

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Fifth
Legislature***

OF THE

STATE OF MAINE

Volume III

June 16, 1971 to June 24, 1971

Index

1st Special Session

January 24, 1972 to March 10, 1972

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**KENNEBEC JOURNAL
AUGUSTA, MAINE**

Littlefield, Lizotte, Lund, Lynch, Mahany, Marstaller, Mosher, Murchison, Murray, Norris, Parks, Porter, Rand, Rollins, Ross, Santoro, Scott, Shaw, Sheltra, Shute, Simpson, L. E.; Simpson, T. R.; Susi, Theriault, Whitzell, Williams, Wood, M. W.; Woodbury.

NAY — Ault, Bailey, Barnes, Berube, Boudreau, Brown, Bustin, Call, Carrier, Clemente, Collins, Cooney, Cote, Cottrell, Cummings, Curtis, A. P.; Curtis, T. S., Jr.; Dow, Doyle, Emery, D. F.; Emery, E. M.; Fraser, Gagnon, Genest, Good, Goodwin, Herrick, Hewes, Jutras, Kelley, P. S.; Lee, Lucas, MacLeod, Manchester, Martin, McCloskey, McCormick, Millett, Mills, Morrell, Orestis, Page, Payson, Rocheleau, Silverman, Slane, Smith, D. M.; Smith, E. H.; Trask, Vincent, Wheeler, White, Wight.

ABSENT — Bedard, Bernier, Brawn, Crosby, Drigotas, Dudley, Fecteau, Gauthier, Jalbert, Kelley, K. F.; Lessard, Maddox, Marsh, McKinnon, McNally, McTeague, O'Brien, Pontbriand, Pratt, Stilings, Tanguay, Tyndale, Webber, Whitson, Wood, M. E.

Yes, 72; No, 53; Absent, 25.

The **SPEAKER**: Seventy-two having voted in the affirmative and fifty-three in the negative, with twenty-five being absent, the motion does prevail.

The Chair laid before the House the first tabled and later today assigned matter:

Bill, "An Act Creating the Maine Industrial Port Authority" (H. P. 1592) (L. D. 2050)

Pending — Motion of Mr. Kennedy of Milbridge to indefinitely postpone.

Thereupon, the pending motion prevailed.

Sent up for concurrence.

The Chair laid before the House the second tabled and later today assigned matter:

Bill, "An Act to Provide Funds to Assist County Attorneys in the Administration of the Court System" (H. P. 1613) (L. D. 2062)

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

On motion of Mr. Porter of Lincoln,

Recessed until four o'clock in the afternoon.

After Recess
4:00 P. M.

The House was called to order by the Speaker.

The following papers were taken up out of order by unanimous consent.

**Report of Committee
Ought to Pass with
Committee Amendment
Amended in Senate**

Report of the Committee on Judiciary on Bill, "An Act to Correct Errors and Inconsistencies in the Public Laws" (S. P. 715) (L. D. 2004) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read twice. Committee Amendment "A", (S-391) was read by the Clerk.

The **SPEAKER**: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. **HEWES**: Mr. Speaker and Members of the House: I would like to briefly explain Committee Amendment "A", which is a 22-page document. I must state that there are some matters of substance in it, and hopefully they are innocuous, but I want to call them to your attention.

If you would please refer to S-391, the first amendment, which is at the bottom of page 1 and top of page 2, permits Auburn to be the site of the new district court that will be built in the Auburn-Brunswick area, and presently the court is in Lewiston.

The second matter, which is on page 2, permits retirement time for a person who is a law enforcement officer of the Department of Sea and Shore Fisheries or Inland Fisheries and Game to have the time he served in each considered as service in one organization so

that he will not lose the time that he served in one or the other.

Then over on page 3, depletion of funds, with a limit from \$1,500,000 to \$1 million, the minimum amount that the Maine Insurance Advisory Board shall have relating to insurance on state-owned property. This was set up in a recent legislature, and only a million dollars was set aside and actually at the present time I understand there is only \$1,570,000 in the fund, and there is a reserve of \$100,000 which leaves a net actually of \$1,470,000 for the time being. So as a practical matter it has to be lowered to a million.

Then the next item at the bottom of page three, which in the bill is section 17-B, this is an item that was screened out by the screening committee, it is not an emergency matter. It would allow security here in this area, here where the State Capitol is.

Then over on page 4, most of page 4 deals with snowmobiles in the winter or during the winter months. The present law is that no person shall operate a snowmobile under these conditions in the winter or during the winter months. The judges held that that meant only between December 21 and whenever spring starts, about March 22.

So if someone were picked up presently for say, violating this law on April 1 when there is snow on the ground, it was held this does not apply because of the reference to winter. So we are taking out the winter months, or in the winter, and anybody who does this when there is snow on the ground would be hence guilty of these violations.

On page 5, apparently hunting with bows and arrows was prohibited on Swan's Island during the regular session. This was not deleted in this particular section here. This is Title 12, section 2501, and that changes that.

Then down at the bottom of page five, that is the word debtor substituted for the word claimant, and that corrects a typographical error that was made when the law was passed in 1967, five years ago, and it apparently had not been picked up until this time.

On page six we get into divorce matters. The gentleman from Brunswick, Mr. McTeague, is very interested in this, trying to improve the divorce laws, and it makes mandatory that a judge will have to determine how property of a divorced couple will be apportioned. And that continues over onto page seven.

Skipping over to page nine, the Court reapportionment of the Senate ruling has apparently mandated the establishment of a voting place at Sinclair. Apparently in the past there was no voting — at the present time, in fact, there is no voting in that area, and so this will provide for the establishment of a voting place in Sinclair, as I understand it.

Proceeding along — if there are any questions I will try to answer them.

Then over on page 13, this apparently, presently all insurance companies have to file reports with the Insurance Department, the Insurance Commissioner, and this amendment will permit the Insurance Department to accept reports that are made by insurance companies in their home states; for instance the John Hancock and Mutual Insurance Company does quite a report which they file in Massachusetts, and this will permit the acceptance of the report that they filed down there without requiring another report filed up here relating to just Maine property.

I want to call your attention to page 15, please. It is section 89-C, and this relates to — two thirds of the way down the page — allows municipal officers to impose fees in CATV systems. This is a change in the ruling of the Supreme Court in 1967 in the case of City of Waterville versus Bartell Telephone TV Systems, 233 A2d 711, in which it was determined that when the law establishing CATV was set up in 1965 it was intended that revenue raising fees not be charged. This would change that.

I think that takes care of most of the controversial ones.

Now, I would like to make reference if I may, Mr. Speaker, to the Senate Amendment which —

The SPEAKER: The Chair would advise the gentleman that the only thing before the House is Committee Amendment "A".

Thereupon, Committee Amendment "A" was adopted.

Senate Amendment "A" (S-396) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I would like to briefly explain Senate Amendment "A". The first two, which is under filing number S-396, on the first page, the first two items deal with the two departments that have not been reorganized in this special session. The first one does away with the Department of Human Services legislation that we passed in the regular session of the 105th session, and the second one does away with the legislation relating to the Department of Natural Resources.

The third item starts on page 1 and goes over onto page 2, is almost a reverse twist of the adult rights for 18-year-old bill, because this one increases from age 20 to age 21 the maximum age that a child may remain a state ward. That is the only change of that.

Then in the middle of page two is a matter that we have discussed, which is a matter of substance, I feel. We discussed it at this special session. It would prohibit the Director of the Liquor Commission from being a member of the Liquor Commission. And I want to call that to your attention.

Page three relates to the Departments of Natural Resources and Human Services, legislation that we enacted in the regular session.

Thereupon, Senate Amendment "A" was adopted in concurrence. Under suspension of the rules, the Bill was read the third time.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and Senate Amendment "A" and sent to the Senate.

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE

March 9, 1972

Hon. Bertha W. Johnson
Clerk of the House
105th Legislature
First Special Session
Dear Madam Clerk:

The President appointed the following members of the Senate to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Implementing the Reorganization of the Department of Human Services" (H. P. 1551) (L. D. 2012):

Senators:

JOHNSON of Somerset
HARDING of Aroostook
CONLEY of Cumberland

Respectfully

/s/ HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Conference Committee Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on

Bill, "An Act Implementing the Reorganization of the Department of Human Services (H. P. 1551) (L. D. 2012) reporting that the House recede from its action whereby Report "A" reporting refer to 106th Legislature, Report "B" reporting a new draft (H. P. 1609) (L. D. 2060), Report "C" reporting a new draft (H. P. 1610) (L. D. 2061) and the Bill were indefinitely postponed; and refer all Reports and the Bill to the 106th Legislature; that the Senate recede and concur with the House. Signed:

DOYLE of Bangor
WHITE of Guilford
HODGDON of Kittery

Committee on part of House.
JOHNSON of Somerset
HARDING of Aroostook

—Committee on part of Senate.

On motion of Mr. Hodgdon of Kittery, the Report was read and accepted and sent up for concurrence.

The Chair laid before the House the first tabled and later today assigned matter:

HOUSE ORDER — re recalling from the Governor's Office to the