

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

Volume III

June 6, 1973 to July 3, 1973

Index

KENNEBEC JOURNAL
AUGUSTA, MAINE

I am sure the meal won't cost you \$13.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call a roll call was ordered.

Mr. Whitzell of Gardiner requested permission to speak a third time, which was denied.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Gardiner, Mr. Whitzell, that the House reconsider its action on L. D. 688 whereby it voted to adhere. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA—Berry, P. P.; Birt, Bragdon, Brown, Carter, Connolly, Cottrell, Dow, Dudley, Dunleavy, Ferris, Flynn, Garsoe, Gauthier, Genest, Hamblen, Haskell, Henley, Kauffman, Kilroy, Maxwell, McHenry, McKernan, Morin, L.; Morin, V.; Murchison, Najarian, Perkins, Peterson, Rollins, Ross, Santoro, Simpson, L. E.; Snowe, Stillings, Talbot, Whitzell.

NAY—Ault, Baker, Berry, G. W.; Bither, Boudreau, Brawn, Bustin, Cameron, Carey, Chick, Chonko, Churchill, Clark, Cooney, Cote, Curtis, T. S., Jr., Davis, Donaghy, Drigotas, Dunn, Dyar, Emery, D. F.; Farnham, Farrington, Finemore, Gahagan, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Hoffes, Huber, Hunter, Immonen, Jackson, Jalbert, Kelley, Kelley, R. P.; Knight, LaChamite, LaPointe, Lewis, E.; Lewis, J.; MacLeod, Maddox, Mahany, Martin, McCormick, McMahon, McNally, McTeague, Merrill, Morton, Mulkern, Murray, Norris, O'Brien, Palmer, Parks, Pratt, Rolde, Shaw, Shute, Silverman, Smith, D. M.; Smith, S.; Soulas, Sproul, Strout, Theriault, Tierney, Trask, Walker, Webber, Wheeler, Willard, Wood, M. E.

ABSENT—Albert, Berube, Binnette, Briggs, Bunker, Carrier, Conley, Cressey, Crommett, Curran, Dam, Deshaies, Evans, Farley, Faucher, Fecteau, Fraser, Jacques, Kelleher, Keyte, Lawry, LeBlanc, Littlefield, Lynch, Mills, Pontbriand, Ricker, Sheltra, Susi, Tanguay, Trumbull, Tyndale, White.

Yea, 37; No, 80; Absent, 33.

The SPEAKER pro tem: Thirty-seven having voted in the affirmative and eighty having voted in the negative, with thirty-three being absent, the motion does not prevail.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bristol, Mr. Lewis.

Mr. LEWIS: Mr. Speaker, is the House in possession of L. D. 2008?

The SPEAKER pro tem: The Chair would answer in the affirmative. Bill "An Act Reconstituting and More Effectively Coordinating the Maine Commission on Drug Abuse and Division of Alcoholism and Providing Alternative Sentencing for Violators of Drug Abuse Laws" Senate Paper 635, L. D. 2008, is in the possession of the House.

Mr. LEWIS: Mr. Speaker, I now move we reconsider our action whereby this bill failed to be enacted.

The SPEAKER pro tem: The gentleman from Bristol, Mr. Lewis, moves the House reconsider its action whereby this Bill failed of passage to be enacted.

The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, I hope the House will indeed vote for reconsideration of this matter which was defeated by a very small margin earlier today, and I think part of the reason was that the people had kind of forgotten what the true measure and importance of this bill was.

I would just briefly say that the matter before us is a significant one, we think. In the State Government Committee we put a lot of work into it to combine these two organizations into one more responsible group. We think

that we will be able to eliminate overlapping costs.

There are now three citizen advisory groups with a total membership of 56 people involved in the area of alcoholism and drug abuse. Our proposal would create simply one advisory group with 17 members. So you can see just the simple savings there would be substantial. We would be able to better determine priorities, and I think what we ought to remember is that the best statistics we have for the state are that there are some 30,000 people who are affected by problems of alcohol and only about 3,000 who are affected by problems of drugs. We ought to be able to maintain this reasonable understanding of a balance, so I hope you will vote to reconsider.

The SPEAKER pro tem: The Chair recognizes the gentleman from Westfield, Mr. Good.

Mr. GOOD: Mr. Speaker, Ladies and Gentlemen of the House: I won't bore you with a lot of meaningless words. I just want to state a couple brief facts. It always happens in the last days of the session, some people try to ram through their favorite bill and this is such a bill.

This is a redraft of L. D. 665, a five-page bill. L. D. 2008 is a twenty - six page monstrosity. It is a committee rewrite, it has had no public hearing and it has practically no resemblance to L. D. 665. This bill, I am told, will upset all the rehabilitation programs concerning alcoholism that are in effect today and that are just nicely off the ground. This bill is almost impossible to administer, it is almost impossible to understand, and it is surely not the type of bill to be passed through this House without a thorough investigation.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I might pose a couple questions to some members of the State Government Committee in terms of the hearings of the two bills. As I understand it, this is a

redraft of L. D. 665 and L. D. 1743, and I wonder if they could give us some idea of what the hearings were like, who the proponents were and why they ended up combining those two bills into one document which we now have in front of us today.

The SPEAKER pro tem: The gentleman from Eagle Lake, Mr. Martin, poses some questions through the Chair to any member of the State Government Committee who would care to answer.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I just would say one short thing, being on the State Government. As I remember, on this alcoholic committee there were about 35 people. What we did try to do, we tried to cut it down to the size of 17 for both committees. In other words, we tried to make it a more operative approach in this bill. That is some of the work. If someone else from State Government would like to speak, they can describe the good parts of the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker and Members of the House: In answer to the question of Mr. Martin from Eagle Lake, the State Government Committee received a number of bills dealing with alcoholism and drug abuse in this session. If we were to have passed them all, the appropriations that were requested would have definitely required a tax increase. And who can vote against drug abuse programs or alcoholism related programs? So the committee put our research people to work on this, and I think they went at it with a great deal of enthusiasm because it is certainly a field where all of us know work is needed. So they tried to see what progress had been made in the other states and what progress could be made in this state, and they came up with this solution of combining functions to more effectively coordinate programs. This is what seems to be done in other states where real successes are accomplished

in the field of drug abuse and alcoholism.

I understand that there is some opposition coming from a particular person or office in one of our state departments and that they have had some of their clients or the people they are helping contact some legislators and indicate that this would be a horrible thing, that they would no longer be served very well. But I think it is just the opposite case. There are some real efficiencies, if you care to read this bill, in the combination of these two things. We can probably contain the drug abuse program's growth which very possibly has a tendency to get out of hand, and I having sponsored the drug commission bill last time, I think from one whose enthusiasm for drug abuse programs is without question but who also feels that it should be within proper limits.

So the research people and the committee worked very hard to put these two things together in a way that would more effectively coordinate these programs. We eliminated having to deal with a number of different bills in these fields that probably now would be sitting on the appropriations table. This bill has no appropriation. It works within existing funds. It is probably one of the most progressive things that we can do in this session dealing with drugs and alcohol abuse, and I certainly hope we reconsider it. I think there was some misinformation or some lobbying done on this that misguided the House, and I hope we will give it final passage today.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker and Members of the House: As a member of the State Government Committee, I rather resent the implication that this was held until the last moment to try and ram it down someone's throat. The truth of the matter is, this is a combination of two bills, one by Senator Tanous and one by Senator Brennan. It took a lot of research to put these two together. The sponsors of each of the other

bills coordinated and worked with us, and then we ran into the problem of L. D. 76, which was An Act Creating Uniform Alcoholism and Intoxication Treatment Act.

We really couldn't put out our bill until we saw what happened to 76, because if we had put it out as we originally intended, there would have been conflicts with L. D. 76. By waiting until 76 had gone through the mill, we were able to correct our bill so that there would be no conflict in the two bills.

This deserves serious consideration. It is a step forward and I hope you will vote to reconsider.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I debated this this morning and I appreciate, as I said this morning, that the State Government Committee did put a lot of work and a lot of research into this. As I said this morning, our Division of Alcoholic Services in the State of Maine right now is doing as fine a job as any division or like division anywhere in the country. It is doing as nice a job as any division anywhere in the country with this very very tremendous social and economic problem.

The Commission on Drug Abuse is young and they seem to be going from anything I can determine on the Appropriations Committee, in many directions. As I say, they have major interests right now, as was so stated by the commissioner, in judicial review of the laws.

Now I assure you that this is in no way, if we combine these two departments, this is in no way going to help the alcoholics across the state, and that is who I am speaking for. So rather than beat this to death, I would hope you would vote against reconsideration and let these two divisions continue on until the new money and the new law for the alcoholic rehabilitation is channelled in the proper way and then after some more extensive study of this very very complicated problem, perhaps at some other later date we

can get together. But I hope and pray that we can keep these two divisions separated for the next few years anyway.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker and Members of the House: I am rather interested in L. D. 76, and I fear that if we put these two divisions together at this time that L. D. 76 will not get the attention that it deserves and the appropriations for L. D. 76 will be somewhat diluted. So I oppose the reconsideration.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Members of the House: I would simply like to ask what the committee report was on this bill.

Thereupon, the Report was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker and Members of the House: The committee report was unanimous. I really think that if people would take the time to look at the bill and what it does, the feeling on this floor would be unanimous also.

The bill and the Part II budget — if I can try to settle the fears of the gentleman from Brewer, Mr. Norris — clearly establishes alcoholism as the primary problem, which it is, and establishes the primary amount of priority to it. What we are seeing here, frankly, and I guess I had better be a little blunt, are some two divisions within state government that are fighting for their present status quo. The bill will indeed eliminate the titles of two people. It will eliminate two jobs that are unclassified now in the Drug Abuse Commission. It will consolidate, I fully expect, although this would be an administration decision, of course, that the new personnel would be primarily the existing ones. But we are seeing two small divisions fighting for their status quo, and I hope that this body will see fit to endorse an awful lot of work that has gone into preparing this piece of legislation.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bristol, Mr. Lewis, that the House reconsider its action on L. D. 2008, whereby the Bill failed of passage to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Norris of Brewer requested a roll call vote.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker and Members of the House: I hesitate to get up again, but this thing is very important to me, and as I said before, I appreciate all of the work that the State Government Committee put into it.

I think the good gentleman, the chairman of the State Government Committee, my good friend from Orono, Mr. Curtis, put his finger right on the problem when he said, let's get down to facts. You see, if the Drug Commission can't get in with the alcohol people, they are done. And this is exactly where we stand. And frankly, we have got a very serious problem with alcoholics across the state, across the nation. So if you want to dilute the efforts that are being done there by recovering alcoholics and so forth, then vote for this reconsideration, but if you want to give us a chance to look at this problem and then reconstruct the Drug Abuse Commission in the special session, which will probably have to be done, because even though they are both drug abuse, they are two diverse, diametrically diverse problems. You can't treat drug addicts with alcoholics. Believe me, I know, I have been there. You can't do it, it is impossible.

I can show you up to the Ark where they bring them in, where they bring drug abusers in and they just do not relate to the alcoholic problem, and the alcoholic people do not relate to the drug problem. They are two entirely different things and they have to be treated by their own peers. That is where the success comes from. You start mixing and you are going to spoil whatever

good either one of the divisions may be doing right now, so I implore you to vote against the reconsideration motion.

Mr. Curtis of Orono was granted permission to speak a third time.

Mr. CURTIS: Mr. Speaker and Members of the House: There would be different personnel treating people who had problems with alcohol from the people who have problems with drugs. And if someone would just read the bill, they would find out we have protected the status of the people who are helped. What we have tried to do, looking at it from a government organizational point of view, is improve the efficiency and cut down on the costs.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bristol, Mr. Lewis, that the House reconsider its action on Bill, "An Act Reconstituting and Coordinating the Maine Commission on Drug Abuse and Division of Alcoholism and Providing Alternative Sentencing for Violators of Drug Laws," Senate Paper 635, L. D. 2008, whereby the Bill failed of passage to be enacted. All in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Ault, Berry, G.W.; Birt, Boudreau, Briggs, Bustin, Chick, Chonko, Clark, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Donaghy, Dow, Drigotas, Dunleavy, Dyar, Emery, D.F.; Farnham, Flynn, Gahagan, Goodwin, H.; Goodwin, K.; Hamblen, Hancock, Henley, Herrick, Huber, Jackson, Knight, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Littlefield, Martin, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Morton, Mulker n,

Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pratt, Rolde, Rollins, Silverman, Simpson, L.E.; Smith, D.M.; Smith, S.; Snowe, Stillings, Theriault, Tierney, Webber, Willard, Wood, M.E.

NAYS: Baker, Berry, P.P.; Binnette, Bither, Brawn, Brown, Cameron, Carey, Carter, Churchill, Cote, Dudley, Dunn, Farrington, Ferris, Finemore, Garsoe, Gauthier, Genest, Good, Haskell, Hobbins, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelley, Kelley, R.P.; Kilroy, LeBlanc, MacLeod, Mahany, Maxwell, McCormick, McMahon, McNally, Merrill, Norris, O'Brien, Ross, Shaw, Shute, Soulas, Sproul, Strout, Susi, Talbot, Trask, Walker, Wheeler, White, Whitzell.

ABSENT: Albert, Berube, Bragdon, Bunker, Carrier, Conley, Cressey, Curran, Dam, Davis, Deshaies, Evans, Farley, Faucher, Fecteau, Fraser, Greenlaw, Jacques, Kelleher, Keyte, Lawry, Lynch, Maddox, Mills, Parks, Pontbriand, Ricker, Santoro, Sheltra, Tanguay, Trumbull, Tyndale.

Yes, 65; No, 53; Absent, 32.

The SPEAKER pro tem: Sixty-five having voted in the affirmative and fifty-three in the negative, with thirty-two being absent, the motion does prevail.

The pending question is passage to be enacted.

Thereupon, Mr. Dunn of Poland requested a roll call vote.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The pending question is passage to be enacted of L. D. 2008. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Berry, G. W.; Birt, Boudreau, Briggs, Bustin, Chick, Chonko, Clark, Conley, Connolly, Cooney, Cottrell, Crommett, Curtis, T. S., Jr.; Dow, Drigotas, Dun-

leavy, Dyar, Emery, D. F.; Farnham, Farrington, Flynn, Gahagan, Genest, Goodwin, H.; Goodwin, K.; Greenlaw, Hamblen, Hancock, Henley, Herrick, Hobbins, Huber, Jackson, Kauffman, Knight, LaCharite, LaPointe, Lewis, E.; Lewis, J.; Martin, McHenry, McKernan, McTeague, Morin, L.; Morin, V.; Morton, Mulhern, Murchison, Murray, Najarian, Palmer, Perkins, Peterson, Pratt, Rolde, Rollins, Silverman, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Stillings, Susi, Theriault, Tierney, Trask, Webber, White, Whitzell, Willard, Wood, M. E.

NAY — Baker, Berry, P. P.; Binnette, Bither, Brawn, Brown, Cameron, Carey, Carter, Churchill, Cote, Donaghy, Dudley, Dunn, Ferris, Finemore, Garsoe, Good, Haskell, Hoffses, Hunter, Immonen, Jalbert, Kelley, Kelley, R. P.; Kilroy, LeBlanc, Littlefield, MacLeod, Mahany, Maxwell, McCormick, McMahon, McNally, Merrill, Norris, O'Brien, Ross, Shaw, Shute, Soulas, Sproul, Strout, Talbot, Walker, Wheeler.

ABSENT — Albert, B e r u b e , Bragdon, Bunker, Carrier, Cressey, Dam, Davis, Deshaies, Evans, Farley, Faucher, Fecteau, Fraser, Gauthier, Jacques, Kelleher, Keyte, Lawry, Lynch, Maddox, Mills, Parks, Pontbriand, R i c k e r , Santoro, Sheltra, Tanguay, Trumbull, Tyndale.

Yes, 73; No, 46; Absent, 32.

The SPEAKER pro tem: Seventy-three having voted in the affirmative and forty-six having voted in the negative, with thirty-two being absent, the motion does prevail.

The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, having voted on the prevailing side

The SPEAKER pro tem: The gentleman from Orono, Mr. Curtis, having voted on the prevailing side, moves for reconsideration.

The Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, a point of parliamentary inquiry, sir,

I believe this is the second reconsideration on it now.

The SPEAKER pro tem: The gentleman is correct. The bill passes and will be signed for enactment.

The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, the bill was indefinitely postponed. After it was indefinitely postponed, it was then reconsidered; and now it is up for enactment, and you are in order.

The SPEAKER pro tem: The Chair rules that the motion to reconsider is in order.

The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, on roll call number 352 this morning, the House voted 66 to 71 which failed and the pending motion was enactment. The motion to reconsider is not in order.

The SPEAKER pro tem: The Chair begs to differ with the gentleman, and the Chair will entertain a motion for reconsideration. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

At this point, Speaker returned to the rostrum.

SPEAKER HEWES: The Chair thanks the gentleman and commends him for a very excellent performance.

Thereupon, the Sergeant-at-Arms escorted Mr. Kelleher to his seat on the floor, amid the applause of the House, the members rising, and Speaker Hewes resumed the Chair.

Mr. Simpson of Standish presented the following Joint Order and moved its passage:

WHEREAS, ponds containing more than 10 acres are known as great ponds and they are public ponds which with the soil under them are held by the State in trust for the public; and

WHEREAS, the water levels on great ponds are generally maintained by dams at constant levels with the public right of user in