

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

Wednesday, February 6, 1974

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

Prayer by the Rev. James C. Sleeper of Freeport.

The journal of yesterday was read and approved.

Orders Out of Order

Mr. Kelley of Southport presented the following Order and moved its passage:

ORDERED, that Jeannine Boudin of Searsmont, Ellen Dalton of Wiscasset and Marianne Larsen of Hong, Denmark be appointed Honorary Pages for today.

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

Mr. Huber of Falmouth presented the following Order and moved its passage:

ORDERED, that Randall and Scott Edwards of Charleston, South Carolina be appointed Honorary Pages for today.

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

Mr. Jackson of Yarmouth presented the following Order and moved its passage:

ORDERED, that Mark Bradford of Yarmouth be appointed Honorary Page for today.

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

Papers from the Senate Reports of Committees Ought to Pass

Report of the Committee on Taxation on Bill "An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax" (S. P. 746) (L. D. 2158) reporting "Ought to pass"

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

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

Ought to Pass with Committee Amendment

Report of the Committee on Taxation

on Bill "An Act Providing for a Credit in Maine Income Tax Law for Investment in Pollution Control Facilities" (S. P. 737) (L. D. 2149) reporting "Ought to pass" with Committee Amendment "A" (S-335).

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-335) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Petitions, Bills and Resolves Requiring Reference

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

Business Legislation

Bill "An Act to Regulate Credit Terms in the Retail Sale of Heating Oil for Residential Use" (H. P. 1949) Emergency (Presented by Mr. Cooney of Sabattus)

(Ordered Printed)

Sent up for concurrence.

Orders Tabled and Assigned

WHEREAS, our State and Nation is undergoing a severe crisis as a result of limited supplies of energy; and

WHEREAS, such conditions are leading to shortages, quotas, rationing, hoarding, price hikes and business failure; and

WHEREAS, conditions are such that the Legislature and the public should be more fully aware of these developments for necessary counter actions; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Energy, consisting of ten members, three of whom shall be members of the Senate appointed by the President of the Senate and seven of whom shall be members of the House appointed by the Speaker of the House, is hereby created and appointed for the purpose of reviewing and reporting on legislation referred to it or introduced in any remaining special session of the 106th Legislature

or related energy matter in connection with the energy crisis and to study the possible effects that an energy shortage will have on different economic segments of Maine life and to recommend policies and plans which can be adopted to minimize the economic impact and representatives of the Committee appointed by the Committee Chairman shall be authorized to attend the various State, regional or federal meetings concerning the energy crisis and make a complete report to other members of the Committee upon their return; and be it further

ORDERED, that said Select Committee is authorized and directed to employ such technical and clerical assistance as may be necessary; and be it further

ORDERED, that the Select Committee shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of its duties; and be it further

ORDERED, that there is appropriated from the Legislative Appropriation the sum of \$5,000 for the expenses incurred by the Select Committee on Energy; and be it further

ORDERED, that the Select Committee shall report their activities and findings and any pertinent legislation to the 107th Legislature and shall further recommend to that body as to the need for a Joint Select Committee on Energy or a Joint Standing Committee on Energy. (H. P. 1950)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: Two weeks ago we briefly discussed on the floor of this House that one of the reasons we were meeting in special session was to deal with energy-related matters. The gentleman from Eagle Lake, Mr. Martin, suggested that perhaps we should consider the creation of a special energy committee. An order for a joint standing committee on energy was tabled four times by the leadership of this House, and finally, yesterday, I withdrew it.

Today, I offer a proposal for a Joint Select Committee on Energy for our consideration, debate and discussion. It

would have been advantageous to have this committee formed at the beginning of this special session so that all the energy-related bills could have been referred to it instead of sending those bills to at least four different committees.

We need to form a strong committee that will attend state, regional and federal meetings and that will be willing to spend time digging out the facts of what the energy crisis means to Maine. While it appears that we will withstand this winter without any real shortage of heating fuels, it is certainly unclear how critical a gasoline shortage there will be in Maine for the remainder of 1974. The economic well-being of the state depends vitally upon such industries as forestry, agriculture, fishing, manufacturing, trucking and tourism. It seems most appropriate that this legislature will take the necessary steps to guarantee to the people of the State of Maine that it will do all in its power to assess the fuel needs of the state and to make substantive recommendations to allocate fuel resources to those segments of Maine's industry which will insure the greatest amount of employment at the least economic cost to industry, the State of Maine and the people of this state.

Finally, there has been a significant amount of debate and comment during the 106th Legislature about the abrogation of our legislative power to the Executive Branch. We are a co-equal branch of government in many ways in name only. The energy crisis is a perfect example of this legislature not being aware of the total energy needs and problems of our people. This joint order could establish a committee which could provide us an opportunity for a leadership role on this issue and by working in cooperation with the Executive Branch on this issue better serve the people of the State of Maine.

I would hope that we would have some frank and honest discussion and debate on this matter this morning.

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

Mr. SIMPSON: Mr. Speaker, I move this item lie on the table one legislative day.

Thereupon, Mr. Greenlaw of Stonington requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Standish, Mr. Simpson, that this Joint Order be tabled pending passage and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. NORRIS: Mr. Speaker, under the Rules of the House, numbers 43 and 46, it says that every Bill or Resolve requiring an appropriation of money, which I think this order does require, shall be tabled or read twice in the House. If I remember back correctly, anything requiring an appropriation cannot be passed or heard on the same day.

The SPEAKER: The Chair thanks the gentleman. This matter has been tabled until tomorrow.

**House Report of Committee
Ought to Pass
Printed Bill**

Mr. Brawn from the Committee on Legal Affairs on Resolve to Reimburse Edgar W. Tupper of Madison for Loss of Beehives by Bear (H. P. 1900) (L. D. 2408) reporting "Ought to pass"

The Report was read and accepted, the Bill read once and assigned for second reading tomorrow.

**Consent Calendar
First Day**

(H. P. 1818) (L. D. 2305) Bill "An Act to Increase the Indebtedness of the Ogunquit Sewer District" Emergency — Committee on Public Utilities reporting "Ought to pass" with Committee Amendment "A" (H-669)

(S. P. 827) (L. D. 2361) Bill "An Act to Provide for Continuation of Service by Cable Television Systems, to Facilitate Compliance with Federal Communications Commission Regulations and to Fix Liability for Cable Television Programming" — Committee on Public Utilities 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. 1857) (L. D. 2350) Bill "An Act to Clarify the Power of the Commissioner of Maine Department of Transportation and the Chief of the Maine State Police to Lower Speed Limits in Order to Provide Energy Conservation" Emergency

(H. P. 1787) (L. D. 2259) Bill "An Act Correcting the Ambiguities in the Statutes Relating to the Maine Guarantee Authority" (C. "A" H-665)

(S. P. 775) (L. D. 2222) Bill "An Act to Make the Term of Office of the State Planning Director Coterminous with that of the Governor" (C. "A" S-34)

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

Passed to Be Engrossed

Bill "An Act to Increase Salaries of County Attorneys and Assistant County Attorneys" (H. P. 1848) (L. D. 2341) (C. "A" H-666) Emergency

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.

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to the Budgetary Process of the Eleven New Regions for Vocational Education" (H. P. 1945) (L. D. 2479) Emergency

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

(On motion of Mr. Shute of Stockton Springs, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act to Transfer the Pesticides Control Board to the Department of Agriculture" (H. P. 1946) (L. D. 2480)

Resolve Reimbursing Southern Aroostook Community School District for Loss by Fire (H. P. 1847) (L. D. 2340)

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 Relating to a State-wide Food

Stamp Program (H. P. 1774) (L. D. 2246) (C. "A" H-629) (S. "B" S-330)

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. 124 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 Clarify Certain Municipal Laws (H. P. 1920) (L. D. 2452) (H. "A" H-656) (H. "B" H-658)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Resolve Authorizing the Commissioner of Mental Health and Corrections to Lease Land in Windham to the Maine State Society for the Protection of Animals (H. P. 1906) (L. D. 2414) (S. "A" S-331)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 Prevent Physically Handicapped Discrimination under Human Rights Act" (H. P. 1665) (L. D. 2058)

Tabled — February 4, by Mr. Peterson of Windham

Pending — Acceptance of Committee Report ("Ought to pass" as amended by Committee Amendment "A" (H-663)

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-663) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Professor Bither, the sponsor of this piece of legislation, has discovered some grammatical errors in the committee amendment and would like to correct them. Therefore, when the Bill is in the second reading, he is going to present House Amendment "A" to correct the errors as well as meet the intent of the Committee Amendment.

Therefore, at this time I move indefinite postponement of Committee Amendment "A".

On motion of Mr. Ault of Wayne Committee Amendment "A" was indefinitely postponed.

The Bill was 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 Revise the Membership of the Land Use Regulation Commission" (H. P. 1937) (L. D. 2471)

Tabled — February 5, by Mr. Simpson of Standish

Pending — Passage to be engrossed.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be engrossed and specially assigned for Friday, February 8.

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

Bill "An Act Providing Funds for Spruce Budworm Control and Surveys" (H. P. 1684) (L. D. 2077) (C. "A" H-650) Emergency

Tabled — February 5, by Mr. Simpson of Standish

Pending — Passage to be enacted (a Roll Call Ordered)

On motion of Mr. Martin of Eagle Lake, tabled pending passage to be enacted and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket,

Adjourned until ten-thirty o'clock tomorrow morning.