

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

Friday, January 18, 1974

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

Prayer by the Rev. Andrew Kane of Oakland.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Relating to Custody of State Trust and Retirement Funds Securities" (S. P. 833) (L. D. (L. D. 2374) Emergency

Came from the Senate referred to the Committee on Veterans and Retirement.

In the House, the Bill was referred to the Committee on Veterans and Retirement in concurrence.

**Report of Committee
Divided Report
Tabled and Assigned**

Majority Report of the Committee on Judiciary on Bill "An Act to Amend the Motor Vehicle Financial Responsibility Law" (S. P. 747) (L. D. 2159) reporting "Ought Not to Pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
— of the Senate.

Mrs. BAKER of Orrington
WHITE of Guilford
WHEELER of Portland
KILROY of Portland

Messrs. PERKINS of South Portland
CARRIER of Westbrook
DUNLEAVY of Presque Isle
— of the House

Minority Report of the same Committee on same Bill reporting "Ought to Pass"

Report was signed by the following members:

Mr. BRENNAN of Cumberland
— of the Senate

Messrs. McKERNAN of Bangor
GAUTHIER of Sanford

— of the House
Came from the Senate with the Minority Report read and accepted and the Bill passed to be engrossed.

In the House; Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Orrington, Mrs. Baker.

Mrs. BAKER: Mr. Speaker, I move we accept the Majority "Ought not to pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Deshaies.

Mr. DESHAIES: Mr. Speaker, I would like to have this tabled one legislative day.

Thereupon, Mrs. Baker of Orrington requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Deshaies, that this Bill be tabled pending the motion of Mrs. Baker of Orrington to accept the Majority "Ought not to pass" Report in non-concurrence and specially assigned for Monday, January 21. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Non-Concurrent Matter

Bill "An Act Relating to Salary of the Administrative Assistant, Supreme Judicial Court" (S. P. 767) (L. D. 2198) on which the House accepted the Majority "Ought not to pass" Report on January 16.

Came from the Senate with that body insisting on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-312) and asking for a Committee of Conference.

In the House: On motion of Mr. Jalbert of Lewiston, the House voted to Insist and join in a Committee of Conference.

The Speaker appointed the following conferees on the part of the House:

JALBERT of Lewiston
McTEAGUE of Brunswick
SPOUL of Augusta

**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:

Appropriations and Financial Affairs

Bill "An Act to Repeal the Law Requiring Payments to Hospitals be Dedicated for Care of Those Qualifying for Aid to the Aged, Blind or Disabled" (H. P. 1877) (Presented by Mr. Bragdon of Perham)

Bill "An Act Relating to Lapsing of Dedicated Funds" (H. P. 1878) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act Transferring Idle, Dedicated Funds in the Maine School Building Authority Account to the General Fund" (H. P. 1879) (Presented by Mr. Carrier of Winslow)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Jurisdiction of the Boxing Commission" (H. P. 1880) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to Failure to File Annual Reports of Corporations" (H. P. 1881) (Presented by Mr. Trask of Milo)

Bill "An Act Relating to Fees Charged by the Department of Public Safety" (H. P. 1891) (Presented by Mr. Jackson of Yarmouth)

Bill "An Act Relating to State Examination of Certain Financial Institutions" (H. P. 1890) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Repeal Fee to Ex Officer Member of Industrial Accident Commission" (H. P. 1882) (Presented by Mr. McHenry of Madawaska)

Bill "An Act to Reduce the Appointed Members of the Industrial Accident Commission from Four to Two and Revalue the Pay Range" (H. P. 1883) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Appeal Tribunals under Employment Security Law" (H. P. 1884) (Presented by Mr. Brown of Augusta)

(Ordered Printed)

Sent up for concurrence.

State Government

Resolution Proposing an Amendment to the Constitution to Provide Original

Appointment of Notaries Public and Justices of the Peace by the Governor with the Approval of the Executive Council" (H. P. 1885) (Presented by Mr. Cooney of Sabattus)

Bill "An Act Relating to Organizational Change in Department of Transportation" (H. P. 1886) (Presented by Mrs. Najarian of Portland)

Bill "An Act Relating to Land Damage Board" (H. P. 1887) (Presented by Mr. Farnham of Hampden)

Bill "An Act Relating to Standards for Selection of State Auditor and Duties of the Office" (H. P. 1888) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Clarify the Mining Laws" (H. P. 1889) (Presented by Mr. Crommett of Millinocket)

(Ordered Printed)

Sent up for concurrence.

(Off Record Remarks)

Consent Calendar**First Day**

(H. P. 1668) (L. D. 2061) Bill "An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain a Nursing Home. Emergency. — Committee on Legal Affairs reporting "Ought to Pass."

(H. P. 1784) (L. D. 2256) Resolve to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police — Committee on Legal Affairs reporting "Ought to Pass"

Bill "An Act Relating to the Weights and Measure Law" (H. P. 1657) (L. D. 2050) — Committee on Agriculture reporting "Ought to Pass"

Bill "An Act Relating to Definition of Nursery Stock under Nursery Law" (H. P. 1682) (L. D. 2075) — Committee on Agriculture 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. 1674) (L. D. 2067) Bill "An Act Increasing Borrowing Capacity of Ashland Water and Sewer District" Emergency. (C. "A" H-639).

(H. P. 1676) (L. D. 2069) Bill "An Act to Increase Borrowing Capacity of the Fort

Fairfield Utilities District" Emergency. (C. "A" H-640)

(H. P. 1677) (L. D. 2070) Bill "An Act Extending the Territorial Limits of Kennebunk, Kennebunkport and Wells Water District to Include all of the Town of Wells"

(S. P. 803) (L. D. 2297) Bill "An Act Relating to Use of Name of the State by Nonprofit Corporations" (Later Reconsidered)

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

Second Reader Tabled and Assigned

Bill "An Act Creating Third Assistant County Attorney for Androscoggin County" (S. P. 760) (L. D. 2191) Emergency

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

(On motion of Mr. Cote of Lewiston, tabled pending passage to be engrossed and specially assigned for Tuesday, January 22.)

Passed to Be Engrossed

Resolve Providing Funds to Settle an American Arbitration Association Award and for Extra Costs in Constructing a Fish Trap on the Union River" (S. P. 784) (L. D. 2264) Emergency.

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

Amended Bill

Bill "An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue Sharing Funds for Hangar Facility at Oxford County Regional Airport" (S. P. 741) (L. D. 2153)

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

Mr. Immonen of West Paris offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-641) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: The county commissioners from Oxford County intended to have this as an emergency measure. Somehow or other in drafting the bill in Legislative Research, that was overlooked. There are federal funds available sometime in March, and I would move for the adoption of this amendment.

Thereupon, House Amendment "A" was adopted.

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

Passed to Be Enacted Emergency Measure

An Act to Appropriate Moneys for Legislative Expenditures (S. P. 730) (L. D. 2142)

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. 113 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 Making Appropriations for the Supplemental Security Income Program (S.P. 823) (L. D. 2335)

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. 113 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.

On motion of Mr. Birt of East Millinocket, was ordered sent forthwith to the Senate.

Emergency Measure

An Act to Authorize Satellite Centers for Vocational Education (H. P. 1757) (L. D. 2216) (C. "A" H-627)

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. 119 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

An Act Relating to Area Directional Sign for Rangeley Lakes-Saddleback Mountain Region (H. P. 1681) (L. D. 2074)

An Act to Provide for Special Motor Vehicle License Plates Observing the Bicentennial of the American Revolution (H. P. 1720) (L. D. 2113)

An Act Providing Funds for Marine Research (H. P. 1768) (L. D. 2240)

An Act Relating to a State-wide Food Stamp Program (H. P. 1774) (L. D. 2246) (C. "A" H-629)

Finally Passed

Resolve Authorizing Attorney General to Convey State's Interest in Certain Land in Bangor (S. P. 714) (L. D. 2126)

Resolve Designating State Route No. 157 and State Route No 201 in Maine as a Blue Star Memorial Highway (S. P. 761) (L. D. 2192)

Resolve to Reimburse Sheila Herbert of Chelsea for Damage to Motor Vehicle by State Ward (H. P. 1704) (L. D. 2097) (C. "A" H-628)

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

On motion of Mr. Emery of Rockland, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to Use of Name of the State by Nonprofit Corporations" Senate Paper 803, L. D. 2297 was passed to be engrossed.

On further motion of the same gentleman, tabled pending acceptance of the committee report in concurrence and specially assigned for Monday, January 21.

Orders of the Day

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

Joint Resolution Commending Maine Congressional Delegation on Legislation Declaring Lobster a Creature of the Continental Shelf. (H. P. 1876).

Tabled — January 17, by Mr. Talbot of Portland.

Pending — Adoption.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank you first of all, and I guess you do deserve an explanation of some sort for tabling this item. I have no problems with the bill — well I do have problems with the bill, I certainly don't have any problems with the gentleman from Stonington, Representative Greenlaw.

I did submit a joint resolution of my own last week to the Joint Committee on Bills, and it didn't go through, it didn't pass. I was kind of upset because that resolution, I think, was important to me. When I saw this resolution on the table, which I am quite sure is important to Mr. Greenlaw, I thought I would just try and keep everything honest and above board.

I decided to go around to the different people the different members of the Reference of Bills Committee to find out their reactions as to why they killed the resolution of mine, and I did just that. I got an honest, good and sincere reason why each and every member killed the resolution I had. I have no problems with that at all. The only two people that I didn't question was the gentleman from Standish, Mr. Simpson, who was busy in the hall with the Stop ERA people, and the gentleman from the Senate, the President, Mr. MacLeod. I went to his office and he was busy and he said, "Well, I will see you in a minute, we are going to kill that ERA bill this morning-tomorrow." I immediately rushed right out to buy him a pair of white sneakers. So I told everybody else and they gave me their reactions.

It disturbs me because the resolution I had submitted was something that had to do with an individual I think, that the entire country was taking part in, and the governor of the State of Maine was taking part in, and I felt that we should have taken part in and we didn't; but that is all right, I have no qualms with that.

But this joint resolution commending the Maine Congressional Delegation, I

think, is something of less importance, at least to me, to the gentleman from Stonington, I think, it's quite important. Just as an explanation, I just want to try and keep everybody honest. Now I move its passage, Mr. Speaker.

Thereupon, the Joint Resolution was

adopted and sent up for concurrence.

On motion of Mr. Birt of East Millinocket,

Adjourned until Monday, January 21, at four o'clock in the afternoon.