

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

Thursday, January 10, 1974

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

Prayer by the Rev. Mr. Richard P. Rice of Augusta.

The journal of yesterday was read and approved.

Messages and Documents

The following Communication:

January 8, 1974

Honorable Richard D. Hewes
Speaker of the House
Mr. Speaker:

Due to an extremely heavy work load in my own business and my work on the Education Committee, I feel that I can not do an efficient job on the Marine Resources Committee. As you may know, I try to do my job well and it is unfair to the other members of the Marine Resources Committee if I can't put an all out effort into the work of the committee.

I am, therefore, submitting my resignation from the Marine Resources Committee.

I am sorry if I have caused any inconvenience and I thank you for your cooperation.

Sincerely,

Signed:

BERTRAND M. LaCHARITE
Brunswick

The Communication was read and ordered placed on file.

The SPEAKER: The Clerk will strike the name of the gentleman from Brunswick, Mr. Bertrand M. LaCharite from the Committee on Marine Resources.

Thereupon, the Speaker appointed the gentlewoman from Freeport, Mrs. Clark, to fill the vacancy on that Committee.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

January 10, 1974

The Honorable Members of the House of Representatives

In my address opening the Special Session on January 2 I advised the Legisla-

ture that I would present a special written message concerning the Maine Management and Cost Survey report. Today, I have the pleasure of transmitting copies of this message which includes a description of 90 legislative documents submitted to implement the Survey and a status report on each of the 807 recommendations proposed by the Commission.

Respectfully,

Signed:

KENNETH M. CURTIS
Governor

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Education

Bill "An Act to Provide Continuance of Private Post-Secondary Institutions Serving Significant Public Functions" (H. P. 1841) (Presented by Mr. Haskell of Houlton)

Bill "An Act Relating to Representation of School Administrative Districts" (H. P. 1842) (Presented by Mr. Tyndale of Kennebunkport)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act Relating to Deductions from Sentences of Inmates in County Jails" (H. P. 1839) (Presented by Mr. Simpson of Standish)

(Ordered Printed)
Sent up for concurrence.

State Government

Resolution Proposing an Amendment to the Constitution of Maine to Provide for Equal Rights (H. P. 1840) (Presented by Mr. Simpson of Standish)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Relating to Pilots for the

Port of Portland." (H. P. 1822) (Presented by Mr. Mulkern of Portland)
 (Ordered Printed)
 Sent up for concurrence.

Orders

Later Today Assigned

Mr. Evans of Freedom presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture be authorized to attend the public hearing of the Maine Milk Commission on Saturday, January 12, 1974, at the Civic Center in Augusta and the members of said committee shall be reimbursed from the Legislative Account for their expenses. (H. P. 1843)

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this order is necessary. In my opinion, that is a public hearing; the citizens of the State of Maine aren't going to be going down there and getting paid to participate in it. I move the indefinite postponement of this order.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves the indefinite postponement of this Order.

The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker and Members of the House: I plan to be coming up from Portland as a member of the legislature, and I don't plan to be reimbursed for this. I support the motion of Mr. Kelleher.

Thereupon, Mr. Evans of Freedom requested a vote.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to indefinitely postpone. I do realize it is a public hearing that is taking place and all of us have the opportunity to attend, and those who will attend will probably do so at their own expense.

However, I think there is one difference. This is a particular instance

where a Joint Committee of the Legislature was asked if they would attend, and as part of the leadership and as far as I am concerned, and those of us that they have asked, we have advised them that we thought it was in their best interest to attend, and therefore where the request had been extended to a committee, we feel that that committee should be reimbursed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that the hearing that was going to be held on the 12th, I got a personal invitation to appear. It was sent to me in the mail, and I think it is our legislative duty and our prerogative, if we want to attend, we should. I do not think that we should be supporting an order such as this in this House.

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

Mr. LaPOINTE: Mr. Speaker and Members of the House: I would like to see this possibly tabled for one legislative day so an amendment could be prepared for the order, when it is appropriate, so that any member of the legislature, both of this body and the other body who would like to attend this public hearing could be reimbursed for their expenses.

The SPEAKER: The Chair would inform the gentleman that he may not debate a tabling motion.

The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Joint Order be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Kelleher of Bangor 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 pre-

sent having expressed a desire for a roll call, a roll call was ordered.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I truly hate to take up the time of the legislature on this thing. I have a tremendous amount of respect for the committee in question. I have a very strong, personal feeling for the House Chairman of the committee. I have known him for a great many years, and I have gone along with him without even reading things, and I have asked him, "Mr. Evans, is this all right?" If he says yes, that is the end of it with me.

I think we are opening up a real can of worms here. I think we are opening up a real bad precedent. Gee, if you are going to pay some, pay the others. I got invited. I can't come, and I am going to judge myself by what I hear when the debate comes on the floor anyway.

But I think probably the idea of having this thing tabled might not be a bad idea so you can discuss it, at least among yourselves, and have further discussion with the leadership of both parties. I don't want to have anybody be angry because I am for or against, but I am truly saying that this is setting up a real real bad precedent.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Kelleher of Bangor to indefinitely postpone and later today assigned.

House Reports of Committees Ought Not to Pass

Mr. Norris from Committee on Appropriations and Financial Affairs on Bill "An Act to Pay the Increased Cost of the Health Insurance Program for State Employees and their Dependents" (H. P. 1723) (L. D. 2167) Emergency, reporting "Ought not to pass"

Same gentleman from same Committee reporting same on Resolve Providing Funds for Construction of a Fire Pond at Frenchboro Long Island Plantation, Hancock County (H. P. 1798) (L. D. 2278)

Mr. Haskell from same Committee reporting same on Bill "An Act to Provide Additional Longevity Steps for Employees of the Bureau of Corrections" (H. P. 1728) (L. D. 2172) Emergency

Mr. Sproul from same Committee reporting same on Bill "An Act Relating to Token Compensation for Work Performed by Residents of State Penal and Correctional Institutions" (H. P. 1742) (L. D. 2201)

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

Leave to Withdraw

Mr. Dyar from the Committee on Health and Institutional Services on Bill "An Act to Define Registered Nurses Except under Cosmetology Law" (H. P. 1783) (L. D. 2255) reporting Leave to Withdraw

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish a Vocational Training and Sheltered Workshop at Camp Waban in Sanford" (H. P. 1799) (L. D. 2279) reporting "Ought to pass"

Mr. Fecteau from the Committee on Legal Affairs on Resolve to Reimburse Lauren Sturtevant of South Paris for Damage to Property by Escapee from Boys Training Center" (H. P. 1699) (L. D. 2092) reporting "Ought to pass"

Mr. Brawn from same Committee reporting same on Resolve to Reimburse Ansel Fowler, Sr., of Costigan for Loss of Beehives" (H. P. 1708) (L. D. 2101)

Mr. Shaw from same Committee reporting same on Resolve to Reimburse Mr. and Mrs. Ernest Glidden of Gardiner for Property Damages Caused by State Wards (H. P. 1772) (L. D. 2244)

Reports were read and accepted, the Bills read once and assigned for second reading tomorrow.

Ought to Pass with Committee Amendment

Mr. Jalbert from Committee on Appropriations and Financial Affairs on Bill "An Act Increasing Mileage Allowance for State Employees on State Business" (H. P. 1683) (L. D. 2076) Emergency reporting "Ought to pass" as amended by Committee Amendment "A"

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-626) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

(H. P. 1743) (L. D. 2202) Bill "An Act Relating to the Collection and Disposal of Solid Wastes by the Lincoln County Commissioners" — Committee on County Government reporting "Ought to pass"

(H. P. 1693) (L. D. 2086) Bill "An Act to Authorize Maine Maritime Academy to Grant Honorary Degrees" — Committee on Education 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. 1670) (L. D. 2063) Bill "An Act to Amend the Charter of the Maine Wesleyan Board of Education"

(H. P. 1672) (L. D. 2065) Emergency Bill "An Act Increasing Indebtedness of Caribou Hospital District"

(H. P. 1700) (L. D. 2093) Bill "An Act Relating to Voting Shares of Stock of Northeast Harbor Golf Club"

(H. P. 1702) (L. D. 2095) Emergency Bill "An Act to Permit Town of North Berwick to Accept a Conveyance of the Friends Burying Ground and the Endowments Connected Therewith"

(H. P. 1706) (L. D. 2099) Emergency Bill "An Act to Validate Proceedings Authorizing the Borrowing of Money and the Purchase and Transfer of Certain Real Estate to the Dover-Foxcroft Housing Development Corporation by the Town of Dover-Foxcroft"

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

(H. P. 1735) (L. D. 2181) Emergency Bill "An Act Relating to Number of Directors of Hospital Administrative District No. 4 in Piscataquis, Somerset and Penobscot Counties"

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

Thereupon, the Committee "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1751) (L. D. 2210) Bill "An Act to Amend the Charter of the Bangor Recreation Center"

(H. P. 1752) (L. D. 2211) Bill "An Act to Describe a Section of the Town Line Between the Towns of Bristol and Bremen"

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

Passed to Be Engrossed

Bill "An Act Relating to Breaking and Entering, and Larceny of, Trailers and Semitrailers" (S. P. 712) (L. D. 2124) (S. "A" S-307)

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

Orders of the Day

The Chair laid before the House the following matter, which was tabled earlier in the day and later today assigned:

Joint Order 1843 relative to public hearing of the Maine Milk Commission.

On motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mr. Kelleher of Bangor to indefinitely postpone and tomorrow assigned.

Mr. Dyar of Strong was granted unanimous consent to address the House.

Mr. DYAR: Mr. Speaker, Ladies and Gentlemen of the House: It has been brought to my attention that certain oil dealers here in the State of Maine are being harassed by a State agency and being told that they must deliver oil to persons who in the past have not paid their oil bills. They have been instructed that possibly, if a person will not pay previous oil bills, that they should go to the local town fathers and have the town fathers take over the financial responsibility for these parties.

I am quite concerned that a State agency will try to tell a man in a free enterprise system that he must deliver his

product to a person who refuses to pay for that product and has refused to pay in the past. Hopefully, some member of this body is in a position to do so will clarify this situation.

Mr. Martin of Eagle Lake was granted unanimous consent to address the House.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would not like to rebut the comments made by the gentleman from Strong, Mr. Dyar, but perhaps give you a few things that have transpired, since we started the so-called "energy crisis," off the top of my head, and to give you a couple of instances that occurred yesterday in reference to people not paying their bills to oil dealers.

It is my understanding that the Department of Civil Defense has handled some 30,000 calls since we started the so-called "energy crisis." That's an awful lot of calls; that's an awful lot of time. Some of those people are working from six o'clock in the morning until midnight answering calls coming in and trying to respond to some of the demands that are made by Maine citizens. It is very true, I suppose, that some citizens are obviously making calls that they ought not to be making, and perhaps vice versa. But on the whole, I think that what has taken place so far shows that State employees are willing to work overtime in order to do a job which is worthwhile doing and to help the citizens. Actually, I think we ought to stand and congratulate that department and its employees.

Yesterday, I got involved with a particular case, or two cases, from Aroostook County where an oil dealer had told or informed the people that unless they paid their back bills they would not be entitled to any oil, even though they attempted to keep the oil payment current. Rather than to call Civil Defense myself, I decided to call the oil distributor. It may well be that I harassed the oil distributor, I am not sure. If I did, I am not at all unhappy that I did.

Basically, the one bill, for example, in one instance, was an amount that was owed in the amount of sixty dollars. The person had offered to pay and keep his

bill current and had done so for a year and a half since that bill. He also had been paying a couple of dollars a month on that sixty dollars. It involved people over 65 on old age and social security. And as you all know it's a heck of a job to try to keep current when you're receiving as little as some of these people are.

The second instance involved a family with four children in the community of Washburn. And, basically, they had a bill that I guess was a couple of years old, and the oil distributor now informed them that unless they paid that up they would not be entitled to oil. Certainly, if the bill was two years old, just because of the energy crisis, it ought not to be used as an attempt to harass people by the oil distributor, which I am sure this is what was being done in part.

Now, I know that it has got to work both ways. And I know that the gentleman from Strong was not referring to in saying that this is occurring statewide on the part of Civil Defense employees. But let's not forget that some of these people that are being served by the oil companies and the oil distributors are also doing their share of harassing.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Bill "An Act to Establish a Small Grants Program for Municipal Conservation Commissions in the Department of Conservation" (S. P. 818) (L. D. 2320) Emergency (Presented by Mr. Morrell of Cumberland).

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

The following Enactors appearing on Supplement No. 1 were taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

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

Was reported by the Committee on Engrossed Bills as truly and strictly en-

grossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 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.

Emergency Measure

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

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. 132 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Investment of State Funds and Revenue Sharing Funds in Interest Bearing Accounts (S. P. 721) (L. D. 2133)

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. 129 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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.

Emergency Measure

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

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. 131 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

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

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

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

An Act Changing Name of Maine Tuberculosis and Health Association (S. P. 716) (L. D. 2128)

An Act Relating to Name of The Better Business Bureau of Maine, Inc. (S. P. 719) (L. D. 2131)

An Act Relating to Change of Name of The Right to Life Committee (S. P. 725) (L. D. 2137)

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

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

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)

An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Service (S. P. 773) (L. D. 2220)

An Act Relating to Threatening Communications (S. P. 779) (L. D. 2235)

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

Mr. Simpson of Standish was granted unanimous consent to address the House.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: There is a young lady in this House who consistently every year seems to have a little notebook that she keeps people's birthdates, mine and so forth. She is always very good about sending us a little note or birthday card and this type of thing. I guess I don't have that type of a little notebook, or if I did I would be better prepared than I am right now, but I would like to wish Charlotte White today

a very happy 39th birthday. (Applause — the members rising)

Mrs. White of Guilford was granted unanimous consent to address the House.

Mrs. WHITE: Mr. Speaker and Members of the House: Very briefly I would like to address the House. Thank you all.

On motion of Mr. Birt of East Millinocket,

Adjourned until nine o'clock tomorrow morning.