

# 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 13, 1974

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

Prayer by Father Antonio Amato of Lewiston.

The journal of yesterday was read and approved.

### Papers from the Senate

From the Senate: The following Joint Order: (S. P. 901)

WHEREAS, it is said "A good talker or writer is only a pitcher. Unless his audience catches him with heart and mind, he's defeated"; and

WHEREAS, in 1948, Dean Ernest C. Marriner stepped to the mound at Waterville to deliver "Little Talks on Common Things", a successful, entertaining and informative WTVL Radio program, now in its 26th consecutive year and still winning new friends and listeners; and

WHEREAS, he understands the true meaning of many beautiful things on earth and uses them in broadcasts and writings that he might exhibit his heart to his fellowmen and give greater value to human life; and

WHEREAS, there is no greater privilege for the Legislature of the State of Maine than that of paying tribute to distinguished and talented citizens of the State who have from time to time made such a significant mark and impact for the benefit of their fellow citizens; now, therefore, be it

ORDERED, the House concurring, that the members of both branches of the One Hundred and Sixth Legislature of the State of Maine pause in the deliberations of this First Special Session to take notice of Dean Marriner's 1000th radio broadcast, given on February 10, 1974, and to pay tribute to this distinguished citizen whose interests and concerns for many years have not only consistently bettered the relations of his community, but provided wisdom and mature judgment on matters of wider interest throughout the State; and be it further

ORDERED, that suitable copies of this Joint Order be transmitted forthwith to Dean Marriner and his

sponsor, Keyes Fibre Company, in honor of this occasion.

Came from the Senate read and passed.

In the House, the Joint Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 902)

WHEREAS, the girls of Marshwood High School basketball team are the undefeated league champions for southern York County; and

WHEREAS, they possess the pride of performance which underlies every attempt and has made a winning effort the least they would settle for; and

WHEREAS, the activities and attitudes of this distinguished group of girls reflects great credit upon the individual players and their coach and have brought honor to their school and State; now, therefore, be it

ORDERED, the House concurring, that the Members of the First Special Session of the One Hundred and Sixth Legislature, now assembled, hereby commend and congratulate the Marshwood "Hawks" of School Administrative District Thirty-five and their coach, Miss Diane Rowell, for their outstanding achievement in the field of sports and wish them continued success in such worthy athletic endeavors; and be it further

ORDERED, that a suitable copy of this Order be prepared for presentation by the sponsor on behalf of the Legislature.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

### Non-Concurrent Matter

Bill "An Act to Authorize a Solid Waste Collection and Disposal System in Kennebec County" (H. P. 1687) (L. D. 2080) Emergency which was recommitteed to the Committee on County Government in the House on February 7.

Came from the Senate with the Bill passed to be engrossed as amended by Senate amendment "A" (S-346) in non-concurrence.

In the House: In motion of Mr. Brown

of Augusta, the House voted to recede and concur.

**Orders  
Tabled and Assigned**

Mr. Pratt of Parsonsfield presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government be directed to report out a bill transferring the Human Rights Commission to the Office of the Attorney General. (H. P. 1965)

The Order was read.

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

Mr. MARTIN: Mr. Speaker, I wonder if the gentleman from Parsonsfield, Mr. Pratt, could explain the purpose of the order both in the short run and the long run?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the gentleman from Parsonsfield, Mr. Pratt, who may answer if he wishes.

The Chair recognizes that gentleman.

Mr. PRATT: Mr. Speaker and Members of the House: I have felt that this office of the Human Rights Commission seems to be in a state of turmoil. Everyone knows this session we have a shortage of money, a shortage of office space. I believe this commission has more internal problems than they have problems arising from the outside. Any court cases which they have, they have to have legal help. I believe this could be handled from the Attorney General's Office, and I believe that this should be placed under that office.

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

Mr. MARTIN: Mr. Speaker, I would pose an additional question to the gentleman.

The SPEAKER: The gentleman may pose his question.

Mr. MARTIN: Is the purpose of the order to abolish the commission, or is it simply an attempt to scuttle it, or both?

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, poses a question through the Chair to the

gentleman from Parsonsfield, Mr. Pratt, who may answer if he wishes.

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

Mr. MARTIN: Based on that assumption, I will move indefinite postponement of this order, since I did not get an answer.

Thereupon, on motion of Mr. Ross of Bath, tabled pending the motion of Mr. Martin of Eagle Lake to indefinitely postpone and tomorrow assigned.

On motion of Mr. Gauthier of Sanford, it was

ORDERED, that Mary Bergeron, Donna Cookson, Jennifer Clarke, Tom Rivard, Dave Nolette and John Dube of Sanford be appointed Honorary Pages for today.

**House Reports of Committee  
Divided Report**

Majority Report of the Committee on Health and Institutional Services on Bill "An Act Relating to Price Information on Prescription Drugs and Permitting Advertising of Prescription Drug Prices" (H. P. 1793) (L. D. 2271) reporting "Ought not to pass"

Report was signed by the following members:

Messrs. HICHENS of York  
GREELEY of Waldo  
MINKOWSKY of Androscoggin  
— of the Senate.

Mrs. MORIN of Old Orchard  
BERRY of Madison  
McCORMICK of Union

Messrs. DYAR of Strong  
LEWIS of Bristol  
SOULAS of Bangor

— of the House.

Minority report of same Committee on same Bill reporting "Ought to pass" in New Draft (H. P. 1964) (L. D. 2503) under same title.

Report was signed by the following members:

Messrs. WHITZELL of Gardiner  
GOODWIN of South Berwick  
LaPOINTE of Portland

— of the House.

Reports were read.

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

Mr. DYAR: Mr. Speaker, I would

move the acceptance of the Majority "Ought not to pass" Report.

Thereupon, on motion of Mr. Silverman of Calais, tabled pending the motion of Mr. Dyar of Strong to accept the Majority "Ought not to pass" Report and tomorrow assigned.

**Order Out of Order**

Mr. Birt of East Millinocket presented the following Order and moved its passage.

ORDERED, that Dawn Marie Lynch and David Beaumont of East Millinocket be appointed Honorary Pages for today.

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

**Consent Calendar**

**First Day**

(S. P. 851) (L. D. 2419) Bill "An Act Repealing the Law Relating to Youth Community Activities" -- Committee on Human Resources reporting "Ought to pass"

No objection having been noted, was assigned to the Consent Calendar's Second Day list.

**Emergency Measure  
Tabled and Assigned**

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) (S. "A" S-344)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: The last time this came around I voted for this bill, but I have done a little work since then and I feel quite different about it. The fact is, I have found out that the allocation to this department apparently was \$217,000 for the biennium here. What kind of made me change my mind is the fact that there has been a continuous asking of new funds in this particular department. On November 12, they asked for \$42,000 extra, and they got \$15,000. On December 5, they asked for \$13,000, and they were given \$7,500. On January 30, they got EEA funds for \$28,000. They

came with a bill and they asked for \$45,000, which is reduced to \$37,000. I think that somewhere along the line; if you are interested in efficiency, I think you have to look beyond the dollar sign. With all these requests within a three-month period here for additional funds, and which part of them has been granted, I just think that there is something else to look into besides looking at the funds for this outfit.

Therefore, I am going to vote against the bill. Before I was in favor of the bill, now I am not.

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 pending question is passage to be enacted as an emergency measure. This requires a two-thirds vote of all the members elected to the House. All in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those will vote no.

**ROLL CALL**

YEA — Albert, Ault, Berry, P. P.; Birt, Boudreau, Bragdon, Briggs, Brown, Bunker, Bustin, Cameron, Carey, Chonko, Churchill, Conley, Connolly, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dunleavy, Farley, Farnham, Farrington, Fecteau, Flynn, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, H.; Goodwin, K.; Greenlaw, Hancock, Haskell, Herrick, Hobbins, Huber, Jackson, Kelley, R. P.; Keyte, Kilroy, Knight, LaCharite, LaPointe, Lewis, E.; Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McHenry, McMahon, McNally, Mills, Morin, V.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Ricker, Rolde, Santoro, Shaw, Shute, Silverman, Smith, S.; Snowe, Soulas, Susi, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale,

Webber, Wheeler, White, Whitzell, The Speaker.

NAY — Baker, Berry, G. W.; Berube, Binnette, Bither, Brawn, Carrier, Chick, Clark, Cote, Davis, Deshaies, Dudley, Dyar, Emery, D. F.; Evans, Faucher, Finemore, Hamblen, Hoffses, Hunter, Immonen, Jalbert, Kauffman, Kelleher, Kelley, Lawry, Lewis, J.; Littlefield, McCormick, Merrill, Morin, L.; Peterson, Pratt, Rollins, Ross, Sproul, Strout, Trask, Walker, Willard, Wood, M. E.

ABSENT — Carter, Donaghy, Dunn, Ferris, Fraser, Hewes, Jacques, LeBlanc, McKernan, McTeague, Mulhern, Pontbriand, Sheltra, Simpson, L. E.; Smith, D. M.; Stillings, Trumbull.

Yes, 93; No, 42; Absent, 16.

The SPEAKER: Ninety-three having voted in the affirmative and forty-two in the negative, with sixteen being absent, and ninety-three not being two thirds, the motion does not prevail.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby this bill failed final enactment.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending the motion of Mr. Kelleher of Bangor to reconsider and tomorrow assigned.

#### **Passed to Be Enacted Emergency Measure**

An Act to Clarify Certain Municipal Laws (H. P. 1920) (L. D. 2452) (S. "A" S-343) (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. 122 voted in favor of same and 3 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 to Make the Term of Office of the State Planning Director Coterminous with that of the Governor (S. P. 775) (L. D. 2222) (C. "A" S-334)

An Act Relating to Municipal Fire

Protection (H. P. 1707) (L. D. 2100) (C. "A" H-652) (S. "A" S-338)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, 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 Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P.1955) (L. D. 2490)

Tabled — February 11, by Mr. Simpson of Standish

Pending — Passage to be engrossed  
On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 895) (L. D. 2488) Emergency

Tabled — February 12, by Mr. Simpson of Standish

Pending — Passage to be engrossed  
The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Bither.

Mr. BITHER: Mr. Speaker and Members of the House: I am waiting for some late information on this bill, "Errors and Inconsistencies." I wish someone would table it until later in the day.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

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

(Cries of Yes and No)

The SPEAKER: The Chair will order a vote. All in favor of this matter being tabled pending passage to be engrossed and tomorrow assigned will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

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

Bill "An Act Relating to the Budgetary

Process of the Eleven New Regions for Vocational Education (H. P. 1945) (L. D. 2479) Emergency

Tabled — February 12, by Mr. Simpson of Standish

Pending — Passage to be engrossed

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act Relating to Certain Bureaus in the Department of Finance and Administration" (H. P. 1865) (L. D. 2359)

Tabled — February 12, by Mr. Birt of East Millinocket.

Pending -- Acceptance of any Report

Report A "Ought to pass" as amended by Committee Amendment "A" (H-670)

Report B "Ought to pass" as amended by Committee Amendment "B" (H-671)

Report C "Ought not to pass"

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Curtis.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to move for something that is a little unusual for me this morning, that will be recommittal back to committee. I want to explain why.

This bill is a conglomeration of several proposals that are included in the Maine Management and Cost Survey recommendation. We tried to come out with the best possible bill we could, and even so, we had a divided report. Since we handled the bill in committee we understand that now the personnel that worked on the recommendations from the Maine Management and Cost Survey are willing to meet with us in executive session to work over some of the other proposals that are included in here.

The second reason I think it is very important we send this back to committee for further consideration is that everybody agrees that there are one or two items in this bill that are excellent ideas and should be enacted. However, there are at least two controversial parts of the bill. One would be annual budgeting; the other one would be a bi-weekly payment of salaries of state employees rather than a weekly payment. And what we would like to do

in keeping with the recommendations of the Maine Management and Cost Survey is divide the bill up into its each individual component parts, some of which I am quite sure would pass and others might or might not pass.

So with that explanation and with due apologies, I would move to recommit it to committee.

Thereupon, the Bill was recommitted to the Committee on State Government and sent up for concurrence.

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

Bill "An Act to Clarify the Real Estate Subdivision Law" (S. P. 890) (L. D. 2485)

Tabled — February 12, by Mr. Briggs of Caribou

Pending — Motion by Mr. Briggs of Caribou that the House adopt House Amendment "A" (H-679)

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Briggs.

Mr. BRIGGS: Mr. Speaker, I don't have the amendment circulated, and because of that and because we are at the end of the calendar, I wonder if someone would move that it be tabled for one day.

Thereupon, on motion of Mr. Donaghy of Lubec, tabled pending the motion of Mr. Briggs of Caribou to adopt House Amendment "A" and tomorrow assigned.

(Off Record Remarks)

Mr. Brawn of Oakland was granted unanimous consent to address the House.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: In an editorial in the Kennebec Journal this morning, I see what my opinion would be on the gentleman that was in panty hose. I have nothing against his dress, but I did pick up the Waterville Sentinel this morning and I saw where these gentlemen who were running in the nude got fined. You probably know the girls up there are asking for equal rights.

Mr. Donaghy of Lubec was granted unanimous consent to address the House.

Mr. DONAGHY: Mr. Speaker and Members of the House: Back to the business of the day, we were told yesterday we had done nothing. I did a little bit of checking and I find that the Governor has signed, and of course there is a good deal more in the works, the Governor has signed seventy-nine resolutions, resolves and public laws from this special session. So there has

been a little work here, despite what we heard yesterday.

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(Off Record Remarks)

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On motion of Mr. Birt of East Millinocket,

Adjourned until ten o'clock tomorrow morning.