.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Hancock, Senator Anderson, that the Senate accept the Majority Ought to Pass Report of the Committee on Bill, "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas". A division has been requested. As many Senators as are in favor of accepting the Majority Ought to Pass Report will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 19 Senators having voted in the affirmative, and seven Senators having voted in the negative, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Senate

##### Leave to Withdraw

Mr. Tanous for the Committee on Judiciary on, Bill, "An Act to Provide Investigators for the Several District Attorneys." (S. P. 809) (L. D. 2298)

Reported that the same be granted Leave to Withdraw.

Mr. Brennan for the Committee on Judiciary on, Bill, "An Act Relating to Costs and Expenses of Investigation and Prosecution of Crimes." (S. P. 812) (L. D. 2302)

Reported that the same be granted Leave to Withdraw.

Which reports were Read and Accepted.

Sent down for concurrence.

##### Second Readers

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

#### House

Bill, "An Act Validating the Franco-

American Oblate Fathers, Inc., as a Legal Entity." (H. P. 1851) (L. D. 2344)

Bill, "An Act Relating to Name of Maine Ambulance and Rescue Association." (H. P. 1852) (L. d. 2345)

Bill, "An Act Relating to Conflicts of Interest in Municipal Contracts and Proceedings Pursuant to the Securities Approval Act." (H. P. 1835) (L. D. 2326)

Resolve, Authorizing the Maine Land Use Regulation Commission to Enter into License Agreements for Use of its Publications. (H. P. 1907) (L. D. 2422)

Resolve, Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals. (H. P. 1906) (L. D. 2414)

(On motion by Mr. Hichens of York, tabled and specially assigned for January 31, 1974, pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed in concurrence.

#### House - As Amended

Bill, "An Act to Make it Unlawful to Discriminate when Extending Credit." (H. P. 1819) (L. D. 2306)

Bill, "An Act Relating to Damage to Beehives, Bee Colonies or Honey by Wild Animals." (H. P. 1809) (L. D. 2288)

Bill, "An Act Relating to Municipal Fire Protection." (H. P. 1707) (L. D. 2100)

Bill, "An Act Converting Somerville Plantation into the Town of Somerville." (H. P. 1671) (L. D. 2064)

Bill, "An Act Providing Funds for Spruce Budworm Control and Surveys." (H. P. 1684) (L. D. 2077)

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

#### Senate

Bill, "An Act Providing an Enforcement Provision for the Police Training Law." (S. P. 782) (L. D. 2238)

Bill, "An Act to Make Public Utilities Commissioners Full Time." (S. P. 879) (L. D. 2455)

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

Sent down for concurrence.

**Senate - As Amended**

Bill, "An Act to Clarify the Powers of the Cobbossee Watershed District and Providing Funds for the Acquisition of Dams." (S. P. 781) (L. D. 2237)

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 Use of Name of the State by Nonprofit Corporations. (S. P. 803) (L. D. 2297)

An Act Relating to the Weights and Measures Law. (H. P. 1657) (L. D. 2050)

An Act Relating to Definition of Nursery Stock under Nursery Law. (H. P. 1682) (L. D. 2075)

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

**Recommitted by the House**

An Act to Establish Guidelines for Release of Accused Persons Pending Trial. (S. P. 766) (L. D. 2197)

Comes from the House, Recommitted to the Committee on Judiciary.

On motion by Mr. Tanous of Penob-

scot, Recommitted to the Committee on Judiciary in concurrence.

Resolve, to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police. (H. P. 1784) (L. D. 2256)

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

**Emergency**

An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain a Nursing Home. (H. P. 1668) (L. D. 2061)

This being an emergency measure and having received the affirmative votes of 27 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.

(Off Record Remarks)

On motion by Mr. Sewall of Penobscot, Recessed until the sound of the bell.

**After Recess**

Called to order by the President.

On motion by Mr. Sewall of Penobscot, Adjourned until 10 o'clock tomorrow morning.