

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Monday, January 7, 1974

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

Prayer by the Rev. Mr. Donald E. Wrigley of Waterville.

The members stood at attention during the playing of the National Anthem.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Order: (S. P. 806)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs of the 106th Legislature report out a bill to change the time established for referendum ratification pursuant to chapter 118 of the private and special laws of 1973 from the next general election to the next special election to be held on June 11, 1974.

Came from the Senate read and passed.

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

Report of the Committee on Legal Affairs on Resolve in Favor of Archelas Duchesneau of Sabattus for Damage by Moose (S. P. 726) (L. D. 2138) reporting "Leave to Withdraw"

Came from the Senate read and accepted.

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

**Petitions, Bills and Resolves
Requiring Reference**

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

Business Legislation

Bill "An Act to Make it Unlawful to Discriminate when Extending Credit" (H. P. 1819) (Presented by Mr. Shute of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Placing Certain Limits on Campaign Donations and Expenditures for Candidates for Political Office and Public Referendum Questions" (H. P. 1823) Emergency (Presented by Mr. Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Requiring the Provision of Certain Information to Marriage Applicants by Municipal Officials" (H. P. 1815) (Presented by Mr. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Initial Changes in the Penal System of the State and the Rights and Duties of Convicted Persons." (H. P. 1816) (Presented by Mr. Perkins of South Portland)

Bill "An Act Relating to Damages for Violating the Bulldozing of Rivers, Streams and Brooks Law." (H. P. 1820) (Presented by Mr. Good of Westfield)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Establish a State Register of Critical Areas." (H. P. 1817) (Presented by Mr. Briggs of Caribou)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Increase the Indebtedness of the Ogunquit Sewer District." (H. P. 1818) (Presented by Mr. Cressey of North Berwick)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Establish a Pilot Rural Housing Rehabilitation Program." (H. P. 1814) (Presented by Mr. Dunleavy of Presque Isle).

(Ordered Printed)

Sent up for concurrence.

Consent Calendar**Second Day**

(H. P. 1662) (L. D. 2055) Emergency

Bill "An Act Relating to the Borrowing Capacity of School Administrative District No. 24."

(H. P. 1691) (L. D. 2084) Bill "An Act Increasing Indebtedness of Town of York School District."

(H. P. 1744) (L. D. 2203) Emergency Bill "An Act to Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by S.A.D. No. 49."

(H. P. 1761) (L. D. 2229) Emergency Bill "An Act Clarifying the Sources of Payment of Bonds, Notes and Other Evidences of Indebtedness Issued for School Purposes."

(H. P. 1667) (L. D. 2060) Resolve, Relating to Granting Pipeline Easement by Atlantic Sea Run Salmon Commission to Town of Machias.

(H. P. 1703) (L. D. 2096) Emergency Bill "An Act Increasing Indebtedness of Hospital Administrative District No. 3 in Aroostook and Penobscot Counties."

(H. P. 1669) (L. D. 2062) Bill "An Act Changing Name of Peoples Benevolent Hospital to Northern Maine Medical Center."

(H. P. 1701) (L. D. 2094) Bill "An Act Authorizing Use of Name 'the Children's Theatre of Maine'."

(H. P. 1730) (L. D. 2174) Resolve to Reimburse Gerald Perkins of Bucksport for Loss of Beehives by Bear.

(H. P. 1731) (L. D. 2175) Bill "An Act to Clarify the Exemption Date in the Minimum Lot Size Law."

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

Passed to Be Engrossed

Bill "An Act to Authorize the Transfer of Certain Funds Appropriated to the Department of Indian Affairs from Capital Construction to All Other." (H. P. 1733) (L. D. 2179)

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

Orders of the Day

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

Joint Order Relative to new Joint Rule 2A (H. P. 1824)

Tabled — January 4 in accordance with Rule 54.

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I move its passage.

The SPEAKER: The gentleman from Bangor, Mr. McKernan, moves passage, is this the pleasure of the House? (Cries of "No")

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I see no need for this. This House has conducted business for a long time and we never did have it, and I don't see the need for it now. Quite often in these discussions, they are on a rather friendly nature, but the press might make an issue out of it and make a mole hill look like a mountain or something like that. I would prefer that this order didn't pass. I think if you stop and think about it for a minute that you too probably will share my views. I hope this order doesn't receive passage.

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I think it is obvious from the events of the last few days that we are not going to have meetings that are open to the public, and I think that the least we can do is to try to have meetings that are going to be open to the press so that what transpires at Executive Sessions will be known to the public.

I think that in this time when cynicism prevails in the public, especially towards politicians, not only at the national level but at the state level, that it is incumbent upon us to try to do something about it.

I think that passage of an order like this to amend the joint rules, to allow the press to be present will, in fact, help to alleviate some of the cynicism because the press will be able to report what goes on and the public will know at least some of the reasons behind decisions that are being made.

I know when I ran for election, one of my campaigning pledges was to try to make at least state government more responsive to the needs of the people. I think one of the needs today is to regain

the confidence that has been lost in government. This is one way to do it, to make sure that the people have a way to find out what is happening behind what used to be closed doors.

Last fall I was in a council of State Government meeting at which the majority leader for the House in Pennsylvania, a man named Robert Buterra, spoke at the meeting and spoke about the open meetings that they now have in Pennsylvania. He said, just like I am sure some of you feel, that a lot of people were wary about instituting open meetings. Some of the things that have come out of that in Pennsylvania, he said, have been for one thing higher attendance at Executive Sessions, because the press was going to be there and people will know who is shirking his duties, better discussion, better discussion of the bills because there was going to be somebody there to report on what you said about the bills.

Now I think that this creates better legislation, because people have gone into the bills in more detail. Although there is obviously the chance for grandstanding by committee members while the press is there, I think that is a minor price to pay to try to restore the faith that has been lost in government.

The final thing that Representative Buterra mentioned at his meeting was that it made for more informed press. I think that is particularly true. We have seen an example of it; it has been referred to by both the majority and the minority leaders, and that was the editorial in the Maine Times, and that editorial, as it came out from the speeches here from members of the ethics committee, that editorial was based on second hand facts that weren't correct. Why weren't they correct? Because the editor was not present at the meetings, and this is the same thing that we see in other aspects of legislation, because members of the press can't find out what is happening firsthand, they go to a committee member who might give his side of the story in order to help his own position on the issue. If we open up these meetings, we are going to have not only a more responsible governmental body but also a more informed press, which will help the public to have a better idea about what is happening over

here and hopefully to restore some confidence.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRADGON: Mr. Speaker, Ladies and Gentlemen of the House: I have to take issue with the gentleman from Bangor, Mr. McKernan, in regard to this order. It seems to me it is unnecessary, restrictive legislation. It seems to me that it is going to restrict the free discussion of a bill that usually goes on in Executive Session. I think this is desirable that the committee amongst themselves can explore possibly in areas that would not necessarily need to be printed on the front page of the Bangor News or the Kennebec Journal. I think that the thorough, confidential committee discussions of various bills brings out points that would not freely and openly be brought out if your uncles and your aunts and all the members of the press were there and you didn't have any idea how they might interpret some of the exploratory statements that you might make. And I don't think we've had much trouble the way we've been doing it, and I hope you vote it down. I don't think it is good legislation.

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

Mr. CAREY: Mr. Speaker and Members of the House: Obviously, we're in the year of the candidate. Only last week I read some place where some fellow named Richardson was going to introduce this particular order in this House. I tried to figure out how he could, since he is not a member of this House, and now I see how he happened to do it.

If we open the deliberations here I think what is going to happen is that this is only a first step towards opening up the deliberations of the Supreme Court Justices when they are in their closed sessions trying to debate law. I don't think the lawyers who are interested or the candidates who are interested in seeing this thing passed would want to see that happen. And I would like to direct one question to the gentleman from Bangor.

The SPEAKER: The gentleman may pose his question.

Mr. CAREY: Is Mr. McKernan in fact a paid employee of Mr. Richardson?

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses the question through the Chair to the gentleman from Bangor, Mr. McKernan, if he cares to answer. The Chair recognizes that gentleman.

Mr. McKERNAN: I don't know what bearing it has on this question, Mr. Speaker and members of the House, but no, I am not.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Members of the House: I have been bothered by this question since it was introduced to us a few days ago, and I can see the implications of opening up closed-door sessions to the public and the press. I would hate awfully to see the inhibition of free discussion. I would also hate to see demonstrations on emotional issues by virtue of the general public coming into these sessions. However, I am bothered by one additional thing that I think comes home to rest right here to us. And that is, during the last regular session there were many closed-door sessions, closed-door meetings of the committee I was on, in which, had the press been present, they would have accurately published what went on, when in fact a few of the individuals on that committee went out after the closed-door session and decided to give their impression of what that meeting was. You and I and the rest of us read it the next morning, which was a misinterpretation of what actually took place at those committee hearings.

So I think we have to look at that side of the issue also and realize that open door sessions may assist us in knowing what we're reading in the newspapers. I think because of that I know how I will vote on this issue.

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

Mr. DYAR: Mr. Speaker and Members of the House: I had an opportunity recently to attend a seminar on legislative secrecy, and at this seminar we reviewed the Colorado Sunshine Bill. Instead of Colorado, at the present time, for example, if Mrs. McCormick and I met out here in the hallway to discuss a

bill before our committee, we would have to give public notice of this meeting 24 hours in advance so the people would be aware that this meeting was taking place.

For those of you who believe in the separation of church and state, I call your attention to the headline on page 2 of the Kennebec Journal today, next to the obituary column, where the headline says, "Nixon goes to church, reviews budget and policy." To the headline seekers, I think you would be confused.

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

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: I just sent out and got Webster's Unabridged Dictionary. I am wondering if they are trying to change the definition of an executive session, because it says, and I will read it to you, "An executive session is a closed session, only to those appointed by the State or the United States."

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that this Joint Order receive passage. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Connolly of Portland requested 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 Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to take very much time debating this issue, but there was a very great man in this country, he served as President of the United States, who once gave a speech that is remembered by most everyone. It said that the government of the United States is of the people, by the people and for the people.

We are elected as State Representa-

tives to conduct the business of the people. We represent them in making the decisions that ultimately affect their lives. If we say that we are not going to allow the public, or in this case we are not going to allow the press to sit in on meetings where decisions are made that ultimately affect their lives, because there are some things that perhaps they shouldn't hear, then what we are in effect saying is that the public isn't to be trusted to know how its own affairs are being conducted.

This is a government of the people and by the people, and we are their representatives. It seems to me to be important to pass this order, particularly now that we are living in what is known as the era of Watergate. What that means to me is that the people, the government, has abused the trust of the people. You ask anybody on the street what they think of politicians and what they think of representatives, people who represent them, whether it be in Congress or here in Augusta, and they will tell you pretty much, generally, that they don't have a very high opinion of the people who represent them. I think that is one of the things that we have to work actively to combat, and one of the ways that we do that is by letting the public have access to as much information as we can give them.

I support the order. I don't see it as a political debate over who is going to be governor of this State next year. I think it is worthwhile and I think we should all support it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe that the gentleman from Portland, Mr. Connolly, is aware, at least to my knowledge, that the State of Maine is the only state in the Union that has a public hearing on as many bills as we do. We try to get each and every piece of legislation before the committees and hold public hearings and advertise those hearings. This is where the people are represented.

When he said that people are distrusting those people who are in office, they have had occasion in the last month and a half to vote on two people that I know of

for sending them back to office — one of them was Mr. Henley who won decisively, who was a member of this body, and I, myself, won a little time ago by better than 2 to 1, and I certainly feel that I was re-elected to something.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. McKernan, that Joint Order relative to new Joint Rule 2A, House Paper 1824, receive passage. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Berry, P. P.; Berube, Boudreau, Briggs, Brown, Chonko, Clark, Connolly, Cooney, Crommett, Dam, Dow, Emery, D. F.; Faucher, Gahagan, Goodwin, K.; Greenlaw, Hancock, Hobbins, Huber, Jacques, LaCharite, LaPointe, LeBlanc, Lewis, J.; Lynch, Martin, Maxwell, McHenry, McKernan, McMahon, McTeague, Morton, Murray, Palmer, Perkins, Rolde, Rollins, Snowe, Sproul, Susi, Talbot, Whitzell.

NAY — Albert, Baker, Berry, G. W.; Binnette, Birt, Bither, Bragdon, Brawn, Bunker, Bustin, Cameron, Carey, Carter, Chick, Churchill, Conley, Cote, Cottrell, Cressey, Curran, Davis, Deshaies, Donaghy, Drigotas, Dudley, Dunn, Dyar, Evans, Farnham, Farrington, Fecteau, Ferris, Finemore, Fraser, Gauthier, Genest, Good, Hamblen, Haskell, Hoffses, Hunter, Immonen, Jackson, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Keyte, Kilroy, Knight, Lawry, Lewis, E.; Littlefield, MacLeod, Mahany, McCormick, McNally, Merrill, Mills, Morin, V.; Murchison, Najarian, Norris, O'Brien, Parks, Ross, Santoro, Shaw, Shute, Silverman, Simpson, L. E.; Stillings, Strout, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Willard, Wood, M. E.

ABSENT — Ault, Carrier, Curtis, T. S., Jr.; Dunleavy, Farley, Flynn, Garsoe, Goodwin, H.; Herrick, Maddox, Morin, L.; Mulkern, Peterson, Pontbriand, Pratt, Ricker, Sheltra, Smith, D. M.; Smith, S.; Soulas, Tanguay, Tierney.

Yes, 44; No, 84; Absent, 22.

The SPEAKER: Forty-four having voted in the affirmative and eighty-four

in the negative, with twenty-two being absent, the Order fails of passage.

Papers from the Senate appearing on Supplement No. 1 were taken up out of order by unanimous consent.

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

Mr. Ross of Bath was granted unanimous consent to address the House.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Women constantly amaze me. I have always maintained that they are most exceptional creatures. They often hide their light under a barrel, but if necessity beckons, they emerge brilliant and ever-shining beacons and beams. They can accomplish greatness without non-discriminatory legislation.

Although in Maine we had never heard of such a thing, when I was married in the great state of Texas, they had a female governor, one Ma Ferguson. Here we did finally outdo her by electing Senator Margaret Chase Smith. Last summer there was a great tennis match, and Billie Jean King, to the delight of all the gals, trounced Bobby Riggs. And I read in the paper just today that she is now getting equal pay with the men tennis stars.

Now here in this House we have had over the years several competent female legislators. I won't single them out, because it would be too difficult and, of course, I wouldn't want to hurt any feelings.

Several years ago we had our first female Clerk, Mrs. Bertha Johnson. She had had a great deal of experience in the Clerk's Office, and she proved to be a most able and competent clerk, aside from always being pleasant and affable.

But when she decided to leave, I wondered who would ever take her place. The choice was a long-time legislative friend of mine. When I heard this, I felt truly sorry for her. Although she was a capable House member, she had had no experience in the Clerk's Office. Furthermore, she had to work with a brand new Speaker and several new staff members. But once again the fairer sex astounded me. Within a short time, she became as good as any of her predecessors, even men. One might think she were born to the job. She is never ruffled; she is most able; she is always congenial, and she is willing to help anyone, even we who have been here a long time, along with the new members of the legislature.

Today I would like to publicly and on the record congratulate her and express what I am sure is the sentiment of the members of both parties of this House, our appreciation and esteem to our present Clerk, Mrs. Louise Lincoln. I would now ask the Sergeant-at-Arms to come and get a little gift which I would like to bestow on her. This memento I recently found in Disney World. The item is not meant to be partisan, but I could not resist it, and I proudly present to our grand Clerk, Mrs. Louise Lincoln.

Thereupon, the Sergeant-at-Arms presented Mrs. Lincoln with a gift. (Applause)

Mrs. LINCOLN: Thank you Rodney. I have a wonderful crew. Need I say any more? You have been a delight to serve.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Adjourned until eleven o'clock tomorrow morning.