

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, February 22, 1973

The House met according to adjournment and was called to order by the Speaker.

Prayer by Father John P. Donovan of Winthrop.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Brown of Augusta presented the following Order and moved its passage:

ORDERED, that Mark Wathen of Augusta be appointed Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Whitzell of Gardiner presented the following Order and moved its passage:

ORDERED, that Sally Salewski and Ann Hopkins of Gardiner be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Emery of Rockland presented the following Order and moved its passage:

ORDERED, that Walter Guptill of Owl's Head be appointed Honorary Page for today.

The Order was received out of order by unanimous consent, read and passed.

Mr. Kelleher of Bangor presented the following Order and moved its passage:

ORDERED, that Robert Murray and Richard Curran of Bangor be appointed Honorary Pages for today.

The Order was received out of order by unanimous consent, read and passed.

Papers from the Senate

From the Senate: The following Communication: (S. P. 332)

STATE OF MAINE
Department of State
Augusta

February 20, 1973

To the Honorable Senate of the 106th Legislature of the State of Maine:

This will advise you that I have in my possession a quantity of initiative petitions relating to "An Act Creating the Power Authority of Maine."

These petitions were filed in this office on February 17, 1973, in accordance with the provisions of Article IV, Part Third, Section 18 of the Constitution of the State of Maine.

We are currently in the process of determining the number of valid signatures contained in these petitions.

Respectfully,

Signed:

JOSEPH T. EDGAR
Secretary of State

Came from the Senate read and placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 330)

STATE OF MAINE
Department of Transportation

February 21, 1973

To the Members of the 106th Legislature of the State of Maine:

Pursuant to Joint Order S. P. 196 of the 105th Legislature, I have the honor to present the Department of Transportation's Report regarding recommendations made in the Highway Study Committee's report to the 105th Legislature, dated January 27, 1971 and entitled "Report on State Highway Commission".

Respectfully submitted,

Signed:

DAVID H. STEVENS
Commissioner
Maine Department of
Transportation

Came from the Senate read and with accompanying papers placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

From the Senate: The following Joint Order: (S. P. 333)

ORDERED, the House concurring, that Joint Rule 16 be amended to read as follows:

16. Reference of Fiscal Matters to Committees. Every bill, resolve or order appropriating money shall

be referred to the appropriate committee for consideration, and no further action shall be had thereon in either branch until the same shall have been reported back by said committee.

The several clerks of the committees to which are referred bills, resolves or orders involving the appropriation or expenditure of money shall forthwith upon receipt of such bills, transmit a copy thereof carrying endorsement of reference, to the Committee on Appropriations and Financial Affairs for its information. No bill shall be in order for advertising for hearing or any other procedure until such copy is so transmitted. The Appropriations Committee shall issue a printed report and tabulation of such bills weekly.

Every bill, resolve or order involving the appropriation or expenditure of money shall be presented to the Committee on Appropriations and Financial Affairs for examination and recording before it is engrossed, and no further action shall be had on such bills, resolves or orders until proper endorsement thereon is made by said committee.

Came from the Senate read and passed.

In the House, the Joint Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 331)

WHEREAS, mentally retarded children need every advantage to acquire confidence in themselves and to succeed in building a positive image; and

WHEREAS, special olympics have been designed to give the mentally retarded that chance to develop skills and experience success through an organized programing of physical fitness; and

WHEREAS, through this unique program mentally retarded boys and girls of the State can share experiences of athletic competition not otherwise available; and

WHEREAS, the special olympics program for mentally retarded children is scheduled to be held in the City of Portland on June 7th and 8th of 1973; now, therefore, be it

ORDERED, the House concurring, that the members of the One Hundred and Sixth Legislature, now assembled, commend the spread and development of the special olympics program and express our thanks to all those who participate, support and make possible, through this forthcoming olympic event, new hope and a better way of life for the mentally retarded; and be it further

ORDERED, that suitable copies of this Joint Order be forwarded to the olympic officials in token of our commendation and support.

Came from the Senate read and passed.

In the House, the Joint Order was read and passed in concurrence.

Tabled and Assigned

From the Senate: The following Joint Order: (S. P. 334)

ORDERED, the House concurring, there is appointed a Special Legislative Committee to Welcome Home Returning Prisoners of War consisting of three on the part of the Senate and seven on the part of the House.

The Committee with the assistance of the Department of Military, Civil Defense and Veterans' Services shall arrange an appropriate reception for returned Maine prisoners of war on the part of the 106th Maine State Legislature to express the deep and lasting gratitude of the people of the State of Maine for the services and sacrifices of their fellow Maine men in the military service of their country.

Came from the Senate read and passed.

In the House, the Joint Order was read.

(On motion of Mr. Simpson of Standish, tabled pending passage in concurrence and tomorrow assigned.)

Bills and Resolve from the Senate requiring reference were disposed of in concurrence.

Reports of Committees Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to

pass" on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees" (S. P. 165) (L. D. 420) In accordance with Joint Rule 17-A, was placed in the legislative files.

Referred to Committee on Judiciary

Report of the Committee on State Government reporting Resolve Approving Draft and Arrangement of the State Constitution Made by the Chief Justice of the Supreme Judicial Court, and Providing for its Publication and Distribution (S. P. 93) (L. D. 239) be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to Record of Plans by Registers of Deeds" (H. P. 662) (L. D. 871) which was referred to the Committee on Judiciary in the House on February 13.

Came from the Senate referred to the Committee on County Government in non-concurrence.

In the House: On motion of Mr. Hodgdon of Kittery, the House voted to recede and concur.

Messages and Documents

The following Communication:

STATE OF MAINE
Bureau of Public Improvements
Augusta

February 21, 1973

To the Senate and House of Representatives of the One-Hundred and Sixth Legislature

In accordance with the provisions of Title 5, Section 1742, Maine Revised Statutes Annotated, we are submitting herewith the Status of Capital Improvement Projects including cash expenditures through June 30, 1972.

Respectfully,

Signed:

NIRAN C. BATES
Director

The Communication was read and with accompanying papers ordered placed on file and sent to the Senate.

The following Communication:

STATE OF MAINE
Maine Education Council

February 21, 1973

The Honorable E. Louise Lincoln
Clerk of the House
State House

Augusta, Maine 04330

Dear Mrs. Lincoln:

Please accept 160 copies of "Financing Higher Education Facilities Through the Maine School Building Authority", a report prepared by the Maine Education Council for the 106th Legislature as ordered by H. P. 1294.

For the Maine Education Council,
Signed:

LINCOLN T. FISH
Chairman

The Communication was read and ordered placed on file and sent to the Senate.

Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolve and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act to Provide Funds for Preliminary Engineering and Design Activities for a New Ferry Vessel" (H. P. 803) (Presented by Mr. Greenlaw of Stonington) (Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Create a Commission to Prepare a Revision of the Insurance Laws Relating to Insolvent or Delinquent Insurers" (H. P. 659) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act to Regulate Bank Holding Companies" (H. P. 660) (Presented by Mr. Ferris of Waterville)

Bill "An Act Relating to Powers and Interest Charges of Industrial Banks and Loan Companies" (H. P. 797) (Presented by Mr. O'Brien of Portland)

Bill "An Act Relating to Licenses for General Lines Insurance Agents" (H. P. 804) (Presented by Mr. Lawry of Fairfield)

Bill "An Act Relating to the Redemption Value of Trading Stamps" (H. P. 810) (Presented by Mrs. Baker of Orrington)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Exempt Nonprofit Clubs and Organizations from Food Handling Regulations" (H. P. 798) (Presented by Mr. Dyar of Strong)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Specifying a Time Limit for Return of Marriage Certificates" (H. P. 809) (Presented by Mrs. Baker of Orrington)

Bill "An Act Eliminating Admission to the Bar of the State of Maine by Motion" (H. P. 812) (Presented by Mr. Perkins of South Portland)

Bill "An Act Giving Powers of Arrest to State House Security Officer" (H. P. 821) (Presented by Mr. Brown of Augusta)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Relating to Eligibility Conditions for Benefits under Employment Security Law" (H. P. 807) (Presented by Mrs. Morin of Old Orchard Beach)

Bill "An Act Relating to Definition of Agricultural Labor in the Employment Security Law" (H. P. 823) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Increase the Number of Members of the Augusta Parking District" (H. P. 822) (Presented by Mr. Brown of Augusta)

(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act Raising the Age of Persons Who May Purchase Alcoholic Beverages or Sell as Licensees" (H. P. 799) (Presented by Mr. Silverman of Calais)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Railroad Crossings" (H. P. 815) (Presented by Mr. O'Brien of Portland)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Define "Navigable" for Purposes of Mandatory Zoning" (H. P. 805) (Presented by Mr. Herrick of Harmony)

Bill "An Act Relating to Advertising Costs in Processing Wetland Applications" (H. P. 811) (Presented by Mr. Perkins of South Portland)

Bill "An Act Relating to Solid Waste Disposal" (H. P. 816) (Presented by Mr. Smith of Exeter)

Bill "An Act to Enable the Department of Environmental Protection to Study the Groundwater Problem of the State" (H. P. 817) (Presented by Mr. Huber of Falmouth)

Bill "An Act to Amend the Laws Administered by the Department of Environmental Protection" (H. P. 818) (Presented by the same gentleman)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Increasing Membership in Municipal Conservation Commissions, Housing Authorities and Renewal Authorities" (H. P. 795) (Presented by Mr. Flynn of South Portland)

Resolution Proposing an Amendment to the Constitution Limiting the Tenure of Office of the Governor to One Four-Year Term (H. P. 800) (Presented by Mr. Cote of Lewiston)

Bill "An Act Increasing Compensation of the Governor" (H. P. 801) (Presented by Mr. Cote of Lewiston)

Bill "An Act Relating to Guarantees by the Maine Industrial Building Authority" (H. P. 820) (Presented by Mr. Briggs of Caribou)

Bill "An Act to Establish a State Board of Zoning Appeals" (H. P.

814) (Presented by Mrs. Clark of Freeport)
 (Ordered Printed)
 Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Authorize the State Housing Authority to Adopt a State Building Code" (H. P. 813)
 (Presented by Mr. Donaghy of Lubec)

The Committee on Reference of Bills suggested the Committee on State Government.

(On motion of Mr. Emery of Rockland, tabled pending reference and tomorrow assigned.)

Taxation

Bill "An Act Relating to Exemptions from Taxation of Institutions and Organizations" (H. P. 796)
 (Presented by Mr. LaPointe of Portland)

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (H. P. 802)
 (Presented by Mrs. Baker of Orrington)

Bill "An Act to Allow Sales Tax Exemption for Veterans Organizations for Materials Purchased for Capital Improvements" (H. P. 806)
 (Presented by Mr. Jacques of Lewiston)

Bill "An Act Providing for a Tax on Petroleum Products and Refineries to Promote Environmental Protection" (H. P. 819)
 (Presented by Mr. Emery of Rockland)

(Ordered Printed)
 Sent up for concurrence.

Tabled and Assigned

Bill "An Act Eliminating "Vacationland" from Motor Vehicle Number Plates" (H. P. 808)
 (Presented by Mrs. Najarian of Portland)

The SPEAKER: The Chair recognizes the gentlelady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, I move that this item be referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

(On motion of Mr. Simpson of Standish, tabled pending reference and tomorrow assigned.)

Transportation

Bill "An Act Creating a Municipal Advisory Committee on Highway Locations" (H. P. 824)
 (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)
 Sent up for concurrence.

Veterans and Retirement

Resolve Providing a Pension for Raymond E. Thurston of Union (H. P. 658)
 (Presented by Mrs. McCormick of Union) (Emergency)

(Ordered Printed)
 Sent up for concurrence.

Orders

Tabled and Assigned

On motion of Mr. Rollins of Dixfield, the House reconsidered its action of yesterday whereby Bill "An Act Relating to Federal and State Standards and Labeling of Milk and Milk Products" (H. P. 234) (L. D. 315) was passed to be engrossed.

On further motion of the same gentleman, the House reconsidered its action whereby House Amendment "A" (H-37) was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

The same gentleman then offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-49) was read by the Clerk.

(On motion of Mr. Evans of Freedom, tabled pending the adoption of House Amendment "B" and specially assigned for Monday, February 26.)

On motion of Mr. Evans of Freedom, the House reconsidered its action of yesterday whereby Bill "An Act to Regulate the Conditions Under Which a Dealer May Reject Milk from a Producer" (H. P. 775) was referred to the Committee on Agriculture.

On further motion of the same gentleman, the Bill was indefinitely postponed.

Sent up for concurrence.

Tabled and Assigned

Mr. Jalbert of Lewiston presented the following Joint Resolution and moved its adoption:

WE, your Memorialists, the Senate and House of Representa-

tives of the State of Maine in the One Hundred and Sixth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, medically a n d scientifically a human embryo or fetus exists as a living and growing human individual from the moment of conception; and

WHEREAS, the moment of birth represents merely an identifiable point along the course of human development and not the beginning of human life; and

WHEREAS, respect for human life has been a hallmark of civilized society for millennia; and

WHEREAS, the Maine Legislature has supported and shown concern for the life of the unborn child by rejecting all attempts to liberalize, modify or change the State's abortion law; and

WHEREAS, the United States Supreme Court has withdrawn all legal protection from an entire class of human beings, namely, the unborn; and

WHEREAS, the Maine Legislature wishes to voice its disapproval of the United States Supreme Court's decision; now, therefore, be it

RESOLVED: That we, your Memorialists, pursuant to Article V of the United States Constitution, do hereby make application to the Congress of the United States to call a convention for the sole and exclusive purpose of proposing to the several states a constitutional amendment which shall provide as follows:

1. As used in the Fifth and Fourteenth Articles of Amendment to the Constitution of the United States, dealing with the deprivation of life, the word "person" shall apply to every human being from the moment of conception, regardless of age, illness or infirmity.

2. Nothing herein shall prohibit any state from adopting such laws as are necessary to preserve the life the expectant mother.

3. Congress and the several states shall have the power to enforce this amendment by appropriate legislation; and be it further

RESOLVED: That this application shall constitute a continuing

application for such convention pursuant to Article V until the Legislatures of two-thirds of the states shall have made like applications and such convention shall have been called by the Congress of the United States unless previously rescinded by this One Hundred and Sixth Legislature; and be it further

RESOLVED: That certified copies of this resolution be immediately transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each Member of the Maine Congressional Delegation and to the Legislatures of each of the several states attesting the adoption of this resolution by the One Hundred and Sixth Legislature of the State of Maine. (H. P. 857)

The Joint Resolution was read.

(On motion of Mr. Jalbert of Lewiston, tabled pending adoption and specially assigned for Wednesday, February 28, at 10 o'clock in the morning)

House Reports of Committees Ought Not to Pass

Mr. Hancock from the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Relating to Time for Filing Application for Election Recounts" (H. P. 115) (L. D. 135)

Mr. Ross from the Committee on Election Laws reporting "Ought not to pass" on Bill "An Act Determining Position of Names of Candidates on Primary Ballots and General Election Ballots" (H. P. 261) (L. D. 341)

In accordance with Joint Rule 17-A, were placed in the legislative files and sent to the Senate.

Consent Calendar First Day

(S. P. 67) (L. D. 169) Bill "An Act Relating to Holding Property and Changing the Name of United Baptist Convention of Maine" Committee on Legal Affairs reporting "Ought to Pass"

No objection having been noted, was assigned to the Consent Calendar's Second Day list.

(H. P. 167) (L. D. 209) Bill "An Act Relating to Membership on

Board of Elevator Rules and Regulations" Committee on State Government reporting "Ought to pass"

At the request of Mr. Martin of Eagle Lake, was removed from the Consent Calendar.

On further motion by the same gentleman, the Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

(S. P. 90) (L. D. 236) Bill "An Act Relating to Penalty for Buying or Receiving Stolen Property" Committee on Judiciary reporting "Ought to pass" as amended by Committee Amendment "A" (S-15)

(H. P. 178) (L. D. 220) Bill "An Act to Clarify the Municipal Records Law" Committee on State Government reporting "Ought to pass" as amended by Committee Amendment "A" (H-48)

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

Tabled and Assigned

(H. P. 215) (L. D. 288) Bill "An Act Relating to Census and Membership in the Passamaquoddy Tribe of Indians" Committee on Human Resources reporting "Ought to pass" in New Draft and under same title: (H. P. 826) (L. D. 971)

At the request of Mr. LaPointe of Portland, was removed from the Consent Calendar.

(On motion of Mr. Mills of Eastport, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 26.)

Tabled and Assigned

(H. P. 218) (L. D. 291) Bill "An Act Relating to Biennial Elections of the Passamaquoddy Tribe of Indians" Committee on Human Resources reporting "Ought to pass" in New Draft and under same title: (H. P. 827) (L. D. 972)

At the request of Mr. LaPointe of Portland, was removed from the Consent Calendar.

(On motion of Mr. Mills of Eastport, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 26.)

(S. P. 137) (L. D. 349) Bill "An Act Relating to Change of Name, Trustees, Power to Hold Property of the Maine Conference of the United Methodist Church" Committee on Legal Affairs reporting "Ought to pass"

(S. P. 168) (L. D. 423) Bill "An Act Providing Funds for the Maine Higher Education Council" Committee on Education reporting "Ought to pass"

(H. P. 332) (L. D. 450) Bill "An Act Extending the Territorial Limits of the South Berwick Sewer District" (Emergency) Committee on Public Utilities reporting "Ought to pass"

(H. P. 364) (L. D. 479) Bill "An Act Exempting Hearing Aids from the Sales Tax" Committee on Taxation reporting "Ought to pass"

(H. P. 419) (L. D. 568) Bill "An Act to Amend the Charter of the Portland Water District" (Emergency) Committee on Public Utilities reporting "Ought to pass"

No objection having been noted, were assigned to the Consent Calendar's Second Day list.

**Consent Calendar
Second Day**

(H. P. 29) (L. D. 36) Bill "An Act Repealing Certain Exemptions from Weekly Payment of Wages"

(S. P. 103) (L. D. 248) Bill "An Act Relating to the Franklin Judicial Division of the District Court"

(S. P. 106) (L. D. 251) Bill "An Act Relating to Cruelty to Animals" (C. "A" - S-14)

(S. P. 126) (L. D. 303) Bill "An Act Repealing the Bond for a Manufacturer's Liquor License"

(S. P. 130) (L. D. 307) Bill "An Act Providing for a Study to Determine the Feasibility and Location of a New Bridge across the Penobscot River" (Emergency)

(H. P. 248) (L. D. 328) Bill "An Act Establishing the West Bath Game Sanctuary" (C. "A" - H-40)

(H. P. 251) (L. D. 332) Bill "An Act Relating to Animal Disease Appraisal and Indemnity"

(H. P. 253) (L. D. 334) Bill "An Act Placing the Board of Veterinary Examiners within the Department of Agriculture" (C. "A" - H-41)

(H. P. 255) (L. D. 335) Bill "An Act Relating to Brucellosis"

(H. P. 259) (L. D. 339) Bill "An Act to Amend the Maine Commercial Feed Law of 1971"

(H. P. 287) (L. D. 361) Resolve Providing Funds for Repair of Cathance Lake Dam and Pleasant River Lake Dam, Washington County (Emergency)

On motion of Mr. Mills of Eastport, by unanimous consent ordered sent forthwith to the Senate.

Tabled and Assigned

(H. P. 290) (L. D. 364) Bill "An Act Relating to Deer Doing Damage to Blueberry Lands"

At the request of Mr. McNally of Ellsworth, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 26.)

(H. P. 300) (L. D. 402) Bill "An Act Relating to Agricultural Cooperative Agreements"

(H. P. 380) (L. D. 509) Bill "An Act Relating to Borrowing Capacity of Community School District Consisting of the Towns of Crystal, Dyer Brook, Island Falls, Merrill and Smyrna" (Emergency) (C. "A" - H-42)

(H. P. 792) (L. D. 944) Resolve Authorizing the Forest Commissioner to Convey Certain Lands in Southwest Harbor, Hancock County (New Draft of H. P. 108, L. D. 128)

(H. P. 793) (L. D. 945) Bill "An Act Providing for Voluntary Water Quality Monitors" (New Draft of H. P. 330, L. D. 448)

No objection having been noted, were passed to be engrossed and sent to the Senate.

Passed to Be Engrossed

Bill "An Act Providing for an Additional District Court Judge at Large" (S. P. 65) (L. D. 188)

Was reported by the Committee on Bills in the Second Reading and read the second time.

Mrs. Baker of Orrington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-50) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act Relating to Confering Degrees by the College of Atlantic" (H. P. 794) (L. D. 946)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Second Reader

Tabled and Assigned

Bill "An Act Providing Funds for Elementary School Guidance Counsellors" (H. P. 384) (L. D. 513)

Was reported by the Committee on Bills in the Second Reading and read the second time.

(On motion of Mr. Ferris of Waterville, tabled pending passage to be engrossed and specially assigned for Monday, February 26.)

Finally Passed

Emergency Measure

Resolve Appropriating Funds to the Bath-Brunswick Mental Health Association to Purchase a Facility for a Federally Funded Expanded Program (S. P. 108) (L. D. 253) (H "A" - H-27)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

Emergency Measure

An Act to Allocate Moneys from the Highway Fund for State Aid Construction (S. P. 161) (L. D. 416)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Classifying Pleasant Lake, Aroostook County (H. P. 663) (L. D. 765)

An Act to Clarify the State Records Law (S. P. 68) (L. D. 170)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act Revising the Maine Egg Grading Law" (H. P. 230) (L. D. 310)

Tabled — February 20, by Mr. Evans of Freedom.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and tomorrow assigned.

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

Resolution, Proposing an Amendment to the Constitution to Permit Appointment of Judges of Probate (S. P. 292) (L. D. 839)

Tabled — February 21, by Mr. Henley of Norway.

Pending — Reference.

Thereupon, referred to the Committee on State Government in concurrence.

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

Bill "An Act Relating to Definition of Litter under Maine Litter Control Act" (H. P. 774)

Tabled — February 21, by Mr. Emery of Rockland.

Pending — Reference.

On motion of Mr. Emery of Rockland, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to Wild Animals in Captivity" (H. P. 285) (L. D. 359)

Tabled — February 21, by Mr. Martin of Eagle Lake.

Pending — Acceptance of Report. On motion of Mr. Martin of Eagle Lake, in accordance with Joint Rule 17-A, was placed in the legislative files and sent to the Senate.

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

Bill "An Act to Provide a Feasibility Study for a Turnpike Facility from Houlton to Van Buren" (H. P. 223) (L. D. 296)

Tabled — February 21, by Mr. Martin of Eagle Lake.

Pending — Motion of Mr. Briggs of Caribou to indefinitely postpone House Amendment "B" (H-43)

Mr. Briggs of Caribou withdrew his motion to indefinitely postpone House Amendment "B".

Mr. McHenry of Madawaska withdrew House Amendment "B".

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

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

Bill "An Act Relating to Hunting from Public Ways" (H. P. 160) (L. D. 202)

Tabled — February 21, by Mr. Simpson of Standish.

Pending — Indefinite Postponement.

(On motion of Mr. Simpson of Standish, retabled pending the motion to indefinitely postpone and specially assigned for Monday, February 26.)

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

Bill "An Act Relating to the Wearing of Fluorescent Orange Clothing While Hunting During Hunting Season" (H. P. 50) (L. D. 57)

Tabled — February 21, by Mr. Farnham of Bangor.

Pending — Motion of Mr. Carter of Winslow to indefinitely postpone House Amendment "A" to Committee Amendment "A" (H-18).

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Members of the House: To start off with for the edification of those persons in the House, I have been a birdhunter for 45 years. I have been a registered guide for some 20 years and this got a little bit confusing yesterday and I would like to explain it.

Title 12, Section 2468, says that "south of Route 2 and west of the Kennebec River, except when you are hunting waterfowl, you must wear a piece of fluorescent clothing which is visible from all sides." This was in effect in the year 1971 and 72. Also you will see it refers to Chapter 226, Public Laws 1969 and this same verbiage appears there except that this affected the years 1969 and 1970.

Consequently this has been in effect in one section of our state for four years and it has been working very well. This particular bill, L. D. 57, makes it statewide. House Amendment 11 says that it is in effect during the deer season and specific clothing of hunter fluorescent color should be used. H-18 deletes the word "hunter" because hunter is not a color of clothing and it adds the words "an article of fluorescent clothing." It does not require that you have a complete outfit of pants and coat and so forth, just one piece of clothing that can be visible from all sides.

I think it is an excellent bill. The committee thought it was an excellent bill. I certainly do not think that we should indefinitely postpone the amendment that we are talking about today and I trust that the House will vote against indefinite postponement and proceed as the committee deemed fit, and I would request a division on the motion.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I think enough has been said about this jewel of a bill. It is certain that the people I represent don't want it, but the one thing that I think

the House is overlooking is a lot of poor people that are involved.

I don't know just how to put it to you but I can say this, that if you were to go hunting today in the area where I live and have the misfortune of shooting a person, you would be liable to the extent that you had caused the accident because you would be at fault so to speak. Now if we were to pass this law, it would please the insurance companies I know, especially the homeowner's plan, because if this law is passed as it is now before you, then if the man doesn't have on fluorescent yellow, then he is negligent. So we shift the negligence from the party that does the shooting to the man that gets shot. Now I feel strongly that this is wrong. I think the man who does the shooting should be negligent, not the man that gets shot.

Now we had a case in our area where the homeowner's policy, a man was shot and the party that shot him was from Connecticut. He didn't even stop and notify the man's wife. He got in his car and went to Connecticut and left his attorney to represent him. He was insured by the homeowner's plan. She got \$20,000 and the children I think got \$5,000 apiece. Now had this law been in effect, there are some very sharp attorneys that work for these insurance companies, and some of them within the outer halls here, and they would like very much to see this bill passed because they would like this burden of proof put upon the person that got shot because this is quite a tax when they have to pay this winter; and because I have compassion for widows and children, I would hate awful to see this happen.

I have already told you that a very small percentage of the people in the area from which I come, a very, very small percentage of these people are hunters. Most of them are there trying very diligently to earn a living and they obviously are liable not to have this on. So if they don't have fluorescent on, they are negligent. And if you don't believe what I am telling you, you ask any honest attorney and I am sure

he will tell you that what I am telling you is true and I do hope that this bill for this reason and many, many others, which has already been said so many times in this House. If these people down in the southern part of the State want it, well and good, let's let them keep it because they don't have the lumber operations that we do. The people in the woods are there primarily for hunting or sporting purposes; but in our area they are not for sporting purposes, primarily. They are there to try to earn a living and it is a mighty hard way to earn a living and they do have big families; and if they do get shot, the families do need to have some insurance.

It was this very House about two terms back that passed this comparable negligence law and it works the same way if you get in an accident on the street today. You can be 20 percent involved in the accident or 30 percent involved in the accident but if you are 50 percent involved in the accident, they don't pay anything. So if these smart attorneys from out of state representing the homeowner's policy or any other real smart insurance company, they would prove that this man had at least 50 percent negligence and if he proved 50 percent negligence, they don't have to pay a penny. And believe me, what I am telling you is true. Believe me also that over half what I tell you is true.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker and Ladies and Gentlemen of the House: The reason that I asked for the motion that I did yesterday was to have an opportunity to present my own amendment. I believe I am now in order to debate it even though it is not before you.

I would like to call your attention to House Amendment "A", proposed, which has House filing number H-46. My amendment changes nothing in the present bill except to add a second paragraph which I think is vitally important. This deals in the area of colorblindness.

Now as my good friend from Bath, Mr. Ross, has told you this bill has been a test bill for several years in the southern part of the state. As I was reading some material that was passed out in regards to this bill last week, I was amazed to find that one third of the shooting incidents in the past three years involved people wearing fluorescent clothing. So immediately I started doing a little bit of research on this bill, and I called up the Fish and Game Department, the people responsible for enforcing this particular piece of legislation, and I was told that they were not authorized to conduct any colorblindness tests on people involved in these shooting incidents; and I wondered to myself, what is the real purpose of this law if we are not going to do the real job that is required here.

Admittedly, I am not an expert in the area of eye diseases, but I did consult the text book and a local optometrist friend of mine and I have information in my possession which shows that about four percent of the male population is either colorblind to the colors of red or green and less than four-tenths of one percent of the females are colorblind in these colors, but only a very, very small percentage are totally color blind and my proposed amendment deals in this area.

Now if a person is color blind to red, he will not be affected by this proposed amendment. The only people that would be barred from shooting deer under this proposed amendment would be a person that is totally colorblind; and some people will argue with you, will say, well, this is really discriminatory. You can't bar a person from the right to hunt. Well, I say if we are going to have a good law on the books, it is no more discriminatory than to bar a person that has a physical defect from driving a car. This is in the same area of safety.

Now, I have talked to some of the members. Apparently this is quite an emotional thing when you start talking about Fish and Game bills. I don't usually get involved with these but apparently this one

here was kind of touchy; and in talking with some of the members, they were kind of dubious as to what my real aims were and I stand here before you now and I tell you, if we are going to have a law on the books, let's not put a law on the books that will give some people a false sense of security.

For example, if I am forced to wear blaze orange, I will naturally feel that well, if I am wearing blaze orange, everybody in the woods with a gun will see me. This is not true. People who are totally colorblind cannot distinguish the orange color. They might see a sharper black or a different hue but they will not see the color orange.

So I say to you that the proposed amendment that I have is a worthwhile amendment and it should be adopted. You should not go half way and I would hope that you would go along with my motion to indefinitely postpone House Amendment "A" to Committee Amendment "A" and then I will have to make another motion to postpone House Amendment "A" and then I will be able to offer my amendment and I would hope that you would go along with it.

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

Mr. FARNHAM: Mr. Speaker, is it in order to debate an amendment that has not been presented?

The SPEAKER: It is not in order to debate that, but the Chair would rule that the gentleman from Winslow, Mr. Carter, was attempting to explain to the membership what his ultimate purpose is.

Mr. FARNHAM: Could I elaborate a little bit on his ultimate purpose?

The SPEAKER: You may proceed on the merits of the bill and that would include what further action might develop if this pending motion is carried, yes, sir.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: Representative Carter has explained the amendment and I just want to point out a few things to you. First, those of us who do have a partial red colorblind afflic-

tion, as he stated, probably constitute four percent of the male population. Those who are totally colorblind we are unable to arrive at a percentage figure because it is so small that it is hardly worth putting down. It would be .000 into infinity and then a one after it.

So to catch this one person out of 100,000, you are going to have every town and city clerk in the State of Maine put everybody who applies for a hunting license under oath, take up five or ten minutes more than it should to swear they are not totally colorblind; and if he really wants to hunt, he will swear that way anyway.

Now, it also puts a burden on the game warden and I suppose he will run around with a bagful of colored yarns or the famous Japanese circle and dot test and every hunter he meets, he will say, "Well, young man, we don't know whether you are colorblind or not. You stand here for ten minutes, stand back 20 feet. What do you see now? What do you see there?" So on. So, it is really peculiar. We are trying to get one man out of 100,000. Well, the truth of it is we are trying to kill a bill but obviously we are just trying to get one out of 100,000 men. We don't even require a vision test when they apply for a hunting license, so you can go in there half blind and get a hunting license.

I hope the House will go along and not go along with the gentleman from Winslow, Mr. Carter.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I am really amazed at my good friend from — Farnham from Hampden. I am surprised to hear him say that he only places human life at five minutes of his time. He thinks it is too much. I don't really think he really means that. I would more like to think that he thinks that I am trying to kill a bill, which I am not. I would hope that you would go along with my motion because it is a good bill.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am very surprised to find out the game wardens don't wear this color themselves. Are they colorblind, can't tell what color they got on? I think if they are going to pass a law over in the Fish and Game Department during this time, all the wardens should have on fluorescent color. This is discrimination.

The other day I saw a man present a cap which he said was fluorescent orange. It was fluorescent yellow. Now I know the man was colorblind. Now, truthfully, the man shouldn't be in the woods.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, just a question, sir. To indefinitely postpone, will that take priority over indefinite postponement of the amendment, to indefinitely postpone the bill?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, point of order — point of information. I would say that the only thing before us now is the motion on the amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. A vote has been requested. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 81 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, I now move that this bill be indefinitely postponed for reasons already stated. I hope you have some good, common sense this morning and a little bit of horse sense and that you do have some

compassion for these people that I spoke of and that you will go along and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Members of the House: I cannot agree with the statement made here on the floor of the House for the simple reason that anybody that lives or has anything to do with the wooded areas where they are lumbering or logging operations know that every company that puts men in the woods will not do so until their tin hat has been sprayed with fluorescent orange paint.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Members of the House: I think probably I know and Mr. Farnham knows, too, about as much about the woodsmen as anyone in the House; and the statement just made that they all wear them, they do not all wear hats that are fluorescent colored in the woods. Although I am not opposing this bill, we might as well get this straight. They do not wear all fluorescent colored hats. They have different ones. In fact, my crews are about half and half and I would like to have that statement corrected.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this Bill and all accompanying papers be indefinitely postponed. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

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

On motion by Mr. Simpson of Standish,

Adjourned until nine-thirty o'clock tomorrow morning.