

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 28, 1974

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

Prayer by the Rev. Norman Carrier of North Vassalboro.

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

The journal of the previous session was read and approved.

The following Bill on its passage to be enacted was taken up out of order by unanimous consent:

Emergency Measure

An Act to Change the Evaluation of the Housing Reserve Fund and to Clarify the Right of the Maine State Housing Authority to Sell Refunding Bonds (H. P. 1805) (L. D. 2285) (C. "A" H-655)

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. 116 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.

On motion of Mr. Farnham of Hampden, was ordered sent forthwith.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence, with the following exception:

Bill "An Act to Repeal the Corporate Franchise Tax and Recover Revenue Losses by an Adjustment in the Proposed Annual Report Fee" (S. P. 877) (L. D. 2442) (By request)

Came from the Senate referred to the Committee on Taxation.

In the House:

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

Mr. MARTIN: Mr. Speaker and Members of the House: This particular bill was handled by the Business Legislation Committee during the last session. They did most of the work, and it finally got killed by the joint leadership when it appeared in the Senate at the end of the legislative session. Since most of the work has already been done by that com-

mittee, I would now move, Mr. Speaker, that this bill, L. D. 2442, be referred to the Committee on Business Legislation.

Thereupon, the Bill was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

Report of Committee Ought to Pass in New Draft

Committee on Legal Affairs on Bill "An Act Relating to Exemption of Certain Plants under Oil Burner Men's Licensing Law." (S. P. 715) (L. D. 2127) Emergency, reporting "Ought to pass" in New Draft (S. P. 870) (L. D. 2421) under same title.

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

Messages and Documents

The following Communication:
THE SENATE OF MAINE
AUGUSTA

January 25, 1974

E. Louise Lincoln
Clerk of the House
First Special Session
106th Legislature
Dear Madam Clerk:

The Senate voted to Adhere to its action whereby it Indefinitely Postponed — Joint Order (H. P. 1892) relative to PUC evaluating water and water-related lands for generating electricity.

Respectfully,

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:

Judiciary

Resolve Authorizing Robert A. Dentico to Bring Action Against the State of

Maine (H. P. 1921) (Presented by Mrs. Goodwin of Bath)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Resolve to Reimburse A. D. Soucy Co. of Fort Kent for Redemption of Cigarette Stamps (H. P. 1922) (Presented by Mr. Bither of Houlton) (Later reconsidered)

Resolve to Reimburse Reid's Confectionery Company of Houlton for Redemption of Cigarette Stamps (H. P. 1923) (Presented by Mr. Bither of Houlton) (Later reconsidered)

Resolve Designating a Certain Man-made Lake in Berwick as "Lake Hatfield" (H. P. 1924) (Presented by Mr. Stillings of Berwick)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Transfer Authority for Watercraft Registration and Safety to Commissioner of Inland Fisheries and Game" (H. P. 1925) (Presented by Mr. Cooney of Sabattus)

Bill "An Act Establishing a Commission on Maine's Future" (H. P. 1926) (Presented by Mr. Morton of Farmington)

(Ordered Printed)

Sent up for concurrence.

Orders

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker, I would inquire if Senate Paper 848, L. D. 2417, is in the possession of the House?

The SPEAKER: The Chair would answer in the affirmative. Senate Paper 848, L. D. 2417, Bill "An Act Transferring Responsibility for Post-Secondary Vocational Education from the Board of Education to the University of Maine and Modifying Membership of the Board of Trustees" is in the possession of the House.

Mr. DONAGHY: Mr. Speaker, I would ask that this be reconsidered.

The SPEAKER: The gentleman from Lubec, Mr. Donaghy, moves that the House reconsider its action whereby this Bill was referred to the Committee on Education in concurrence.

The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I would like to speak briefly to my motion. I am not standing here to beat a dead horse to death, but I have been home over the weekend, as most of you have. I have talked with my constituents. I have also read the newspaper which implies that some of us were about to scuttle all of the Longley Report, implications to that effect, anyway. I can assure you that this is the last thing that was in my mind. I can't speak for the others of you, but I feel sure that many of you feel the same way I do. Whether or not you want to call it scuttling or not, there are some things that do not warrant the expense that is being put upon the taxpayers through the work that is interrupted with our department heads, the work that has gone on before is being disregarded as far as the deliberations of this House and its committees, and it doesn't seem necessary in some instances for these bills to go out to hearing.

Today, I had a letter from the Speaker that says that we should read the report. I not only have read the report, but I have it indexed and I know what is in the various parts of it. I do also know that this is one of the things that went to hearing. We had people in from the public. We had educators, and it was very definitely decided that no one, but no one, of any account wanted the vocational education to be put under the Super U. There was very good reason for this. It was mentioned the other day, but for some reason or other, through emotions on whether or not we were scuttling the Longley Report — which, by the way, if you want to look and see who sponsored the Longley Report, the sponsoring organizations are in the back of the report, and probably a good third of them are banks and their lobbyists. I am sure that they are very fine folk and able folk, but they were able to come down here in the special session and the regular session if they wanted to do something about this, they didn't have to wait until after the session was over and present it in the Longley Report.

Some of these things in the Longley Report just don't tie in with what the people of the State of Maine want, what you as Representatives want, and it is wast-

ing not only time and money, but you think of the carloads of people who have come here on these educational bills for hearings in the past. We have a gasoline shortage, so on something we know what the answer is, why go to all the trouble of assigning this to committee, having public hearings and then coming up with the same answer? It just doesn't seem logical. I would ask that this bill be reconsidered.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We debated this at some length last week, and the vote was rather substantial that we were going to let this bill be referred to the Education Committee.

One thing that the gentleman from Lubec said has a great deal of validity, that there are many things that he and I may agree with in terms of feeling that the Longley Commission has things in there that we as legislators or the citizens of Maine may not agree with.

One thing we should not forget is that a prior session of the legislature asked the group of businessmen to do a service, to do a service for which they would not be paid by the citizens directly, and they went around to study the various institutions, the various commissions, agencies, boards, and they made a recommendation. I may not agree with them, and I suspect that I may end up voting the same way the gentleman from Lubec, Mr. Donaghy, and the gentleman from Eastport, Mr. Mills, will be voting on this particular issue. But the point is that they donated a great deal of their own money. They have every right to be heard. They ought to be heard, and we ought not to, in effect, say no at this point.

I don't think there is any need for the many people from Washington and Aroostook County to come down to the hearing on this particular bill. If the Department of Education cannot defend why it should remain in the Department of Education, then maybe it ought to be transferred somewhere else. I think they can do a good job and they can do it well. But I think it would be a mistake to reconsider our action of last week, and I would certainly hope that you would vote no on the motion for reconsideration and

I would ask for a division, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I take exception to the remark made by the gentleman from Lubec. There was well over \$150,000 raised, and I am willing to bet that a very small portion of that came from the banks. If the gentleman from Lubec is insinuating that the banks pay the greatest part of the taxes in the State of Maine, I am sure he got his facts twisted.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Lubec, Mr. Donaghy, that the House reconsider its action of January 25 whereby this Bill was referred to the Committee on Education in concurrence. All in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

12 having voted in the affirmative and 106 having voted in the negative, the motion did not prevail.

On motion of Mr. Jacques of Lewiston, it was

ORDERED, that Diane Jacques of Lewiston be appointed Honorary Page for today.

Mrs. Snowe of Auburn presented the following Joint Order and moved its passage:

WHEREAS, the present fuel shortage has caused a decrease in the number of vehicular miles traveled in the State of Maine; and

WHEREAS, the speed limit on the Maine Turnpike and the Maine Interstate Highway system has been reduced to 55 miles per hour and the speed limit on other state highways has been similarly reduced; and

WHEREAS, the reductions in speed have resulted in a significant reduction in the number and severity of vehicular accidents and resulting personal injuries; and

WHEREAS, this development has brought about a corresponding decrease in insurance claims and the lowering of insurance rates in the States of Rhode Island, Massachusetts and Arkansas; now, therefore, be it

ORDERED, the Senate concurring, that the Bureau of Insurance within the Department of Business Regulation be respectfully directed to investigate the extent by which curtailment of speed has affected insurance rates in this and other states and to fully inform the Members of the Legislature as expeditiously as possible what course of action the Superintendent of Insurance recommends and will implement to deal with the problem; and be it further

ORDERED, that a copy of this Order be immediately transmitted to said department and bureau as notice of inquiry contained herein. (H. P. 1930)

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mrs. Snowe.

Mrs. SNOWE: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would just give you some statistical information in regard to this order. Recent statistics have shown that there have been fewer accidents resulting in fewer deaths on our highways since the lowering of the speed limit to 55 miles per hour. In the 18 states which lowered their maximum speed in the month of December, fatalities fell 25 percent below the figures for December of '72. Even in the 32 states which just had voluntary reduction of speed limit in December, figures showed a 12 percent decrease in deaths on the highways. The decline in the number of fatalities in December for the entire nation was 16 percent below December of 1972.

According to statistics in the Maine State Police and the Department of Public Safety, there were 500 fewer accidents recorded in December than in December of '72. If this trend continues, this may mean a reduction in auto insurance premium rates for Maine people. Rhode Island, Massachusetts and Arkansas have already ordered a reduction of car insurance rates. Therefore, a study by the Maine State Insurance Commission may prove that there is, in fact, a cause of relationship between the reduced speed limit as a result of the gasoline shortage and a decline in the severity and number of accidents. Then, the insurance companies, by law, would have to refund excess profits by lowering the premium rates.

Thereupon, the Joint Order received passage and sent up for concurrence.

House Report of Committee Ought to Pass in New Draft New Draft Printed

Mr. Shute from Committee on Legal Affairs on Bill "An Act to Clarify Certain Municipal Laws" (H. P. 1794) (L. D. 2274) Emergency, reporting "Ought to pass" in New Draft (H. P. 1920) (L. D. 2452) under same title.

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Consent Calendar

Second Day

(S. P. 704) (L. D. 2116) Bill "An Act Relating to Cruelty of Animals" (C. "A" S-323)

(S. P. 727) (L. D. 2139) Bill "An Act to Regulate Municipal Debt" (C. "A" S-324)

(S. P. 742) (L. D. 2154) Emergency Bill "An Act to Authorize County Commissioners of Oxford County to use 1974 Federal Revenue Sharing Funds for Operating Expenses for Oxford County Regional Airport" (C. "A" S-322)

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

Passed to Be Engrossed

Bill "An Act Relating to Time of Referendum for Ratification of "An Act to Authorize Creation of the Maine Inland Fisheries and Game Acquisition Fund and Financing Thereof" (S. P. 853) (L. D. 2405) Emergency.

Bill "An Act Clarifying Banking Laws" (H. P. 1918) (L. D. 2450)

Bill "An Act to Specifically Include Sundays in the Seasonal Date Limitations for Hunting in Commercial Shooting Areas" (H. P. 1836) (L. D. 2327)

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

Passed to Be Enacted Emergency Measure

An Act Permitting Northern Maine General Hospital of Eagle Lake to Maintain a Nursing Home (H. P. 1668) (L. D. 2061)

Was reported by the Committee on En-

grossed 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. 117 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 Use of Name of the State by Nonprofit Corporations (S. P. 803) (L. D. 2297) (H. "A" H-645)

An Act Relating to the Weights and Measures Law (H. P. 1657) (L. D. 2050)

An Act Relating to Definition of Nursery Stock under Nursery Law (H. P. 1682) (L. D. 2075)

Finally Passed

Resolve to Reimburse Erlon Ricker of Litchfield for Loss of Poultry Due to Activities of the State Police (H. P. 1784) (L. D. 2256)

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.

Orders of the Day

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

Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County" (H. P. 1687) (L. D. 2080) Emergency

Tabled — January 24, by Mr. Ross of Bath.

Pending — Motion of Mr. Carter of Winslow to reconsider whereby the Bill was indefinitely postponed.

On motion of Mr. Simpson of Standish, retabled pending the motion of Mr. Carter of Winslow to reconsider and specially assigned for Wednesday, January 30.

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

Bill "An Act to Establish Guidelines for Release of Accused Persons Pending Trial" (S. P. 766) (L. D. 2197) (C. "A" S-311)

Tabled — January 24, by Mr. Simpson of Standish.

Pending — Motion of Mr. Jalbert of

Lewiston that the Bill be recommitted to the Committee on Judiciary.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think it was Thursday that I stood up here and I requested that all of you try to put some pressure on the other body to make sure that we held some Executive Sessions this afternoon. The Judiciary Committee did hold an Executive Session, which I want to thank the House members for being present, and we will find out in a few minutes at a joint leadership meeting why no Senators could be present, and also why no other Executive Committee meetings were held today.

With that in mind, we were hoping to get this thing resolved so that we could handle it with an amendment, but I can see now that we can't. And I would, therefore, support the motion to recommit it back to the Judiciary Committee.

Thereupon, the Bill was recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

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

Bill "An Act Providing Emergency Funds for Staffing a Fuel Allocation Office Within the Bureau of Civil Defense for the Fiscal Year Ending June 30, 1974" (S. P. 834) (L. D. 2366) Emergency

Tabled — January 25, by Mr. Carey of Waterville.

Pending — Motion of Mr. Martin of Eagle Lake for a roll call on final enactment.

On motion of Mr. Martin of Eagle Lake, retabled pending passage to be enacted and specially assigned for Wednesday, January 30.

(Off Record Remarks)

Mr. Goodwin of South Berwick was granted unanimous consent to address the House.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to call your attention to two papers I had passed out today. I am sorry I received and compiled this too late to do any good in the debate we had on the bill. But I

wish you would read it, as it does cover several reasons why I opposed the bill when it came before the legislature. That is the bill requiring motorcycles to operate with headlights on.

I do not claim to attempt to bring the bill back, since it has already been tried and failed. However, I do wish to point out for the record the facts shown in the graphs and tables on the report from the American Motorcycle Association News. Both the tables and the graphs show that there is no significant difference between states with the headlight law and the number of accidents and fatalities per one thousand registrations.

In fact, in 1972 there were .98 fatalities and 34.45 accidents per one thousand registrations in the states which require motorcycles to operate with headlights on, and only .63 fatalities and 31.25 accidents per one thousand registrations in the states not requiring headlights on during their operation during the daytime. In other words, there were fewer accidents and fewer fatalities in the states compared with the states that required the motorcycles to operate with headlights on.

I also would like to call your attention to the last paragraph where it states, "It has been established that in 70 percent of the car-bike accidents, cyclists are victims of a discourteous, unthinking or perhaps even a consciously hostile motorist. Thank you.

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

Mr. FINEMORE: Mr. Speaker, on the Advance Journal and Calendar, Page 3, Item 2, Resolve to Reimburse A. D. Soucy Company of Fort Kent for Redemption of Cigarette Stamps, House Paper 1922, I would move that we reconsider our action whereby we referred this to Legal Affairs.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore, moves, with respect to Item 2, Page 3, of House Advance Journal and Calendar, a Resolve to Reimburse A. D. Soucy Company of Fort Kent for Redemption of Cigarette Stamps, House Paper 1922, that we reconsider our action whereby we referred this Bill to Legal Affairs.

The gentleman may proceed.

Mr. FINEMORE: Mr. Speaker,

Ladies and Gentlemen of the House: Bills of this sort have always been sent to Taxation. And my reason for letting them go by, I thought Representative Susi of Pittsfield was here, who was Chairman of Taxation Committee. But on finding he isn't, I hope now that you will reconsider your action on number 2 and later I will present number 3, because we always have gone to Taxation.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Finemore of Bridgewater to reconsider and tomorrow assigned.

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

Mr. FINEMORE: Mr. Speaker, I would make the same motion to Item 3 on the same page: Resolve to reimburse Reid's Confectionary Company of Houlton of Redemption of Cigarette Stamps. (H. P. 1923) I move that we reconsider our action whereby this was sent to the Committee on Legal Affairs.

On motion of Mr. Simpson of Standish, tabled pending the motion of Mr. Finemore of Bridgewater to reconsider and tomorrow assigned.

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: While browsing around down in Business Legislation a couple of days ago, I came on a diploma that I thought that possibly some parts of it at least should be read into the record. It isn't very often that we have an occasion of this type, and so I would read just part of it.

"Know Ye that the Honorable Claude M. Trask of Milo, Maine, is commissioned a Kentucky Colonel. I hereby confer this honor with all the rights and privileges and responsibilities thereto under, there unto appertaining. In testimony whereof I have caused these letters to be made patent and the Seal of the Commonwealth to be hereunto affixed. Done at Frankfort, the Fourth Day of January in the year of Our Lord One Thousand Nine Hundred and Seventy-Four, and the One Hundred and Eighty-Third Year of the Commonwealth. Signed: Wendell L. Ford, for the Governor. Elmer L. Stover, by the Secretary of State."

I know that we all join together in extending our best wishes to Col. Trask. And I would now give this to the Page; and he could return it to Representative Trask.

(Off Record Remarks)

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