

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Sixth

Legislature

OF THE

STATE OF MAINE

1973

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Thursday, March 29, 1973

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

Prayer by the Rev. Geraldine Brown of South Gardiner.

The journal of yesterday was read and approved.

Orders Out of Order

Mrs. Clark of Freeport presented the following Order and moved its passage:

ORDERED, that Rhonda Capen, Rodney Capen, Abbie Whitcomb and Lloyd Whitcomb of Freeport be appointed Honorary Pages for today.

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

Mr. Birt of East Millinocket presented the following Order and moved its passage:

ORDERED, that Tory Petterson of Hollis be appointed Honorary Page for today.

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

Papers from the Senate

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, April 2, at 10 o'clock in the morning.

Came from the Senate read and passed. (S. P. 516)

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

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

Report of Committee Leave to Withdraw

Report of the Committee on Election Laws on Bill "An Act Relating to Voting Checklists" (S. P. 211) (L. D. 555) reporting Leave to Withdraw.

Came from the Senate read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Eliminate the Advisory Committee on Public Broadcasting" (S. P. 200) (L. D. 545) which was passed to be engrossed in the House on March 27 in non-concurrence, with the Majority Report "Ought to pass" accepted.

Came from the Senate with that Body insisting on its action of March 22 whereby the Bill was passed to be engrossed with the Minority Report "Ought to pass" in New Draft and with New Title "An Act to Clarify the Purpose of the Committee on Maine Public Broadcasting" (S. P. 467) (L. D. 1426) accepted.

In the House: On motion of Mr. Curtis of Orono, the House voted to recede and concur.

Non-Concurrent Matter

Resolution Proposing an Amendment to the Constitution to Permit Appointment of Judges of Probate (S. P. 292) (L. D. 839) which was Indefinitely Postponed in the House on March 21, in non-concurrence.

Came from the Senate with that Body insisting on its action whereby the Resolution was passed to be engrossed as amended by Committee Amendment "A" (S-34) on March 19.

In the House:

The **SPEAKER**: The **Chair** recognizes the gentleman from Lewiston, Mr. Jalberty.

Mr. **JALBERT**: Mr. Speaker, I move we adhere to our former action.

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

Mr. **CURTIS**: Mr. Speaker and Members of the House: I request a division and would speak briefly to this situation.

The **SPEAKER**: The gentleman may proceed.

Mr. **CURTIS**: Mr. Speaker and Members of the House: This is a matter which we debated at some length a few days ago. The Committee report from the State Government Committee, the unanimous report that this proposal ought to pass, and the reason for it is that a few years ago there was a change made in the Maine Constitution. A vote of

the people upon that constitutional amendment was 41,850 in favor of changing the Constitution and 34,454 against. Because there was a mistake made and not all of the appropriate sections of the Constitution were changed, we still have a situation in which the judges of probate continue to be elected.

Now if this constitutional amendment is passed today and goes to the people and they vote again as they have in the past, then the matter will come back to the legislature for our consideration as to what form is appropriate for choosing our judges of probate. I would suggest again as I did the other day that judicial officers ought not to be elected by the people, that it would be a better system if they would not. But the final decision would be made by this legislature once the requirement that they be elected is removed from the Constitution.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Many people are always trying to weaken the county government structure, even to the point of doing away with it. Let's see who the people do elect. They elect the judge of probate, the registrar of probate, the clerk of courts, the treasurer, the registrar of deeds, the county commissioner, sheriffs and county attorneys. These are the elections that the opponents would like to whittle away at, and I am not without guilt myself.

Once I had a bill to remove the clerk of courts, and it was passed by this House. But the very next session it was rescinded. At the same time, I had a bill to do the same thing as this bill proposes to do today and it did not get through. By the expeditious use of man's lib, I have changed my mind. County government serves a useful purpose and it is not only to get people interested and involved in elections and election day procedures.

Perhaps in my subconscious I was worried for political reasons. For years in Sagadahoc County we had a judge of probate who was

a Republican. A few years ago he was defeated by a Democrat, a very able younger fellow. He is doing an excellent job. The people chose well and I now say, let them keep on choosing and let our county government still exist and be close to the people.

I agree with the gentleman from Lewiston, Mr. Jalbert, to adhere, and I hope you defeat any motion to recede and concur. I request the vote be taken by the yeas and nays.

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

Mr. FARNHAM: Mr. Speaker, I now move that we recede and concur and request a division.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, requests that the House recede and concur.

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

Mr. JALBERT: Mr. Speaker, I hope we hold to our vote that was taken a couple of days ago where we killed this thing 88 to 49. I ask for a roll call vote.

The SPEAKER: 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: The pending question is on the motion of the gentleman from Hampden, Mr. Farnham, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bragdon, Connolly, Cooney, Cottrell, Cressey, Crommett, Curtis, T. S., Jr.; Dow, Dunleavy, Emery, D. F.; Farnham, Ferris, Gahagan, Greenlaw, Henley, Hobbins, Jackson, Lewis, J.; Martin, McKernan, McMahon, Morton, Murchison, Najar, Norris, O'Brien, Perkins, Peterson, Pratt, Smith, D. M.; Smith, S.; Stillings, Susi, Talbot, Wheeler.

NAY — Albert, Ault, Baker, Berry, G. W.; Berube, Binnette, Birt, Bither, Boudreau, Brawn, Briggs, Brown, Bunker, Cameron, Carey, Carrier, Carter, Chick, Chonko, Churchill, Clark, Conley, Cote, Curran, Dam, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Evans, Farley, Farrington, Faucher, Fecteau, Finemore, Flynn, Fraser, Gauthier, Genest, Hamblen, Hancock, Haskell, Herrick, Hoffses, Huber, Hunter, Immonen, Jacques, Jalbert Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lawry, LeBlanc, Lewis, E.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Maxwell, McCormick, McHenry, McNally, McTeague, Merrill, Mills, Morin, L.; Mulkern, Murray, Palmer, Parks, Pontbriand, Rucker, Rolde, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Snowe, Soulas, Sproul, Tanguay, Theriault, Tierney, Trask, Trumbull, Walker, Webber, White, Whitzell, Willard, Wood, M. E.

ABSENT — Bustin, Garsoe, Good, Goodwin, H.; Goodwin, K.; Hodgdon, Morin, V.; Sheltra, Simpson, L. E.; Tyndale.

Yes, 35; No, 103; Absent, 11.

The SPEAKER: Thirty-five having voted in the affirmative and one hundred three in the negative, with eleven being absent, the motion does not prevail.

Thereupon, on motion of Mr. Jalbert of Lewiston, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act Relating to the Design of Buildings Constructed by the State or Political Subdivisions" (H. P. 494) (L. D. 648) which was passed to be engrossed in the House on March 20.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-46) in non-concurrence.

In the House: On motion of Mr. Martin of Eagle Lake, the House voted to recede and concur.

Non-Concurrent Matter

Resolve to Reimburse Audrey G. Pray of Hersey for Loss of Poltry by Foxes (H. P. 554) (L. D. 734)

which was passed to be engrossed in the House on March 27.

Came from the Senate with the Majority Report "Ought not to pass" accepted, in non-concurrence.

In the House: On motion of Mr. Emery of Rockland, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Provide Sales Tax Credit on Replacement of Lost or Destroyed Motor Vehicles" (H. P. 564) (L. D. 743) which was passed to be engrossed as amended by House Amendment "A" (H-134) in the House on March 27.

Came from the Senate with the Majority Report "Ought not to pass" accepted in non-concurrence.

In the House: On motion of Mr. Farrington of South China, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Establishing Daylight Saving Time for All Year" (H. P. 542) (L. D. 724) which was indefinitely postponed in the House on March 26.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: Apparently my counterpart over at the other end of the hall was not in his seat when this bill came up, so in order to comply with federal laws, as I explained the other day, I now move that the House adhere.

Thereupon, the House voted to adhere.

The SPEAKER: Will the Sergeant-at-Arms kindly escort the gentleman from Ellsworth, Mr. McNally to the rostrum?

Thereupon, Mr. McNally assumed the Chair as Speaker pro tem and Speaker Hewes retired from the Hall.

Messages and Documents
The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 28, 1973

Mrs. E. Louise Lincoln

Clerk of the House
106th Legislature

Dear Madam Clerk:

The Senate voted to Insist and Join in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act Reimbursing Teachers for Professional Credits" (H. P. 838) (L. D. 1112). The President appointed the following members of the Senate to the Committee of Conference:

Senators:

KATZ of Kennebec
OLFENE of Androscoggin
MINKOWSKY

of Androscoggin

The President appointed the following members of the Senate to the Committee of Conference on the disagreeing action on the two branches of the Legislature on Bill, "An Act Relating to Due Date for Payment of Inheritance Taxes" (H. P. 1144) (L. D. 1337):

Senators:

ROBERTS of York
WYMAN of Washington
CLIFFORD

of Androscoggin

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Agriculture

Bill "An Act Relating to Membership in South Kennebec Agricultural Society" (Emergency) (H. P. 1290) (Presented by Mr. Brown of Augusta)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Authorizing a Business Manager for the Department

of the Attorney General" (Emergency) (H. P. 1297) (Presented by Mr. Bragdon of Perham)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Provide an Agricultural Education Consultant within the Department of Educational and Cultural Services" (H. P. 1288) (Presented by Mr. Ault of Wayne)

Bill "An Act Providing for Drug Education in the Public Schools" (H. P. 1304) (Presented by Mr. Ferris of Waterville)

Bill "An Act to Fund the Costs of Public School Education from State Sources" (H. P. 1306) (Presented by the same gentleman)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Provide for Secret Ballot by Alternative Means at Town Meetings" (H. P. 1298) (Presented by Mr. McMahon of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Require Hunting and Firearm Safety Course Prerequisite to Hunting License" (H. P. 1303) (Presented by Mr. Dow of West Gardiner)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Repeal the Minimum Age for Hospitalization of Mentally Ill Persons" (H. P. 1295) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

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

Mr. NORRIS: Mr. Speaker and Ladies and Gentlemen of the House: If this has been referred I would move that we reconsider our action and that this bill be recommitted to the Committee on Appropriations and Financial Affairs, because this is the final item in our Bangor State Hospital

Study Report. One of the bills that goes with that report is being presented in total before that committee and would give our committee a chance to testify on that bill if it were presented. So I would like to reconsider it and then have it sent to Appropriations and Financial Affairs.

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Norris of Brewer to reconsider and specially assigned for Monday, April 2.

Judiciary

Bill "An Act Shortening the Period of Real Estate Mortgage Foreclosure" (H. P. 1300) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act Relating to Accountability for Charitable Trusts" (H. P. 1305) (Presented by Mr. Ferris of Waterville)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Clarify Municipal Appointing Authority" (H. P. 1299) (Presented by Mr. McMahon of Kennebunk)

Bill "An Act to Require Returnable Beverage Containers" (H. P. 1289) (Presented by Mr. Ault of Wayne)

Bill "An Act Relating to Name of Maine Centre Courts" (H. P. 1292) (Presented by Mr. Perkins of South Portland)

Bill "An Act Changing the Name of U.M.P.G. Alumni Association" (H. P. 1302) (Presented by Mr. Peterson of Windham)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Creating the Maine Forest Practices Act" (H. P. 1301) (Presented by Mr. Lynch of Livermore Falls)

(Ordered Printed)

Sent up for concurrence.

State Government

Resolve Authorizing Director of Public Improvements to Convey Land in Hallowell to Highest Bidder (H. P. 1293) (Presented by Mrs. White of Guilford)

Bill "An Act to Permit Public Employees to Enter into a Deferred Compensation Plan and Authorize the Purchase of Insurance and Annuity Contracts" (H. P. 1296) (Presented by Mr. Pratt of Parsonsfield)

Bill "An Act to Provide that Consumers Shall be Included on Certain Boards" (H. P. 1291) (Presented by Mr. Perkins of South Portland)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Resolve Increasing Retirement Benefit of Charles S. Allen of Portland (H. P. 1287) (Presented by Mr. Cottrell of Portland)

(Ordered Printed)

Sent up for concurrence.

At this point, Speaker Hewes returned to the rostrum.

Speaker HEWES: The Chair thanks the gentleman and commends him for an excellent job.

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

Orders

Tabled and Assigned

Mr. Rolde of York presented the following Joint Order and moved its passage:

WHEREAS, legislation has been introduced which allows the Board of Environmental Protection to control the effects of erosion; and

WHEREAS, this authority is in part the responsibility of other departments and agencies such as the Soil and Water Conservation Commission; and

WHEREAS, in addition to the above agencies, the Land Use Regulation Commission, the Department of Transportation, Departments of Sea and Shore Fisheries and Inland Fisheries and Game also are concerned with erosion; and

WHEREAS, conflicts exist among these authorities as to their individual responsibility respecting erosion control; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Research Committee be authorized and directed to study the subject matter of the Bill, "An Act to Enable the Board of Environmental Protection to Control the Effects of Erosion," House Paper 750, Legislative Document No. 963, to determine whether the best interests of the State would be served by enactment of such legislation and if so, where the responsibilities for erosion control should be properly designated; and be it further

ORDERED, that the Departments of Environmental Protection, Transportation, Sea and Shore Fisheries, Inland Fisheries and Game and Soil and Water Conservation Commission are respectfully requested to provide the committee with such technical advice and other assistance as the committee deems necessary and desirable; and be it further

ORDERED, that the committee report the results of its findings, together with its recommendations and implementing legislation at the next regular session of the Legislature; and be it further

ORDERED, that each agency specified herein be notified accordingly upon passage of this directive. (H. P. 1294)

The Joint Order was read.

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

Mr. **ROLDE**: Mr. Speaker and Ladies and Gentlemen of the House: To briefly explain this order. You will note on the top of page six there is a report from the Committee on Natural Resources, referring "An Act to Enable the Board of Environmental Protection to Control the Effects of Erosion" to the 107th Legislature. This order, in effect, does that. It refers to the Legislative Research Committee to investigate the subject matter of the L. D. which is erosion and a very complicated problem that needs study.

Thereupon, on motion of Mr. Hancock of Casco, tabled pending passage and specially assigned for Monday, April 2.

House Reports of Committees Ought Not to Pass

Mr. Sproul from the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act to Provide for Night Pay Differential for State Employees" (H. P. 453) (L. D. 602)

Mr. Haskell from same Committee reporting "Ought not to pass" on "Resolve, in Favor of Penobscot County for Expenses in Guarding a Certain Prisoner" (H. P. 762) (L. D. 995)

Mr. Carter from same Committee reporting "Ought not to pass" on Bill "An Act to Pay for One Hundred Percent of Health Insurance for Retired Teachers" (H. P. 902) (L. D. 1190)

Mr. Haskell from same Committee reporting "Ought not to pass" on Bill "An Act Providing Funds to Adjust Pay Ranges for Foresters" (H. P. 1063) (L. D. 1387)

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

Leave to Withdraw

Mrs. Berry from the Committee on Health and Institutional Services reporting Leave to Withdraw on Bill "An Act Adding Another Dealer to Board of Hearing Aid Dealers and Fitters" (H. P. 892) (L. D. 1179)

Report was read and accepted and sent up for concurrence.

Leave to Withdraw

Covered by Other Legislation

Report of the Committee on Liquor Control on Bill "An Act to Permit the Sale of Beer on Sunday for Off-premise Consumption" (H. P. 113) (L. D. 133) reporting Leave to Withdraw as covered by Other Legislation.

Report was read and accepted and sent up for concurrence.

Referred to 107th Legislature

Report of the Committee on Natural Resources on Bill "An Act to Enable the Board of Environmental Protection to Control the Effects of Erosion" (H. P. 750) (L. D. 963) reporting it be referred to the 107th Legislature.

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought to pass" as amended by Committee Amendment "A" (H-146) on Bill "An Act to Permit the Sale of Beer and Table Wine on Sunday for Off-premise Consumption" (H. P. 184) (L. D. 226)

Report was signed by the following members:

Mr. OLFENE of Androscoggin
— of the Senate

Messrs. FAUCHER of Solon
GENEST of Waterville
RICKER of Lewiston
TANGUAY of Lewiston
KELLEHER of Bangor
CRESSEY

of North Berwick
— of the House

Minority Report of the same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following members:

Messrs. FORTIER of Rumford
SCHULTEN of Woolwich
— of the Senate

Messrs. STILLINGS of Berwick
IMMONEN of West Paris
FARNHAM of Hampden
— of the House

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Solon, Mr. Faucher, moves the House accept the Majority "Ought to pass" Report.

Mr. Birt of East Millinocket requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Solon, Mr. Faucher, that the House accept the Majority "Ought to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 49 having voted in the negative, the motion did prevail.

The Bill was read once.

Committee Amendment "A" (H-146) was read by the Clerk and adopted.

The Bill was assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act Relating to Definition of Litter Under Maine Litter Control Act" (H. P. 774) (L. D. 992) reporting "Ought to pass" in New Draft (H. P. 1309) (L. D. 1619)

Report was signed by the following members:

Messrs. ALDRICH of Oxford
JOLY of Kennebec
ROBERTS of York
— of the Senate.

Messrs. CAREY of Waterville
COTE of Lewiston
SHAW of Chelsea
EMERY of Rockland
DUDLEY of Enfield
FECTEAU of Biddeford
BRAWN of Oakland
CONNOLLY of Portland
FAUCHER of Solon

— of the House

Minority Report of the same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. SHUTE
of Stockton Springs
— of the House.

Reports were read.

On motion of Mr. Emery of Rockland, the Majority "Ought to pass" Report was accepted.

The New Draft was read once and assigned for second reading the next legislative day.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: Under suspension of the rules, I submit a bill, House Paper 1333 and move that the rules be suspended so that it can have its two several readings and passed to be engrossed without reference to a committee. It is An Act Relating to Apportionment of County Tax.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves that House Paper 1333, Bill, An Act Relating to Apportionment of County Tax be introduced and

that the rules be suspended for the purpose of two readings without assignment to a committee. The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you all realize that county tax must be assessed during the month of April to the month of March to the municipalities. The County Government Committee is in no position right now to report out the county taxes or assess the taxes to the municipalities. Therefore, we need this emergency legislation to go completely through this body today, which would extend this date to May and have it retroactive to March 31, in order that the municipalities can assess their taxes on April 1 by the laws of the state.

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

Mr. MARTIN: Mr. Speaker and Ladies and gentlemen of the House: I agree with the remarks of the gentleman, Mr. Simpson, that we have to do this today. It is one of these things which some of us overlooked and they thought that it could simply be done without simply enacting it today. The law very simply says that it is to be done by April 1. The county government has been waiting for an IRS decision on whether or not raises could be given in excess of 5.5; that is still in the process of being arrived at as to whether or not it affects the county and they are awaiting that before they can reach a decision. And in order for us to make sure that we do not get into a constitutional crisis with the municipalities in the counties, we have to enact this before we leave today.

On motion of Mr. Simpson of Standish, under suspension of the rules, House Paper 1333, Bill "An Act Relating to Apportionment of County Tax" was introduced, given its two several readings without reference to any committee, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Consent Calendar

First Day

(H. P. 38) (L. D. 45) Bill "An Act Relating to Retirement of Forest Rangers in the Forestry Department" (Emergency) — Committee on Veterans and Retirement reporting "Ought to pass"

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

Tabled and Assigned

(H. P. 274) (L. D. 380) Bill "An Act Relating to Control of Outdoor Advertising" (Emergency) Committee on Natural Resources reporting "Ought to pass" as amended by Committee Amendment "A" H-147.

(On motion of Mr. Birt of East Millinocket, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 3.)

(H. P. 354) (L. D. 469) Bill "An Act Relating to Liquor Licensee Records" — Committee on Liquor Control reporting "Ought to pass"

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

(S. P. 206) (L. D. 556) Bill "An Act to Revise the Election Laws" — Committee on Election Laws reporting "Ought to pass" in New Draft (S. P. 493) (L. D. 1535)

On the request of Mr. Birt of East Millinocket, was removed from the Consent Calendar.

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

Mr. ROSS: Mr. Speaker and Members of the House: In order to expedite things and try to save a bit of time, I hope nobody tables this bill. This is the election laws omnibus bill. It consists of 12 pages and it is most important. Already one Senate Amendment has been adopted. But we cannot present others until the second reading or the second consent calendar. This will be on Monday. You have a whole weekend to review and those who are interested should pick up individual copies of L. D. 1535 from the document clerk.

The whole future of the Election Laws Committee depends mostly upon the enactment of this bill. Many individual documents were incorporated into it. As soon as this is passed to everyone's satisfaction, if such a thing is possible, we will immediately report the others out Leave to Withdraw as Covered by Other Legislation.

I move we accept the committee report.

Thereupon, the Report was accepted, the Bill was read once and assigned for second reading the next legislative day.

(H. P. 452) (L. D. 601) Bill "An Act Appropriating Funds for Replacement of Sea and Shore Enforcement-Research Vessels" — Committee on Appropriations and Financial Affairs reporting "Ought to pass"

(H. P. 484) (L. D. 628) Bill "An Act Providing Additional Funds for Maine State American Revolution Bicentennial Commission" — Committee on Liquor Control reporting "Ought to pass"

(S. P. 242) (L. D. 693) Bill "An Act to Exempt Methods of Payment for Laboratory Services Provided to Persons Outside of the State" — Committee on Health and Institutional Services reporting "Ought to pass" as amended by Committee Amendment "A" S-42

(H. P. 579) (L. D. 768) Bill "An Act Relating to Definition of and Licenses of Rectifiers under the Liquor Law" — Committee on Liquor Control reporting "Ought to pass" as amended by Committee Amendment "A" H-148

(H. P. 798) (L. D. 1051) Bill "An Act to Exempt Nonprofit Clubs and Organizations from Food Handling Regulations" — Committee on Health and Institutional Services reporting "Ought to pass" as amended by Committee Amendment "A" H-149

(H. P. 828) (L. D. 1087) Bill "An Act Preventing a Lien on Real Estate When Owner has Paid Contractor" — Committee on Legal Affairs reporting "Ought to pass"

(H. P. 831) (L. D. 1090) Bill "An Act to Clarify the Law Relating to Height and Width Restrictions for Motor Vehicles" — Committee on Transportation reporting "Ought

to pass" as amended by Committee Amendment "A" H-150

(H. P. 840) (L. D. 1114) Bill "An Act Permitting Sale of Prepackaged Foods in Taverns" — Committee on Liquor Control 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. 187) (L. D. 228) Bill "An Act Extending Open Season on Bear" (C "A" H-137)

(H. P. 191) (L. D. 230) Bill "An Act Relating to Hunting Bear with Dogs" (C "A" H-138)

(H. P. 509) (L. D. 674) Bill "An Act Relating to Community Based Services for the Mentally Retarded"

(H. P. 529) (L. D. 711) Resolve Providing for a Feasibility Study of Marine Resources Development in Washington County (C "A" H-139)

(H. P. 631) (L. D. 845) Bill "An Act Authorizing the Department of Environmental Protection to Make Planning Grants to Municipalities for Solid Waste Disposal"

(H. P. 708) (L. D. 913) Bill "An Act Relating to the Marking of Egg-bearing Lobsters" (C "A" H-140)

(H. P. 715) (L. D. 921) Bill "An Act Relating to Use of Waters of Kezar Lake by Westways Maintenance Corporation"

(S. P. 308) (L. D. 970) Bill "An Act Relating to Payments to Hospitals"

(S. P. 345) (L. D. 1044) Bill "An Act Pertaining to Unlicensed Dogs" (Later Reconsidered)

(H. P. 895) (L. D. 1182) Bill "An Act Relating to Size of Voting Places"

(H. P. 973) (L. D. 1280) Bill "An Act Relating to Voting Checklists as Public Records"

(S. P. 411) (L. D. 1256) Resolve Enabling Certain Conveyances by Governor and Council to Safeguard the Mortgage Insurance Fund of the Maine Industrial Building Authority (Emergency)

(S. P. 426) (L. D. 1286) Resolve Providing Funds for Abilities and Goodwill, Inc.

Passed to Be Engrossed

Bill "An Act to Specify the Date for Closing of Open Burning Dumps in Maine" (S. P. 288) (L. D. 835) (C. "A" S-41)

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

Tabled and Assigned

Bill "An Act Establishing an Open Season on Moose" (H. P. 32) (L. D. 39) (C. "A" H-141)

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

(On motion of Mr. McNally of Ellsworth, tabled pending passage to be engrossed and specially assigned for Monday, April 2.)

Resolve Designating the Bridge Across the Little Androscoggin River at Mechanic Falls as "The Sawyer Memorial Bridge" (H. P. 538) (L. D. 720)

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

Mr. Dunn of Poland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-145) was read by the Clerk.

(On motion of Mr. Donaghy of Lubec, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, April 1.)

**Passed to Be Enacted
Emergency Measure**

An Act Authorizing Use of County Funds for Child and Family Services in Piscataquis County and Authorizing Counties to Participate in the Priority Social Services Program (H. P. 381) (L. D. 510) (H. "A" H-124)

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. 115 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act Relating to Bilingual and Bicultural Education (S. P. 62) (L. D. 165) (H. "A" to C. "A" H-115 S-12)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and specially assigned for Monday, April 2.)

Passed to Be Enacted

An Act Relating to Real Estate Brokers' Trust Accounts (H. P. 372) (L. D. 501) (C. "A" H-133)

An Act Requiring Constructed Public Buildings Be Made Accessible to the Physically Handicapped (H. P. 505) (L. D. 657)

An Act to Revise the Law Prohibiting the Location of Dumps within 300 Feet of Classified Bodies of Water (H. P. 643) (L. D. 859)

An Act Relating to Protection of the Public Water Supply (H. P. 1191) (L. D. 1457)

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 Relating to Stop-Sale Orders under Maine Economic Poisons Law" (H. P. 668) (L. D. 873)

Tabled — March 27, by Mr. Evans of Freedom.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

Bill "An Act to Appropriate Funds for the Purpose of Creating an Office of Off-reservation Indian Development within the Department of Indian Affairs" (H. P. 976) (L. D. 1290)

Tabled — March 27, by Mr. Donaghy of Lubec.

Pending — Acceptance of Committee Report.

Thereupon, the Report was accepted, the Bill was read once and assigned for second reading the next legislative day.

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

House Order relative to House Rule 49-A.

Tabled — March 27, by Mr. Simpson of Standish.

Pending — Passage.

On motion of Mr. Martin of Eagle Lake, retabled pending passage and specially assigned for Tuesday, April 3.

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

Resolution, Proposing an Amendment to the Constitution to Provide for an Environmental Bill of Rights (H. P. 1279)

Tabled — March 28, by Mr. MacLeod of Bar Harbor.

Pending — Reference.

Referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

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

Bill "An Act to Create the Maine Coastal Development Corporation as a Body Corporate and Politic" (H. P. 1267)

Tabled — March 28, by Mr. Birt of East Millinocket.

Pending — Reference.

On motion of Mr. Birt of East Millinocket, retabled pending reference and specially assigned for Tuesday, April 3.

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

Bill "An Act Relating to Certain Permanent Impairment Compensation under Workmen's Compensation Law" (H. P. 598) (L. D. 798)

Tabled — March 28, by Mr. Farley of Biddeford.

Pending — Motion of Mr. Brown of Augusta to accept Majority Report "Ought not to pass"

On motion of Mr. Brown of Augusta, retabled pending the

motion of Mr. Brown of Augusta to accept Majority "Ought Not to pass" Report and specially assigned for Tuesday, April 3.

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

Mr. SIMPSON: Mr. Speaker, is the House in possession of House Paper 834, L. D. 1093, Bill "An Act Providing for Mandatory Retirement for Teachers?"

The SPEAKER: The Chair would answer in the affirmative.

Mr. SIMPSON: Mr. Speaker, I would move that we reconsider our action whereby this bill was passed to be enacted and would speak briefly to my motion.

The SPEAKER: The gentleman from Standish, Mr. Simpson, moves that the House reconsider its action whereby this Bill was passed to be enacted.

The gentleman may proceed.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: We have a slight problem in this particular bill which has come up from the Attorney General's Office and I would just like to read the last paragraph of his statement here which states, "the way the present bill reads, it means that any member of the retirement system, whether a school teacher, clerk, police officer, fireman or what have you, would retire at age 70 on the first day of the next school year. There is no relationship whatsoever between the first day of the next school year and the employment of other than school teachers" and I won't go on.

Therefore, I have to go through a series of parliamentary maneuvers to take off the committee amendment, put on our House amendment, put the bill back into engrossment so we can then enact it.

Thereupon, on motion of Mr. Simpson of Standish, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-144) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Reimbursing Teachers for Professional Credits" House Paper 838, L. D. 1112, the Speaker appointed the following members of the House to the Committee of Conference:

Messrs. MURRAY of Bangor
GARSOE of Cumberland
BITHER of Houlton

Mr. Morton, of Farmington, was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker and Ladies and Gentlemen of the House: On February the 12th the record will show that this House took note of the first return of P.O.W.'s from Southeast Asia which resulted from the successful conclusion of negotiations between this country and the enemy. Today, March 29, 1973 is also a day which the record should show we remembered. On this day the last of those formally acknowledged P.O.W.'s and M.I.A.'s are commencing their delightfully anticipated journey home. I notice also that one more man has been reported and added to the acknowledged M.I.A. list and will be released next week.

I pray that others will still be found and that we will seek diligently until all doubts have been cast aside. On this day also, the last contingent of men, yes and women too, 2501 of them out of the total involved of nearly 2.5 million people who represent the formal military commitment of the United

States in Vietnam are leaving for home and other assignments.

You will agree with me, I am sure, that this is a truly significant day — a day that we all have been waiting for so long. It deserves note!

As we adjourn I hope you will think about the sacrifices of all these sons and daughters, living or dead, who did their duty. And you will wend your way home with grateful hearts and prayerful thanks for the Peace with Honor that we have today.

On motion of Mr. Simpson of Standish,

Recessed until the sounding of the gong.

After Recess

4:00 P.M.

Called to order by the Speaker.

From the Senate: The following Joint Order: (S. P. 530)

WHEREAS, Thursday, March 29, 1973 ends the American military presence in Viet Nam; and

WHEREAS, the last of the United States Command that once involved a half million American soldiers will leave by dusk today; and

WHEREAS, the folding of the colors this date marks the official end of more than a decade of United States military intervention; and

WHEREAS, we shall always be grateful for the events of this day and all that it represents; now, therefore, be it

ORDERED, the House concurring, that we, the Members of the Senate and House of Representatives of the 106th Legislature of the State of Maine, give thanks for the end of a long and bitter struggle and the safe return to their homes and other bases of our Armed Forces; and be it further

ORDERED, that when both Houses of the Legislature adjourn on this date they do so in remembrance and thanksgiving for this long awaited occasion.

Came from the Senate read and passed.

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

The Chair laid before the House the following matter appearing on Supplement No. 2:

An Act Relating to Apportionment of County Tax (H. P. 1333) (L. D. 1638)

The SPEAKER: The Chair recognizes the gentleman from Strong, Mr. Dyar.

Mr. DYAR: Mr. Speaker and Members of the House: I am speaking on behalf of myself this afternoon and not on behalf of the Committee on County Government. I have served on this committee. This is my third session and I am very reluctant to see a piece of legislation like this being forced through this body in such a short period of time. I don't think the committee and the legislature knows the impact of this piece of legislation.

It is my understanding that as of next Monday morning, no county in this state will be able to borrow a penny of money in anticipation of taxes. I have not seen a copy of L. D. 1638. If we are extending, as I understand it, some 60 days or 30 days to get the county budgets out, we should make some provision in this law to allow the counties to borrow money to keep going for the next 30 or 60 days even if the State of Maine has to guarantee this loan. As I understand it, no county can go to any bank in this state next week and request a loan in anticipation of taxes due to the fact that they don't know how much they are going to — they don't know what the base — the anticipation will be. They have no more idea than this body does here this afternoon on what the Committee on County Government will pass out as a total of a county budget.

I would very much like to see an emergency session of the Committee on County Government come out with a redraft of this bill making provisions to allow county government to borrow money during this period of time.

In the 105th Legislature a bill was passed, which I sponsored my-

self, bringing the county budgets into this body a month earlier than they have ever been brought in before and the counties in this state went along with it and they got their budgets in. In fact, we have had the budgets a month longer than normal.

I am not apologizing for myself or anyone but I am very reluctant to see a bill such as this pass through.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: County governments have been operating since January 1st actually on borrowed funds. I would say that right now if we changed this — and all we are changing is one word, actually in the present statute which is in Title 30 Chapter 254 which says, "When a county tax is authorized, the county commissioners shall—" and presently it says "in March in the year for which such tax is granted — apportion it upon the towns and other places according to the last state valuation and fix the time for the payment of the same, which shall not be earlier than the first day of the following September." We are changing the one word from March until April. And under the emergency clause, we are saying that in view of the emergency cited in the preamble, this act shall be effective March 31, 1973.

Ladies and Gentlemen, I submit to you that we are covering the statutory requirements that we have to before April 1. If, in fact, that come Monday that we do have this problem of the borrowing of funds, we then can cover it through the same type of legislation but I don't believe that we would be wise in not passing this at this time.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: I concur with those remarks. I just want to add a couple of my own though. First of all we seem to get ourselves embroiled in the county tax, laying

of county tax I ought to say, every two years and I have never been a member of the County Government Committee. I don't know what transpires from the time that they are introduced et cetera but we are faced with a serious crisis on our hands that we need to enact either this or lay the taxes today according to state statute. The law is very clear. The Attorney General's office has notified us of this. I was asked before the session that we check this out thoroughly. We did and we found that that is exactly what transpired.

Now the other approach — and I have just before walking through the hall heard the same comment told to me by someone indicating that there might be a problem of borrowing so I very quickly checked it and I admit that I was very quick in checking and, of course, we say things from time to time. We could have egg on our faces when we return a week later but after checking it, as far as I know at this point we have indeed been borrowing in some counties. Some of them have been taking it from the surplus and most counties do have a surplus.

One other point to keep in mind is that this does not change that thing, that we could continue to borrow and that as far as I am concerned and as far as the lawyers are concerned with whom I have talked, we can handle that situation. So I hope that this answers the comments and I hope that we are able to enact this today.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: I do want to at this time apologize. Some members of the committee did insist that the time to lay the county budget was April 1st. However, I make no excuses for no one or blame no one. I just simply hope that you go along with the order today. If there is anything that we have to do, we certainly can do it the first of the week.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Over the many years I have taken an insurmountable degree of punishment concerning county government, in the newspapers and radio and on the streets and otherwise. And somewhere along the line, I decided two years ago — two years ago that it was the last time that I would be criticized for my actions that I did pro and con on county government. And believe me, I have held to that promise of two years ago.

Somewhere along the line, however, some voice has got to be heard in the wilderness concerning itself with what we are doing today. I can agree with my colleague the gentleman from Eagle Lake, Mr. Martin. Sure, we can go to the bank and borrow money at 5, 6, or 7 percent. So when that is done, let's not blame county government for it. Let's put the blame where it should be put and I agree wholeheartedly with the gentleman from Strong, Mr. Dyar.

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

Mr. SIMPSON: Mr. Speaker and Ladies and Gentlemen of the House: I would just remind the gentleman from Lewiston that even if this bill were not passed today or so forth, that the counties would not be getting their money from the municipalities until September anyway.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I might remind the gentleman from Standish, Mr. Simpson that if the tax was laid today many towns and cities within the counties would pay their taxes and we wouldn't have to borrow any money.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that L. D. 1630, An Act Relating to Apportionment of County Tax be passed to be enacted. This being an emergency measure, a two-thirds vote of all the members of the House is neces-

sary. All in favor will vote yes; those opposed will vote no.

A vote of the House was taken, 122 having voted in the affirmative and none in the negative, the motion did prevail.

Was signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

On motion of Mr. Birt of East Millinocket, the House reconsidered its action of earlier in the day

whereby Bill "An Act Pertaining to Unlicensed Dogs" (S. P. 345) (L. D. 1044) was passed to be engrossed.

On further motion of the same gentleman, tabled pending passage to be engrossed and specially assigned for Monday, April 2.

On motion by Mr. Birt of East Millinocket,

Adjourned until Monday, April 2 at 10:00 o'clock in the morning.