

# 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

Monday, February 25, 1974

Called to order by the President.

Prayer by the Honorable Robert W. Clifford of Lewiston:

God of all people, we thank you for the opportunity of service and position of public trust, which opportunity you have granted to us. We ask you in faith for wisdom and courage so that that public trust will be well discharged. Amen.

Reading of the Journal of Thursday, February 21, 1974.

The PRESIDENT: The Chair notes the presence in the Senate Chamber today of a new member of our body, Senator Floyd Haskell from Aroostook. I would ask the Majority Floor Leader if he would escort Senator Haskell to his seat, and I would like to extend a very warm welcome to you, Senator Haskell, on behalf of the Senate.

Thereupon, Senator Berry of Cumberland escorted Senator Haskell to his assigned seat on the Senate floor amid the applause of the chamber, the members rising.

Mr. Haskell of Aroostook was granted unanimous consent to address the Senate.

Mr. HASKELL: Mr. President and fellow Senators: Of course, it is a great honor to be elected to this body. I have mixed feelings as I take this particular seat. Senator Arnold Peabody was a life-long friend of mine. We were in college together, lived in the same town, and I had the utmost respect for him as a man and colleague, and I regret that my election to this body had to be under the circumstances it was. I look forward with anticipation to serving in this body, and thank you for your welcoming support.

Mr. Henley of Oxford was granted unanimous consent to address the Senate.

Mr. HENLEY: Mr. President and Members of the Senate: Inasmuch as I am no longer the rookie Senator, I would like to pass on the special badge for the rookie Senator, and I wish one of the

pages would present it to our newest Senator please with my hearty congratulations. Thank you.

## Senate Papers

Mr. Berry of Cumberland presented the following Joint Resolution and moved its adoption:

### STATE OF MAINE

In the Year of Our Lord One Thousand Nine Hundred and Seventy-Four

### Resolution Creating

#### A Task Force on Mental Health

WHEREAS, there has been a dramatic decrease in the number of inpatients at the two state mental health facilities; and

WHEREAS, questions have been raised about the increasing unit cost of providing care in these facilities; and

WHEREAS, there are increasing resources for mental health care closer to the individuals' homes and communities, but an obvious need for even more such resources; and

WHEREAS, active care and treatment programs now being provided forestall chronicity and the need for extended institutional care; and

WHEREAS, the State of Maine recognizes a solemn obligation to provide the most effective treatment-rehabilitation system possible for mentally handicapped people; and

WHEREAS, an extensive and competent consideration of the future role of the State mental health institutions should be undertaken in order to permit informed planning of a comprehensive and coordinated system of public mental health care; and

WHEREAS, the facilities themselves have potentials for possible alternative uses for the benefit of the people of Maine; and

WHEREAS, the talents of the dedicated employees of these facilities should be preserved in behalf of the mental health of Maine people; now, therefore, be it

RESOLVED: That there is created the Task Force on Mental Health to be composed of fifteen members and an executive secretary. The Task Force on Mental Health shall consist of two

Senators, to be appointed by the President of the Senate, two Representatives to be appointed by the Speaker of the House, and the remaining 11 members to be appointed by the Governor representing clients of mental health services, the general public, business, labor, patient advocacy, children and youth, the elderly, appropriate professional organizations, community mental health centers and the Advisory Committee on Mental Health. The Task Force on Mental Health at its organizational meeting shall elect a chairman and appoint an executive secretary; and be it further

**RESOLVED:** That the Task Force on Mental Health is charged to study and prepare a report to be submitted to the Governor and the 107th Legislature by January 1, 1976 on the future role of the Augusta and Bangor Mental Health Institutes in a system of human services to the people of Maine in the most effective and efficient manner; and be it further

**RESOLVED:** That there is allocated to the Task Force on Mental Health the sum of \$40,000 from the Legislative Account, such allocation to be nonlapsing and allocated to the Department of Mental Health and Corrections for purposes of administration. Such funds shall be used to reimburse Task Force members for expenses incurred in the performance of their duties, to pay the salary of the executive secretary and other staff assistance deemed necessary by the Task Force, and to meet other related and incidental costs of the study. (S. P. 913)

Which was Read.

On motion by Mr. Berry of Cumberland, tabled, pending Adoption.

### **Committee Reports House**

#### **Leave to Withdraw**

The Committee on Taxation on, Bill, "An Act Relating to Sales Tax on Machinery and Equipment." (H. P. 1726) (L. D. 2170)

Reported that the same be granted Leave to Withdraw.

The Committee on State Government on, Bill, "An Act to Register Recreation Professionals." (H. P. 1943) (L. D. 2483)

Reported that the same be granted Leave to Withdraw.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

#### **Ought to Pass — As Amended**

The Committee on Natural Resources on, Bill, "An Act Relating to Fees Administered by the Department of Environmental Protection." (H. P. 1862) (L. D. 2356)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-697)

Comes from the House, the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which report was Read and Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

#### **Divided Report**

The Majority of the Committee on Taxation on, Bill, "An Act to Correct an Error in the Effective Date of the Law Exempting "Trade-in" Property From the Stock in Trade Tax." (H. P. 1718) (L. D. 2111)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-695).

Signed:

Senators:

WYMAN of Washington

COX of Penobscot

FORTIER of Oxford

Representatives:

MAXWELL of Jay

MERRILL of Bowdoinham

IMMONEN of W. Paris

FINEMORE of Bridgewater

SUSI of Pittsfield

MORTON of Farmington

DAM of Skowhegan

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

COTTRELL of Portland

DRIGOTAS of Auburn

Comes from the House, the Majority

Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-695) as Amended by House Amendment "A" (H-699) Thereto.

Which reports were Read, the Majority Ought to Pass as Amended Report of the Committee Accepted in concurrence and the Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read and Adopted and Committee Amendment "A", as Amended by House Amendment "A" Thereto, was Adopted in concurrence and the Bill, as Amended, Tomorrow Assigned for Second Reading.

### Divided Report

The Majority of the Committee on Health and Institutional Services on, Bill, "An Act Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices." (H. P. 1793) (L. D. 2271)

Reported that the same Ought Not to Pass.

Signed:

Senators:

HICHENS of York  
GREELEY of Waldo  
MINKOWSKY of Androscoggin

Representatives:

MORIN of Old Orchard Beach  
BERRY of Madison  
DYAR of Strong  
LEWIS of Bristol  
SOULAS of Bangor  
McCORMICK of Union

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass in New Draft under Same Title (H. P. 1964) (L. D. 2503)

Signed:

Representatives:

WHITZELL of Gardiner  
GOODWIN of So. Berwick  
LaPOINTE of Portland

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

Which reports were Read.

On motion by Mr. Brennan of Cumberland, tabled and Tomorrow Assigned, pending Acceptance of Either Report.

### 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 Examining and Certifying Boards." (S. P. 840) (L. D. 2381)

Bill, "An Act to Establish the First Day of a Calendar Month as a Uniform Retirement Date and to Make Retirement at Age 65 Mandatory." (S. P. 868) (L. D. 2435)

Bill, "An Act Relating to Retirement of Attorney General, Deputy Attorneys General and Assistant Attorneys General." (S. P. 830) (L. D. 2364)

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Alice Weston Wyman. (S. P. 770) (L. D. 2217)

### Leave to Withdraw

Mr. Anderson for the Committee on Fisheries and Wildlife on, Bill, "An Act to Establish a Daily Limit on Salmon." (S. P. 777) (L. D. 2224)

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. Katz for the Committee on Education on, Bill, "An Act Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine and Modifying Membership of the Board of Trustees." (S. P. 848) (L. D. 2417)

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

Which report was Read.

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

Mr. KATZ: Mr. President, in light of the climate in the state, it requires a little bit of courage to report this bill out Leave to Withdraw, Covered by Other Legislation. This is a routine bill which would combine all the vocational technical institutes in the state with the University of Maine, and the thinking of

the Committee was that we did not want to face this issue at the special session of the legislature because we felt it was important.

Consequently, perhaps next week you will see a bill that creates a so-called 1202 commission, which is a planning commission for higher education, which we hope will result in all the players on the post-secondary stage sitting down and talking in terms of the total needs and the total resources of the state. I do not consider that in any respect we have dodged the issue presented by the Management and Cost Survey Team, but I think that we are facing it in context with its importance in relationship with all the other needs of the state.

The PRESIDENT: Is it now the pleasure of the Senate to accept the Leave to Withdraw Report of the Committee?

Thereupon, the Leave to Withdraw, Covered by Other Legislation Report of the Committee was Accepted.

Sent down for concurrence.

### Second Readers

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

#### House

Bill, "An Act Relating to Due Dates of Property Taxes." (H. P. 1903) (L. D. 2411)

Bill, "An Act to Reorganize the Department of Military, Civil Defense and Veterans Services." (H. P. 1975) (L. D. 2517)

Resolution, Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law. (H. P. 1973) (L. D. 2514)

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

### House — As Amended

Bill, "An Act Creating a Bureau of Institutional Resident Representatives within the Maine Human Rights Commission." (H. P. 1749) (L. D. 2208)

Which was Read a Second Time.

Mr. Speers of Kennebec then

presented Senate amendment "A" and moved its Adoption.

Senate Amendment "A", Filing No. S-358, was Read.

The PRESIDENT: The Senator has the floor.

Mr. SPEERS: Mr. President and Members of the Senate: This amendment simply removes the bureau status of the bill and makes the status an office within the commission rather than creating a full bureau status.

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

Mr. KATZ: Mr. President, the question of advocacy of institutional patients' rights is a new one. Might I ask approximately how many people are we talking about? I presume this pertains to the state hospitals and also the Thomaston installation.

The PRESIDENT: The Senator from Kennebec, Senator Katz, has posed an inquiry through the Chair which the Senator may answer if he desires.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President, I really don't have an answer to the question of the good Senator from Kennebec, Senator Katz, as to how many individuals there presently are within institutions in the State of Maine. If the thrust of the Senator's question was to indicate that perhaps a bureau status would be more appropriate for the number of individuals involved, I would simply say that there is not another commission in the State of Maine which is divided into bureaus, that that status is primarily retained for some of our large departments of state government, and that perhaps the allegation of "office" is far more appropriate in this case.

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

Mr. BERRY: Mr. President, when this bill was before us for acceptance of the committee report, I had a question or two and I still have them unanswered in my mind. It seems to me that if we are establishing a precedent here of setting up special representation within the Human Rights Commission that we are

opening up a whole new vista which could be a little bit cloudy. There is proposed to be set up here office space at each institution for the use of a resident representative of this Human Rights Commission. I wonder if perhaps, as needy as this is, we should differentiate and constitutionally deny equal service to other groups which are represented on the Human Rights Commission. Maybe all the minority groups should be having office space provided for their representatives.

It seems to me here in the State of Maine that the Human Rights Commission can take care of all its problems within its own organization. If it needs additional bodies, perhaps this is fine, but to quote the words of a very famous confrere here in the Senate membership, I can just see this as a burgeoning bureaucracy, and it seems to me that the need for such legislation certainly hasn't been demonstrated. So I pose all these questions to Senator Speers, if I might.

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

Mr. SPEERS: Mr. President and Members of the Senate: We are not really establishing any new concept with this particular piece of legislation. As I understand the need for this legislation, it arose out of the demise, shall we say, of the already established boards of visitors for the various state's institutions. We no longer do have specific boards of visitors to each and every one of the institutions. But this legislation is designed to take over the responsibilities that once were the responsibilities of the boards of visitors to have sort of an on-going review and on-going contact to make sure that those who are patients or incarcerated in the various institutions that we do have in the state do have some contact whereby they can express their grievances should they have these grievances. It is not really a new concept at all.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would pose a question to the gentleman from Kennebec, Senator Speers, as to when

the demise of these boards of visitors came about? We had a bill in last session and it was amended to say that the boards of visitors had to send their reports not only to the commissioner but to the Committee on Health and Institutional Services, but the boards were not discontinued and, as far as I know, they are still active.

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

Mr. BERRY: Mr. President and Members of the Senate: If we are trying to provide a representative for inmates at state institutions, it seems to me there should be a more logical means in making them a part of the Human Rights Commission. In reading the powers and duties of the representatives, it looks like an ombudsman and a chaplain and a few other responsible people rolled into one. I wonder the relationship between such an individual or such an office and the superintendent of the institution. I hope this is legislation that has been very carefully thought out.

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

Mr. KATZ: Mr. President and Members of the Senate: I am sure the Senate President shares with me the fond memories of the origin of the Human Rights Commission a couple of sessions back. There was in the state a rather nasty policy of discrimination by places of public accommodation, and the legislature's response to this was a criminal action. So that there is no way of stepping in and negotiating with the offending place of public accommodation which choose to only accept, let's say a white clientele, or a white clientele that went to a particular church. So the idea for the Human Rights Commission was created to permit us to negotiate rather than just strike out with criminal action.

Since then the Human Rights Commission has been expanded to include discrimination not only in places of public accommodation but with respect to sex, with respect to age, and this is the further expansion which puts it in the position of advocacy with respect to the inmates of institutions. I.

am confident that the rights of students at the University of Maine would be a next reasonable step because they feel that their rights are being sometimes sharply curtailed with respect to their right to drink where they want to, to have company where they want to, to have company when they want to, and I just feel that the Human Rights Commission is being unnecessarily broadened at a time when the problem of representation of the rights of inmates is being handled within departments with advocacy on the part of an employee of the department. Therefore, Mr. President, I move indefinite postponement.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves that Bill, "An Act Creating a Bureau of Institutional Resident Representatives within the Maine Human Rights Commission," be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Speers.

Mr. SPEERS: Mr. President and Members of the Senate: I hasten to express appreciation to the good Senator from York, Senator Hichens, for pointing out the error of my remarks earlier when I mentioned that the board of visitors of the institutions had gone by the wayside, and note that in the specific legislation under discussion the resident representatives being discussed do assist the board of visitors of that institution in carrying out their duties, and I thank the Senator from York.

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

Mr. HICHENS: Mr. President and Members of the Senate: I would read for the Senate: "The purpose of this legislation is to transfer the present structure and staff of the Institutional Resident Representatives from the Department of Mental Health and Corrections to the Human Rights Commission." I appeared before the committee when this bill was presented, more because I was wondering just what was going on, and the statement was made by one of the proponents that the reason the bill was put in was that the present Commissioner of Mental Health and Corrections felt that his successor,

after he got through next year, as he has said he was going to do, would not go along with these advocates and might discontinue the service, so he wanted it changed over to the Human Rights Commission in order to preserve these advocates.

The PRESIDENT: The pending motion before the Senate is the motion of the Senator from Kennebec, Senator Katz, that L. D. 2208, be indefinitely postponed. The Chair will order a division. As many Senators as are in favor of the motion to indefinitely postpone this bill will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. 20 Senators having voted in the affirmative, and four Senators having voted in the negative, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

### Senate

Resolution, Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks. (S. P. 884) (L. D. 2472)

Bill, "An Act Repealing Certain Laws Relating to Games of Chance." (S. P. 911) (L. D. 2521)

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 to Repeal Reference in Law that University of Maine Officers and Employees are Unclassified Employees of State of Maine. (H. P. 1775) (L. D. 2247)

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

### Reconsidered Matter

On motion by Mr. Joly of Kennebec, the Senate voted to reconsider its prior action whereby Bill, "An Act Repealing Certain Laws Relating to Games of



Chance", (S. P. 911) (L. D. 2521) was Passed to be Engrossed.

On further motion by the same Senator, tabled and Specially Assigned for February 27, 1974, pending Passage to be Engrossed.

### Orders of the Day

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

Bill, "An Act Relating to Hospitalization of the Mentally Ill." (S. P. 908) (L. D. 2512)

Tabled — February 20, 1974 by Senator Speers of Kennebec.

Pending — Passage to be Engrossed.

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

Mr. SPEERS: Mr. President, with great trepidation, I offer Senate Amendment "A", Filing No. S-360, and move its adoption.

The PRESIDENT: The Senator from Kennebec, Senator Speers, now offers Senate Amendment "A" and moves its adoption.

The Secretary will read the Amendment.

Senate Amendment "A", Filing No. S-360, was Read.

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

Mr. BERRY: Mr. President, a pure heart need have no fear.

The PRESIDENT: Is it now the pleasure of the Senate to adopt Senate Amendment "A"?

Thereupon, Senate Amendment "A" was Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Mr. Conley of Cumberland was granted unanimous consent to address the Senate.

Mr. CONLEY: Mr. President and Members of the Senate: It came to my attention this morning as I came to Augusta that the Senate adjourned last Thursday in order that some members of the Maine Legislature might attend the energy crisis conference in Boston last Friday. I as one member of the Senate, and I suppose many citizens of

the State, would like to know what type of information perhaps some of the leadership found at the conference in Boston. I know after watching a program yesterday afternoon, "Sixty Minutes" I think it was, the Shah of Iran was one of the subjects that was being discussed and the oil imported into this country, and he made the statement that something like 20 percent more oil had been imported into the United States this year than last year at this time. It just again raises more and more questions in the minds of many people as to whether or not there is such a thing as an oil shortage or an energy crisis, and perhaps some member of the Senate that did attend the conference could relate some of the things they may have found out in Boston that would be of interest to us and the citizens of the State.

Mr. Berry of Cumberland was granted unanimous consent to address the Senate:

Mr. BERRY: Mr. President and Members of the Senate: I want to thank my advance press agent, Senator Conley, for preceding me in my remarks. It was very thoughtful of him.

The conference Friday was a conference which was hosted by the National Legislative Conference and consisted of representatives of all six New England States and New York. The leadership of both bodies was present from every state except Vermont, and I think we had a very useful and informative session.

The representatives from Washington and from the Northeast Regional Fuel Office were present and I think probably they knew less than anybody else in the room about the situation. However, several things did emanate from this. I think it can be summed up perhaps in the words that one of the federal people said, and that is that we have no experts capable of dealing with the present situation. We have a composite problem here which is to a certain extent, of course, a petroleum problem, but there are no energy oriented specialists around. So this is what contributes to the national and state problems. There seemed to be the consensus of opinion that there is plenty of petroleum

products available at the higher level and that the problem is getting it down to the lower level. I think we can all attest to this.

I was quite impressed by the professional caliber of the legislators present, and I have been at these conferences. This underscores the fact that we here in Maine are running what is tantamount to an amateur show. I noticed that there were two very capable fellows there with badges on saying that they were special assistants to the President of the Massachusetts Senate, and Mr. Harrington, himself, was there along with these two people and I noticed press releases being circulated for the individuals' approval and dissemination back home. So if this is what we have by a professional legislature, why Maine is well off the way we are here.

I think that we are quite happy and fortunate to have our present set-up in Maine, in spite of the press releases and the reactions which we have been subjected to editorially and the gratuitous comment that we are getting as the butt of criticism in the handling of our staff budget of the Civilian Defense in the state. Comments were made that Maine had the best organization under way now in the seven states that were represented to handle and cope with the

problem which, I think, is a tremendous compliment not only to Mr. Wilson but to those of us active in state government.

I think that very briefly gives you a birdseye view. I think the conference was worthwhile. Whether we accomplished more going down there than if we had been in session is something perhaps we won't know. Anything that can be done to throw a light on the energy situation is helpful however.

I have the impression very definitely that Maine, of all the states represented, is the best off. The other states have had many, many problems and they seem to be rushing very quickly to some sort of a rationing system, be it stamps or primarily the adjusted Oregon System. Massachusetts put it into effect and I think over the week-end New York went into effect, so it may be just a matter of days before Maine will have to do the same thing. Probably the thing can be summed up best as that in a free enterprise system we are something to regulate just a certain aspect of it, and this has caused the distribution problems that we have seen.

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