

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Tuesday, January 7, 1975

Senate called to order by the President.
 Prayer by The Honorable Minnette H. Cummings of Newport: Actually this is not a prayer; it is a quote from "Markings" by Dag Hammarskjold. I think perhaps our constituents might use it more as a prayer.
 The stream of life thru millions of years, the stream of human lives thru countless centuries. Evil, death, dearth, sacrifice and love — what does "I" mean in such a perspective? Reason tells me that we are bound to seek our own good, seek to gratify our desires, win power for ourselves, and admiration from others. And yet we "know" that in such a perspective, nothing could be less important.

Reading of the Journal of yesterday.

**Papers from the House
 House Paper**

Bill, "An Act Concerning Open Containers of Alcoholic Beverages in Motor Vehicles." (H. P. 23) (L. D. 31)
 The Committee on Reference of Bills suggested this Bill be referred to the Committee on Liquor Control.
 Comes from the House, referred to the Committee on Judiciary and Ordered Printed.
 On motion by Mr. Speers of Kennebec, referred to the Committee on Judiciary and Ordered Printed in concurrence.

**Communications
 STATE OF MAINE
 Legislative Council
 State House
 Augusta, Maine 04330**

January 1, 1975

Harry S. Starbranch, Secretary
 Maine Senate
 Augusta, Maine 04330
 Dear Mr. Secretary:

Enclosed please find legislative copies of the Executive Summary from the report, "Tourism in Maine: Analysis and Recommendations," as authorized and funded by the 105th Maine Legislature.
 Complete copies of the report may be obtained from Alvah Laiho, Department of Commerce and Industry. Copies are also on file in the Law Library.

Respectfully submitted,

(Signed)

LARRY E. SIMPSON
 Chairman
 Maine Vacation Travel
 Analysis Committee

Which was Read and with accompanying papers Ordered Placed on File.

State of Maine
 Department of Environmental Protection
 January 2, 1975

Joseph Sewall, Senator
 President of the Senate
 State House
 Augusta, Maine
 Dear Senator Sewall:

Chapter 238 of the Public Laws of 1973 established the "Committee to Study Airmobiles". This Public Law instructed the Committee to submit to the members of the 107th Legislature the Committee's findings.

Enclosed you will find the report of the "Committee to Study Airmobiles" and its recommendations to continue the prohibition of airmobiles and a suggestion that the Legislature consider studying the need to regulate off-the-road vehicles of all types.

Respectively submitted on behalf of the members of the Committee to Study Airmobiles.

**COMMITTEE TO
 STUDY AIRMOBILES
 WILLIAM R. ADAMS
 Chairman**

Which was Read and with accompanying papers Ordered Placed on File.

State of Maine
 Legislative Council
 State House
 Augusta, Maine 04330

TO: Members of the 107th Maine Legislature
 FROM: Larry E. Simpson, Chairman
 Legislative Council,
 106th Legislature

RE: Report of Legislative Council,
 106th Legislature
 Chapter 590, Public Laws of 1973, created the Legislative Council replacing the Legislative Research Committee within the Maine State Legislature, and pursuant to the Revised Statutes, Title 3, Section 162, subparagraph 5, the following Legislative Council report is hereby submitted.

The Legislative Council met at least once a month since July 1973 with considerable effort placed on its organization and legislative management function. Rules were adopted which were bipartisan and, hopefully, in the best interests of the Maine Legislature and Council for many years to come. Some problems were encountered and, like most new legislative acts, the Council needs refinement and constructive legislation to enhance its operation. These will be described further in this report.

As the first Chairman of the Council, I sincerely appreciated the cooperation and assistance we had from other members, the Legislature and our legislative service agencies, and wish to express my thanks for a very busy and productive session. Special thanks for an excellent job are extended to Mrs. Louise Giroux, Legislative Research Office, who patiently served as Council Secretary.

Which was Read and with accompanying papers Ordered Placed on File.

**Senate Papers
 Appropriations and Financial Affairs**
 Mr. Conley of Cumberland presented, Bill, "An Act Providing Emergency Assistance to Needy Families with Children." (S. P. 42)

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

Sent down for concurrence.

Health and Institutional Services
 Mr. Hichens of York presented, Bill, "An Act Concerning Residence Facilities of State Patients Released into the Community." (S. P. 46)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Judiciary
 Mr. Collins of Knox presented, RESOLUTION, Proposing an Amendment to the Constitution to Provide a Nonjury Trial for Petty Criminal Offenses. (S. P. 15)

The same Senator presented, Bill, "An Act to Provide for 6-person Juries in Civil Cases." (S. P. 16)

Mr. Clifford of Androscoggin presented, Bill, "An Act Relating to Election of Jury Trials in Misdemeanor Proceedings." (S. P. 35)

The same Senator presented, Bill, "An Act Relating to Liability of Natural Gas Distributors." (S. P. 37)

Mr. Hichens of York presented, Bill, "An Act Lowering the Maximum Age of Juvenile Offenders." (S. P. 44)

Which were referred to the Committee on Judiciary and Ordered Printed.
 Sent down for concurrence.

Legal Affairs

Mr. Hichens of York presented, Bill, "An Act Prohibiting the Payment of Public Aid or Assistance to any Person Winning Prize Money from the Maine State Lottery." (S. P. 47)

Which was referred to the Committee on Legal Affairs and Ordered Printed.
 Sent down for concurrence.

State Government

Mr. Clifford of Androscoggin presented, RESOLUTION, Proposing an Amendment to the Constitution Changing the Legislature to a Single Chamber, Unicameral System, with Single Member Districts. (S. P. 33)

Mr. Hichens of York presented, RESOLUTION, Proposing an Amendment to the Constitution Prohibiting Anyone under Sentence for a Felony from Seeking or Holding a Constitutional Office. (S. P. 43)

The same Senator presented, Bill, "An Act to Require Public Hearings on Appointments of Commissioners and Department Heads." (S. P. 45)

Which were referred to the Committee on State Government and Ordered Printed.
 Sent down for concurrence.

Orders

On motion by Mr. Curtis of Penobscot, ORDERED, the Senate met in regular session at St. Joseph's Hospital, Bangor, Presiding Officer, Preston A. McLean, M.D.; and be it further

ORDERED, after nine months of lengthy deliberation (21 inches) of weighty matter (8 lbs., 9 ozs.) a new member, sponsored by Mr. Hayes Gahagan of Aroostook and introduced by Mrs. Linda Gahagan was passed to be enacted at exactly 2:28 p.m. and named Erin C. Stone Gahagan; and be it further

ORDERED, the newly elected member presented his maiden speech and with proper motions was laid in a blanket and sent to his mother's arms; now, therefore, be it

ORDERED, that the Gahagan family be reorganized with a new Department of Nursery Affairs recognizing equal rights for all.

Which was Read and Passed.

The PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Gahagan.

Mr. GAHAGAN: Mr. President and Members of the Senate: During the nine months of deliberations I was convinced that the new member was going to be a Republican. However, we brought him home from the hospital last Saturday and over the weekend the lengthy deliberations past midnight convinced me that he was

going to be a Democrat. Thank you, Mr. President.

Mr. O'Leary of Androscoggin was granted unanimous consent to address the Senate.

Mr. O'LEARY: Mr. President and Members of the Senate: I have received a letter from a constituent of mine and it really is addressed to all of us so I would like to place it on record. He is not of the same political faith I am, and as a matter of fact we are not even of the same religion. However, he is a deacon of the Baptist Church in Mexico and he is a very knowledgeable person, and he does speak when he has something on his mind. And with this, I would like to read his letter.

It says, "Dear Don, I believe the electorate of the State of Maine took a very vital step forward in the recent elections by electing citizens of their personal choice to office, rather than any one party. This was not done by chance, but by a deliberate knowledgeable choice. We are very much concerned about living conditions in our state and nation, and are anxious to see you people take quick and positive steps toward correcting these conditions.

"I am enclosing a few thoughts in verse form. They are written in a light vein, yet these are the situations of much concern to all of us:

Respectfully submitted,
Edward H. Powell"

Now, Mr. President, with the indulgence of the rest of the Senate, I would ask the Senator from York, Senator Hichens, if he would please recite this verse.

Mr. Hichens of York was granted unanimous consent to address the Senate:

Mr. HICHENS: Mr. President and Members of the Senate: I don't know how the word got around, but I feel sort of awkward reading someone else's poetry because, as the former members of the Senate know, I have written a few lines of verse myself, and probably during the session you will hear some of my crude attempts at poetry. I have a couple of gems that I am saving for special occasions and I will share them with you later on, but I will read this poem by Mr. Powell.

"Twas the season to be jolly
With the halls all decked with holly.
Now's the time to sing and cheer
As we look to this New Year.

Seems that things must sure be better,
Or we all should write a letter.
Tell the guys we voted for
We won't stand for anymore.

We want paychecks worth some money,
Never mind the words of honey.
Give us food we can afford
And some gas to run the Ford.

Give us oil to heat our houses,
Sugar too would please our spouses.
Some would like to be employed
Steady pay would be enjoyed.

I'm just being realistic
Though it does sound quite sadistic.
But, whatever comes along
You will hear the sound of song.

We're not people who quit easy
Nor with stomachs soft and queasy
So as midnight draweth near
We wish you a Happy Year.

Reconsidered Matter

On motion by Mr. Conley of Cumberland the Senate voted to reconsider its previous action whereby on Bill, "An Act to Provide a Uniform Filing Deadline for Candidates," (H. P. 33) (L. D. 44), was referred to the Committee on Election Laws in concurrence.

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

Mr. CONLEY: Mr. President and Members of the Senate: The sponsor of this piece of legislation from the other body came to my office the other day and asked me if I would hold this bill up as he has had some ideas different than those expressed in this bill, and has asked that I move the indefinite postponement of this bill. I would so move.

The PRESIDENT: The Senator from Cumberland, Senator Conley, moves that L. D. 44 and all of its accompanying papers be indefinitely postponed. Is this the pleasure of the Senate?

Thereupon, Bill, "An Act to Provide a Uniform Filing Deadline for Candidates", (H. P. 33) (L. D. 44), was Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

Orders of the Day

On motion by Mr. Speers of Kennebec, the Senate voted to take from the unassigned table the following:

Bill, "An Act to Require Returnable Beverage Containers", (H. P. 7) (L. D. 12)

Tabled — January 2, 1975 by Senator Speers of Kennebec.

Pending — Reference.

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

Mr. SPEERS: Mr. President and Members of the Senate: The sponsor of this particular legislation has asked that this particular bill be disposed of because similar legislation is being introduced in the House, hopefully with joint sponsorship. Therefore, I move that this matter be indefinitely postponed in concurrence.

The PRESIDENT: The Senator from Kennebec, Senator Speers, moves that Bill, "An Act to Require Returnable Beverage Containers", be indefinitely postponed in concurrence. Is this the pleasure of the Senate?

The motion prevailed.

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

Mr. CONLEY: Mr. President and Members of the Senate: It is apparent that last week was a very active week for some members of this body. I certainly give my congratulations to the good Senator from Aroostook, Senator Gahagan, and his family on their recent addition.

However, on Friday last, the date being January 3, has always been a date that I have reluctantly looked forward to. Each passing of January 3rd has always added, an additional year upon my life and obviously I look forward to the day it will terminate, and I am sure there are many who also look forward to that date. However, it becomes a very special day in someone else's life who is also a member of this body, because I know you will join with me in wishing the senior Senator from Cumberland County nothing but the best wishes, because on January 3, 1975 the good Senator from Cape Elizabeth, Senator Richard Berry, and the former Sylvia Lehr became man and wife. I

certainly want to wish, on behalf of the members of the Senate, a very happy, long and progressive life to both of you.

Committee Appointments

At this time the President appointed the following Senate members of Committees:

Agriculture

Senators:

HICHENS of York
JACKSON of Cumberland
JOHNSTON of Aroostook

Appropriations and Financial Affairs

Senators:

HUBER of Cumberland
GAHAGAN of Aroostook
MARCOTTE of York

Business Legislation

Senators:

THOMAS of Kennebec
REEVES of Kennebec
JOHNSTON of Aroostook

County Government

Senators:

JACKSON of Cumberland
GRAFFAM of Cumberland
CARBONNEAU of Androscoggin

Education

Senators:

KATZ of Kennebec
THOMAS of Kennebec
BERRY of Androscoggin

Election Laws

Senators:

CORSON of Somerset
BERRY of Cumberland
O'LEARY of Oxford

Fisheries and Wildlife

Senators:

McNALLY of Hancock
GRAFFAM of Cumberland
PRAY of Penobscot

Health and Institutional Services

Senators:

HICHENS of York
GREELEY of Waldo
BERRY of Androscoggin

Human Resources

Senators:

KATZ of Kennebec
TROTZKY of Penobscot
GRAHAM of Cumberland

Judiciary

Senators:

COLLINS of Knox
MERRILL of Cumberland
CLIFFORD of Androscoggin

Labor

Senators:

ROBERTS of York
McNALLY of Hancock
PRAY of Penobscot

Legal Affairs

Senators:

CORSON of Somerset
CIANCHETTE of Somerset
DANTON of York

Liquor Control

Senators:

GRAFFAM of Cumberland
CARBONNEAU of Androscoggin
DANTON of York

Marine Resources

Senators:

BERRY of Cumberland
CUMMINGS of Penobscot
REEVES of Kennebec

Natural Resources

Senators:

TROTZKY of Penobscot
WYMAN of Washington
O'LEARY of Oxford

Public Utilities

Senators:

CUMMINGS of Penobscot
 GREELEY of Waldo
 CYR of Aroostook

State Government

Senators:

CURTIS of Penobscot
 WYMAN of Washington
 GRAHAM of Cumberland

Taxation

Senators:

WYMAN of Washington
 JACKSON of Cumberland
 CYR of Aroostook

Transportation

Senators:

GREELEY of Waldo
 McNALLY of Hancock
 CYR of Aroostook

Veterans and Retirement

Senators:

COLLINS of Knox
 O'LEARY of Oxford
 CLIFFORD of Androscoggin

Energy

Senators:

ROBERTS of York
 TROTZKY of Penobscot
 CIANCHETTE of Somerset

Performance Audit

Senators:

BERRY of Cumberland
 CURTIS of Penobscot
 CIANCHETTE of Somerset

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

Mr. CONLEY: Mr. President and Members of the Senate: I would like, for the record, for it to be known that the Minority Leader is not in agreement with the assignments as just announced by the presiding officer of this body and the Democratic members of the Senate will meet immediately after today's meeting for a Democratic caucus.

On motion by Mrs. Cummings of Penobscot.

Adjourned until 10:00 o'clock tomorrow morning.