

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, March 4, 1974

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

Prayer by the Rev. Desmond Parker of Gardiner.

The members stood at attention during the playing of the National Anthem by the Hall-Dale High School Band.

The journal of the previous session was read and approved.

Orders Out of Order

Mr. Dow of West Gardiner presented the following Order and moved its passage:

ORDERED, that Cameron Brown, Richard Bachelder, Cheryl Moreau, Wayne Longfellow, Laura Jack and Don Albert of Hallowell be appointed Honorary Pages for today.

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

Mr. Finemore of Bridgewater presented the following Order and moved its passage:

ORDERED, that Helena and Bim Finemore of Bridgewater be appointed Honorary Pages 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**

Committee on Business Legislation on Bill "An Act Relating to the Real Estate Commission" (S. P. 841) (L. D. 2382) reporting "Ought to pass"

Report of the Committee on Health and Institutional Services on Bill "An Act Establishing a Full-time Administrative Assistant for the State Parole Board" (S. P. 892) (L. D. 2494) Emergency, reporting "Ought to pass"

Came from the Senate with the Reports read and accepted and the Bills passed to be engrossed.

In the House, the Reports were read and accepted in concurrence, the Bills read once and assigned for second reading tomorrow.

**Ought to Pass with
Committee Amendment
Amended in Senate**

Committee on State Government on Bill "An Act to Establish Better Interlocal Cooperation in Preparedness for Civil Disasters and Emergencies" (S. P. 828) (L. D. 2362) reporting "Ought to pass" as amended by Committee Amendment "A" (S-355).

Came from the Senate with Committee Amendment "A" (S-355) indefinitely postponed and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-368).

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-355) was read by the Clerk.

On motion of Mr. Curtis of Orono, Committee Amendment "A" was indefinitely postponed in concurrence.

Senate Amendment "A" (S-368) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

Ought to Pass in New Draft

Committee on Business Legislation on 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) reporting "Ought to pass" in New Draft (S. P. 915) (L. D. 2536) under new title "An Act to Repeal the Corporate Franchise Tax and Recover Losses by an Adjustment in the Annual Report Fee"

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.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act Establishing the Office of Energy Resources" (S. P. 832) (L. D. 2375) Emergency, reporting "Ought to pass" as amended by Committee Amendment "A" (S-361).

Report was signed by the following members:

Messrs. SPEERS of Kennebec
 WYMAN of Washington
 CLIFFORD of Androscoggin
 — of the Senate.

Messrs. CURTIS of Orono
 STILLINGS of Berwick
 GAHAGAN of Caribou
 CROMMETT of Millinocket
 FARNHAM of Hampden
 SILVERMAN of Calais

Mrs. GOODWIN of Bath
 NAJARIAN of Portland
 — of the House.

Minority Report of same Committee on same Bill reporting "Ought not to pass"

Report was signed by the following members:

Messrs. BUSTIN of Augusta
 COONEY of Sabattus
 — of the House.

Came from the Senate with the Majority Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-361) and Senate Amendment "A" (S-376).

In the House: Reports were read.

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

Mr. CURTIS: Mr. Speaker, I move adoption of the majority "ought to pass" report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Curtis, moves the acceptance of the Majority "Ought to pass" Report in concurrence.

The gentleman may proceed.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the bills that has come before us to attempt in some way to provide some state leadership in solving the energy crisis. The majority members of the State Government Committee think it is an important field in which we can begin some activity.

Personally, I would also suggest that it is also an opportunity for the State of Maine to provide a little innovative state leadership, and I think that is always a good idea. At any rate, the office would provide a place where a lot of good people with a lot of good ideas would have a place to go. It would be a vehicle for utilizing federal funding and perhaps

some of that federal money would be able to be used for research and further innovation for new ideas. Although there is not enough money provided in the office to provide for any state funding of basic research, at least it would provide a central place within the State of Maine where some of our energy problems could be discussed and innovative new ideas could be developed.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: My objections to this bill are minor. They are twofold, and I shall present an amendment tomorrow that to me will rectify the problem. I hope that I will receive support from the House.

You will note that the bill calls for an appropriation of \$162,500, which to me is a rather hefty sum for a small, new department in the executive department, and that the director's salary is not set nor is there any classification for setting the director's salary, and I think both of these things should be taken care of before we pass this into law.

So tomorrow I will offer an amendment dealing with those two things and then give this bill my support.

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

Mr. CURTIS: Mr. Speaker and Members of the House: I would like to agree with the gentleman from Sabattus, Mr. Cooney, but if he will look just a little bit further on the calendar, he will see that an amendment was added to the Senate which provides and solves the problem which he is concerned with, at least one of them, and that has to do with the salary of the director of the office. The filing number is S-361 and S-376, and the salary would be a maximum of \$18,500, which is at the same level with which we fund the Director of the Office of Civil Defense.

Thereupon, the Majority "Ought to pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-361) was read by the Clerk and adopted in concurrence. Senate Amendment "A" (S-376) was read by the Clerk and

adopted in concurrence, and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Simplify the Occupational Disease Law and to Conform with the Recommendations of the National Commission on State Workmen's Compensation Laws in Regard to Occupational Disease" (H. P. 1993) (L. D. 2542) which was referred to the Committee on Labor in the House on February 28.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I would move that we recede and concur with the Senate and would speak briefly to my motion.

The SPEAKER: The gentleman from Bath, Mr. Ross, moves that the House recede and concur with the Senate.

The gentleman may proceed.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I mentioned on the floor of the House last Thursday that in my opinion, at this point in a special session, it was no time to accept for consideration anything as complicated as portions of these bills which become major revisions in the workmen's compensation law, even though the idea of them perhaps was in the Governor's call.

It was mentioned here that they had had the approval of labor, the Industrial Accident Commission and the Insurance Industry. I checked with each of these bodies, and I found that in fact this was not so across the board. Probably some members of each of the groups did agree, but official action was never taken.

As you may remember, I was defeated in my motion to indefinitely postpone these 120 to 19. That may be the same case today, but my motion to recede and concur is no reflection on the sponsor of these bills. I still respect his interest and his knowledge on labor questions, however, I still feel that this is no time to consider them.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. McTeague.

Mr. McTEAGUE: Mr. Speaker and Members of the House: My friend, the gentleman from Bath, Mr. Ross, who has me so shook early on Monday morning, I sought to give him a different name. I apologize, first of all, and I apologize to the other members of the House for having been one of the participants in the debate last week that took some half hour to 45 minutes, which I think would have been sufficient to debate the merits of the bill, let alone the reference. On the other hand, on reflection, comparing the action of this House of Representatives to the other body, which often acts expeditiously but, in my opinion on this case, with less concern for the people involved.

I am proud to be a member of this House. I am proud of the vote last week against killing these bills without the decency of a hearing, and I would remind this House that that was last Thursday. So we have consumed today, Friday and perhaps part of Thursday, and could have possibly had a hearing this week if we had moved this thing along in a decent way. I would ask that this House, without any extended debate, hopefully, adhere to its prior action, reject the pending motion, so that we may vote to insist, because this is a two-house legislature. I have never served in the Senate nor do I have immediate aspirations or perhaps ever aspirations for the same.

I do have pride in this House. Although we sometimes take a long time, as we did last Thursday, to decide an issue, we often decide them based on debate on the merits, number one, and number two, we are willing to let people have a hearing on a bill. It may be that inevitably the other body would not be openminded in this regard, but if we have done our duty, we can stand proud.

I was very moved by the bipartisan support last week. This issue at least as this House goes is in no way a partisan issue. I would hope and pray it would continue that way. And, Mr. Speaker, when the vote is taken on the pending motion, which I hope is defeated, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: When these bills came before us last week, I came in here fully convinced that I would not vote to introduce them, pretty much on the lines of the gentleman from Bath, Mr. Ross. However, out of a deep sense of respect for the capabilities of the gentleman from Brunswick, Mr. McTeague, I was persuaded to go along on the basis that these had been completely shaped up to a meeting of the minds on various segments that he had mentioned. And although my respect for that gentleman has in no way diminished, I do find that this is not exactly the case. There are some reservations, and I feel that we are going into an area now that would unduly prolong this session on the basis of the complexity of the matters these next two items would bring before us, and I can support Mr. Ross today and agree to recede and concur with the Senate.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I wholeheartedly hope this House will reject the arguments by my good seatmate over here, Mr. Garsoe, and the motion of Mr. Ross. I don't really care who is in favor of these bills and who aren't in favor of them. That is not important as far as I am concerned. We are a body of 151 members, and unfortunately at times that other body down there thinks they are running this one too. I think the House spoke for itself well the other day by sending this bill and the other two bills that we will be coming to in a few moments down for their consideration. And I should think that if we didn't take the same action that we took last week that we would be selling ourselves short.

We are a very independent body, and we are not beholden to those fine gentlemen at the other end of the hallway, and I would hope that you would reject the motion of the gentleman from Bath. I know that he really doesn't disagree with me on my arguments, as far as the other body is concerned, and send them back down there where they certainly belong.

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 on the motion of the gentleman from Bath, Mr. Ross, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Cameron, Cressey, Crommett, Davis, Donaghy, Farnham, Finemore, Flynn, Garsoe, Hamblen, Hoffses, Hunter, Kelley, Littlefield, Maddox, McCormick, Merrill, Morton, Parks, Pratt, Rollins, Ross, Shaw, Simpson, L. E.; Susi, Trask, Trumbull, White, Willard, The Speaker.

NAY — Albert, Berry, G. W.; Berry, P. P.; Berube, Binnette, Bither, Boudreau, Bragdon, Brawn, Bunker, Bustin, Carter, Chick, Chonko, Churchill, Clark, Cooney, Cote, Cottrell, Curran, Curtis, T. S., Jr.; Dam, Dow, Drigotas, Dudley, Emery, D. F.; Evans, Farrington, Ferris, Fraser, Gahagan, Genest, Good, Goodwin, K.; Greenlaw, Hancock, Herrick, Hobbins, Huber, Jackson, Jacques, Kauffman, Kelleher, Keyte, Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Lynch, MacLeod, Mahany, Martin, Maxwell, McHenry, McKernan, McMahon, McNally, McTeague, Mills, Morin, L.; Morin, V.; Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Peterson, Pontbriand, Ricker, Rolde, Shute, Silverman, Snowe, Stillings, Talbot, Tanguay, Theriault, Tierney, Twitchell, Tyndale, Walker, Wheeler, Wood, M. E.

ABSENT — Birt, Briggs, Brown, Carey, Carrier, Conley, Connolly, Deshaies, Dunleavy, Dunn, Dyar, Farley, Faucher, Fecteau, Gauthier, Goodwin, H.; Immonen, Jalbert, Kelley, R. P.; LaPointe, Perkins, Santoro, Sheltra, Smith, D. M.; Smith, S.; Soulas, Sproul, Strout, Webber, Whitzell.

Yes, 32; No, 88; Absent, 30.

The SPEAKER: Thirty-two having voted in the affirmative and eighty-eight in the negative, with thirty being absent, the motion does not prevail.

Thereupon, on motion of Mr. McTeague of Brunswick, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Amend the Workmen's Compensation Law and to Conform with Certain Recommendations of the National Commission on State Workmen's Compensation Laws" (H. P. 1994) (L. D. 2543) which was referred to the Committee on Labor in the House on February 28.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Although I am picking up strength from 19 to 32, it is evident that it is the wish of this House to refer these to the Labor Committee, and I still always respect a majority wish of this House.

I now move that we insist.

Thereupon, on motion of Mr. Ross of Bath, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Relating to the Commutation of Payments in Workmen's Compensation Law" (H. P. 1995) (L. D. 2544) which was referred to the Committee on Labor in the House on February 28.

Came from the Senate with the Bill indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker and Members of the House: I too am learning, and I move that we insist.

Thereupon, on motion of Mr. Garsoe of Cumberland, the House voted to insist.

Orders

Tabled and Assigned

Mr. Palmer of Nobleboro presented

the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 28 to read as follows:

28. Measures rejected at regular session. No measure which has been introduced and finally rejected in the regular biennial session shall be introduced at any special session of the same Legislature except by vote of two-thirds of both Houses. (H. P. 2006)

The Joint Order was read.

Thereupon, the Order was tabled pursuant to House Rule 54 pending passage and tomorrow assigned.

House Reports of Committees Ought Not to Pass

Mr. Silverman from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish Pay Scales for Managers and Assistant Managers in State Liquor Stores" (H. P. 1859) (L. D. 2354) reporting "Ought not to pass"

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

Leave to Withdraw Covered by Other Legislation

Mr. Carter from Committee on Appropriations and Financial Affairs on Bill "An Act to Repeal the Law Requiring Payments to Hospitals to be Dedicated for Care of Those Qualifying for Aid to the Aged, Blind or Disabled" (H. P. 1877) (L. D. 2387) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Berry from Committee on Transportation on Bill "An Act Relating to Foreign Trade Zones" (H. P. 1810) (L. D. 2291) reporting "Ought to pass" in New Draft (H. P. 2003) (L. D. 2547) under same title.

Mrs. Baker from Committee on Judiciary on Bill "An Act Granting Energy Emergency Powers to the Governor" (H. P. 1850) (L. D. 2343) Emergency reporting "Ought to pass"

in New Draft (H. P. 2005) (L. D. 2549) under same title.

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

Mrs. McCormick from Committee on Transportation on Bill "An Act Relating to Pilots for the Port of Portland" (H. P. 1822) (L. D. 2330) reporting "Ought to pass" in New Draft (H. P. 2007) (L. D. 2550) under same title.

Report was read.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I must make some response to certain allegations and statements that have been made in letters sent to the Maine Legislature in opposition to L. D. 2330, a bill which would require compulsory pilotage on board two vessels owned by the Lion Ferry Company. I am sure, first of all, that these letters have been greatly inspired by certain city officials and businessmen who have a complete misunderstanding of the intent of the Portland Pilots Association and the Board of Harbor Commissioners in the matter.

It has been alleged, and I quote, "one of the stronger pieces of mail I received," that this bill is a "selfish effort of a few to extort tribute for their own benefit." This argument, either express or implied, also is common in the other letters. In one letter, the statement is even made as to why should the Lion Ferry vessels have to stop to pick up pilots, since under the law they would still have to pay the pilot fee anyway, even without a pilot on board. Again, the implication that this bill is just a needless moneymaker for the Pilots and Harbor Commissioners.

However, for the record, I would like to put these charges in their proper perspective. The number one concern of the Harbor Commissioners and Portland Pilots is the safety of the Port of Portland and nothing more than that. And I think that concern can be amply proven by reference to a few facts.

The Port of Portland is a major shipping port handling some 720 tankers carrying some 30 million tons of oil and

oil related products a year. In addition, our port handles some cargo vessel traffic, coast-wise vessel traffic, fishing vessels and pleasure craft, along with the two Lion Ferry vessels. Portland, thus, has a busy harbor with the need for safe passage of all vessels in and out of paramount importance.

Even Lion Ferry officials have acknowledged the need for large vessels navigating in this harbor to operate with a pilot on board who has knowledge of the harbor and can bring all vessels in and out safely. And this procedure of compulsory pilotage on foreign vessels is common accepted practice in all major United States ports. Even the Lion Ferry vessel Bolero, now down in Florida, is required to take on pilots each and every trip out of the harbor.

The Portland Pilots Association has made what I consider to be a very reasonable effort to institute a minimum of pilotage on these two vessels without causing economic hardship to these vessels in pilotage costs. Their proposal calls for a pilot on board these vessels for 15 round trips when a new master is aboard. This change in ship masters has occurred several times in the past. And the truth is, new masters are not always acquainted with the rules of the road in U.S. ports. This measure is vitally necessary. Furthermore, the presence of sophisticated navigational equipment on these vessels does not insure safe operation as has been alleged in some of these letters. Also, the pilots felt it necessary to compel one check trip a week to make certain that there are no further problems. This proposal, however, which is not in the new draft, costs Lion Ferry at most \$14,000 a year for both vessels, little enough to pay to insure against the remotest possibility of a collision involving these vessels.

The Bolero is capable of carrying some 1,373 passengers at one time and the Prince, some 825 passengers. The lives of these people could be jeopardized now and in the future if these vessels are not required to carry pilots at least on a partial basis.

If the Gibbs Oil Refinery should be built, increased ship traffic estimates could increase the oil tonnage handled by Portland by as much as 60 percent.

The Pilots and Harbor Commissioners have made other attempts to accommodate Lion Ferry as well. A contract agreement was signed by both Lion Ferry officials and the Harbor Commissioners in which it was agreed that these vessels would agree to carry pilots eight trips a month for a \$500 fee. The Lions Ferry, however, refused to take on the pilots after signing the agreement and attempted to pay the \$500 fee for no services rendered. The pilots refused to accept the money because they are not interested in collecting fees. They are only interested in providing safe pilotage for all vessels in this harbor. I believe that in this instance Lion Ferry officials have clearly showed their true colors. I have been told by officials of the Coast Guard that Lion Ferry Company, if they could get Maine to exempt them from pilotage, would use this in other states and in Canada as a precedent in law to have their vessels exempted from pilotage.

I believe, personally, that we are setting a dangerous precedent if we allow any kind of pilotage exemption for either of these vessels. And I have been virtually assured by the Coast Guard that if Maine fails to do so, the Coast Guard has and will use its federal authority to impose a compulsory pilotage on these vessels.

The new draft of L. D. 2330 does not solve the problem in my mind. But I leave it up to you, the members of this House, to decide, however, whether you will approve a bill that is unacceptable to the Coast Guard and force them to do our job for us or you will pass an acceptable bill.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I think nobody else knows this bill as much or as thoroughly as the gentleman from Portland, Mr. Mulkern. I don't think anybody in this House has more to heart the conditions and the feasibility of the waterfront than the gentleman from Portland, Mr. Mulkern. I think he has put it very well, very thorough, on the floor of this House just what is to be done and what should be done as far as this particular bill is concerned.

I know I have received quite a bit of mail from businesses within the City of Portland concerning this particular pilot's bill, and all of them stress the point that they would exempt both the Prince of Fundy and the Bolero. They have made one point very, very clear, and that is the point that they are very interested in the happenings or the development of the waterfront in Portland. But I fail to see their point insofar as that point is concerned, because when Island Citizens Association was applying to the Portland Utilities Commission for an application to operate as a common carrier, I didn't get one call or one letter from any of these businesses. So I think it is very, very clear, especially in my mind, that these businesses that have written to me on this particular bill are only interested in their own pocketbooks.

I would sincerely hope that you would go along with the gentleman from Portland, Mr. Mulkern, in his attitude towards this bill.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Ross.

Mr. ROSS: Mr. Speaker and Ladies and Gentlemen of the House: Perhaps some of you wonder why in the world why I would get up on a Portland Harbor bill. I have a son, Rodney E. Ross, III. He is a qualified captain in Portland Harbor environs. He was opposed to the original bill, but he has not seen this redraft, and neither have I until this morning, but certainly I am delighted, if only for expediency's sake, to go along with the motion this morning so we can have it before us tomorrow morning without tabling it.

And in the final analysis I shall be forced to be excused from voting, because somebody might say that I have a conflict of interest, since I own a 60-foot boat that my son is now working on.

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

Mr. Wood from Committee on Transportation on Resolve Appropriating Funds for the Replacement of Babb's Covered Bridge on Windham and Gorham (H. P. 1727) (L. D. 2171) reporting "Ought to pass" in

New Draft (H. P. 2004) (L. D. 2548) under new title Resolve Providing for the Replacement of Babb's Covered Bridge in Windham and Gorham.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Resolve Authorizing Robert A. Dentico to Bring Action Against the State of Maine (H. P. 1921) (L. D. 2456) reporting "Ought to pass"

Report was signed by the following members:

Messrs. TANOUS of Penobscot
SPEERS of Kennebec
BRENNAN of Cumberland
— of the Senate.
Mrs. WHEELER of Portland
KILROY of Portland
Messrs. McKERNAN of Bangor
DUNLEAVY of Presque Isle
— of the House.

Minority Report of same Committee on same Resolve reporting "Ought not to pass"

Report was signed by the following members:

Mrs. WHITE of Guilford
BAKER of Orrington
Messrs. PERKINS of South Portland
CARRIER of Westbrook
GAUTHIER of Sanford
— of the House.

Reports were read.

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

Mrs. BAKER: Mr. Speaker, I move the acceptance of the Minority "Ought not to pass" Report.

Thereupon, on motion of Mr. Martin of Eagle Lake, tabled pending the motion of Mrs. Baker of Orrington to accept the Minority "Ought not to pass" Report and tomorrow assigned.

Second Reader Later Today Assigned

Bill "An Act Repealing Certain Laws Relating to Games of Chance" (S. P. 911) (L. D. 2521) (S. "A" S-365)

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

(On motion of Mr. Emery of Rockland, tabled pending passage to be engrossed and later today assigned.)

Passed to Be Engrossed

Bill "An Act Relating to State Purchases" (H. P. 1999) (L. D. 2539)

Bill "An Act to Allow a Governor-elect an Additional Four Weeks for Submission of the Budget" (H. P. 2000) (L. D. 2540)

Bill "An Act to Establish a Pilot Rural Housing Rehabilitation Program" (H. P. 1814) (L. D. 2303) (C. "A" H-720)

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

Emergency Measure Tabled and Assigned

An Act Making Current Service Appropriations from the General Fund and Allocating Money from the Federal Revenue Sharing Fund for the Fiscal Year Ending June 30, 1975 (S. P. 905) (L. D. 2508)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be enacted and tomorrow assigned.)

Emergency Measure

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 (H. P. 1857) (L. D. 2350) (H. "B" H-705)

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

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I just want to go on record as being one of those who are not in favor of this in its present form, and I think I have so stated previously here before the House. I think this morning you would be doing your constituents a justice if you vote not to pass this bill on further, give them two-thirds. I have the same problem as I

did the first time I spoke to you about it. I don't mind the bill, I don't mind cutting the mileage down, although I don't think it accomplishes anything, but I will go along with it, but it does take away their points. Now, I don't mind fining the people and penalizing them, but taking away their points is something else. Taking away their right to drive, and their right to their livelihood and getting to their work, this is a serious thing for the area that I come from where my constituents have to drive many miles to work. It probably don't bother you people in the city where they have to go across town, because they can walk. But from where I come, it is a very serious matter and I hope you vote very seriously this morning and not enact this.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have done some checking on this bill and I think the gentleman, Mr. Wood, will back me up. Right now the Transportation Department or the Commissioner of Transportation has the authority to lower any speed limit on any road he sees fit, but he can't increase it. So I don't see why there is any emergency in this bill or why we even need it. If he wants to lower it to 50 miles an hour he can. I hope Mr. Wood will say a few words on this and back me up.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: The Department of Transportation has the right to lower speed limits for safety reasons only. The speed limits, the minimum and maximum speed limit on our highways was set by law, set by the legislature, and they are the only body that has the authority to change the speed limits on any of our highways. We allow the Department of Transportation to lower the speed limits by law, set by the legislature, only for safety reasons and this means in school zones, in city and village limits. If they want to lower the speed limits for any other reason, then it should be done and must be done by an act of the legislature to be legal, to

be the law. That is why and the only reason this bill is here today, because for conservation reasons, they have no authority. The governor has no authority and I believe it is being done now illegally, and the only way it can become legal is for the legislature to pass this bill.

The SPEAKER: The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of the House is necessary. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Simpson of Standish 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 Chair recognizes the gentleman from Standish, Mr. Simpson.

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I think there has been a couple of points that have been brought up here this morning that probably somebody has got some validity to discuss, however, I think they are completely irrelevant. We start talking about the speed limit and we start to talk about the point system. I think we went through that once with the form of an amendment and was defeated and therefore we are back to where we are now.

The gentleman from Brooks, Mr. Wood, brought out a very good point, and it is one that I hope you will all listen to. That is that the maximum and minimum speeds are established by the legislature and the legislature only. They may be lowered by the Commissioner of the Department of Transportation for safety reasons. This bill allows him and the Chief of State Police to lower them for energy crisis reasons.

It might be very hard to prove a case on Interstate 95 between Augusta and

Waterville, as it is a safety reason now to lower the speed limit from 70 to 55. I think we went through this the other day when if that case in fact went to court that the judge probably and presumably could in fact say that the speed limit was not lowered for safety reasons but it was lowered because of the energy crisis and therefore dismiss the case, establishing a precedent that every case that would go before the courts relative to speeding during the energy crisis would then in fact be in jeopardy. I would hope that you would pass this bill and give it its emergency number of votes this morning.

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

Mr. FINEMORE: Mr. Speaker and Members of the House: I am not a diehard, but it seems to me there is some confusion here and some different interpretations of the law. I was informed that they could lower them, but they couldn't raise them. But we will forget that.

Here a couple or three years ago we appeared from Aroostook as a delegation, Mr. Good and Mr. Parks were with me, and I can't remember all the others; we asked to have the speed limit raised from Howland to Houlton on the 95. We applied to Mr. Stevens at that time and also to the Chief of the State Police. And shortly after that they raised it. That absolutely was not an act of the legislature; it never even come into the legislature. Now Herschel Good just mentioned safety. I doubt if you can call it safety to go five miles faster on that road or not. But I say right here this morning, let's kill this and get it over with.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not confused this morning. I think some of you may be. The issue is trying to be distorted. I said when I stood here before, and I say it now, I am not against lowering the speed limit and I am not against fining people, but we of this legislature, also in its present form, we attach this point system to it. The point system is all right left right where it is.

This is the thing I am quibbling about; this is the thing that my constituents are quibbling to me about. I would be remiss in my duty if I didn't inform you people and bring you up to date on how the people in the country feel about this. They are not opposed to lowering the speed limit; they are not opposed to paying a fine if they get caught speeding, but they are opposed to losing their license and coming to Augusta for a hearing and going through all this red tape and ending up with no license. I think this is the part that needs consideration. I am not in any gripe about the 55 mile speed limit, I think it is probably necessary. But it certainly isn't necessary to keep this point system and cut that down to 55 miles an hour.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to speak on the particular merits of this bill, but I am going to speak directly in relation to the bill in the way the public is looking at this legislature. They are looking for some energy conservation measures to come through this place. We assembled in a special session for energy legislation. We have passed only one bill to deal with energy legislation to this point. It seems to me if we are going to keep any credibility with the people of this state that it is up to us to pass on this measure this morning.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Brawn.

Mr. BRAWN: Mr. Speaker, Ladies and Gentlemen of the House: In this mornings Waterville Sentinel it says that "Federal speed limit is now 55 miles an hour." It says, "It gives 60 days for everyone to post a 55 mile speed limit." So I don't think we need this law at all; it is now a federal law — in the morning's paper.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. LaCharite.

Mr. LaCHARITE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Oakland, Mr. Brawn, is correct, it is nationwide. But it does say that if states don't comply and reduce their speed limits they will lose federal

funds; if you would read on. Therefore, this measure is necessary; the state must reduce their speed limits in order to receive their federal funds.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope the House wouldn't be intimidated by threats from Washington on what we should do and what we shouldn't do because of federal funding. I think Representative Dudley has raised a very valid point here. First of all, 95 and the Turnpike weren't built to go for 50 miles an hour; it was built for 70 miles an hour. I find it sometimes extremely difficult to stay in the 55 mile an hour range, although I try to keep my car down to there.

I think the amendment that was offered by the gentleman from Enfield and another gentleman in the other body was a reasonable amendment, simply that the individuals who chose to go beyond 55 miles an hour were inviting the law to apprehend them and fine them. But as far as taking their points away, it is a very easy thing when you are in an automobile to be driving along and to creep up to 60 miles an hour, even to 65 miles an hour. I hope that the House doesn't support this. And as far as this being a major energy bill, I think the public would laugh at us if we called it a major energy bill.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. This being an emergency measure, a two-thirds vote of the House is necessary. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Baker, Berry, G. W.; Birt, Bither, Boudreau, Bragdon, Brown, Bunker, Bustin, Cameron, Carter, Chonko, Churchill, Clark, Cooney, Cottrell, Cressey, Crommett, Curran, Curtis, T. S., Jr.; Dam, Davis, Dow, Drigotas, Dyar, Emery, D. F.; Evans, Farnham, Farrington, Ferris, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Genest, Good, Goodwin, K.; Greenlaw, Hamblen, Hancock, Herrick, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Kauffman, Keyte,

Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Mahany, Martin, Maxwell, McCormick, McMahon, McNally, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Mulkern, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Peterson, Pratt, Ricker, Rolde, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Smith, S.; Snowe, Soulas, Susi, Talbot, Theriault, Tierney, Trumbull, Tyndale, Walker, Wheeler, White, Willard, Wood, M. E.; The Speaker.

NAY — Albert, Berry, P. P.; Berube, Binnette, Brawn, Carrier, Chick, Cote, Donaghy, Dudley, Faucher, Finemore, Kelleher, McHenry, Mills, Pontbriand, Tanguay, Trask, Twitchell.

ABSENT — Briggs, Carey, Conley, Connolly, Deshaies, Dunleavy, Dunn, Farley, Fecteau, Goodwin, Hewes, Jacques, Jalbert, Kelley, Kelley, R.P.; LaPointe, McKernan, Perkins, Santoro, Sheltra, Smith, D.M.; Sproul, Stillings, Strout, Webber, Whitzell.

Yes, 106; No, 19; Absent, 25.

The SPEAKER: One hundred six having voted in the affirmative and nineteen in the negative, with twenty-five being absent, the motion does prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County (H. P. 1940) (L. D. 2477) (C. "A" H-704)

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. 106 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 Property Tax Exemption of Health Care Institutions. (S. P. 910) (L. D. 2519) (S. "A" S-359)

An Act to Repeal Fee to Ex Officio

Member of Industrial Accident Commission. (H. P. 1882) (L. D. 2392)

An Act Relating to Conferring Degrees by Thomas College. (H. P. 1979) (L. D. 2522)

An Act to Advance Collection of Telephone and Telegraph Taxes. (H. P. 1980) (L. D. 2523)

An Act Relating to Applications for Absentee Ballots. (H. P. 1981) (L. D. 2524)

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 later today assigned matter:

Bill "An Act Repealing Certain Laws Relating to Games of Chance" (S. P. 911) (L. D. 2521) (S. "A" S-365)

Tabled — By Mr. Emery of Rockland.

Pending — Passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Emery.

Mr. EMERY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that the amendment that I was going to offer has not been reproduced and distributed yet. So I would request that this matter lay on the table for one legislative day, if someone would table it for me.

Thereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and tomorrow assigned.

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

Mr. CROMMETT: Mr. Speaker, Ladies and Gentlemen of the House: I feel inadequate to the task, yet, it is a pleasure to remind you of our heritage left to us by the American Indian, a double pleasure as the representative of the people of Millinocket, The Magic City, Home of Champions, a member of communities along the great Penobscot River, a natural highway used by the Penobscot Indians in their travels from Castine on Penobscot Bay to the headwaters of both the east and west branch.

Our heritage has been greatly enriched by leaving with us such names as: Old Town, frequently referred to as the Ole Town; Orono from Chief Orono; Passadumkeag, Pemadumook, Pockwockamus, Umbazookus, Wassataquoik, Mattawamkeag, Macwahoc, Mattamiscontis, Medunkeunk, Matagamon, Millimagasset, Debsconeag, Sourdnahunk and Ambejejus.

Henry David Thoreau was so fascinated with the Indians, the Penobscot River, the forests and the grandeur of Mt. Katahdin he made several trips to Maine and recorded his travels in his book, 'The Maine Woods'.

It is fitting that Paul Bunyan, Patron Saint of the lumberjacks, that earned for Bangor the largest lumber port in the world, now stands facing north as though yearning to return to the area of his birth.

Lumbering, log drives on the river and legislative action pertaining to the Telos cut are adequately told in well informed manner in five books, titled, Katahdin Fantasies; Algonquian and Abenaki Indian Myths and Legends; Strange Tales of Abenaki Shamanism; Thoreau's West Branch Guides; and, Thoreau's Moosehead and Chesuncook Guides.

I have presented these books to the State Archivist on behalf of the author, Marion Whitney Smith, whose father was a native of Augusta.

Mrs. Smith's books are now being used in the seventh grade of the Prince School in Boston, Mass. from which she graduated. Her books are also being used in English classes in numerous schools, universities, and colleges in the United States, Seoul, Korea; San Juan, Puerto Rico; and Portugal. She is affiliated with many literary groups, The Northeast Folklore Society and the Thoreau Fellowship.

(Off Record Remarks)

Mr. Jackson of Yarmouth was granted unanimous consent to address the House.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: There has just been placed on your desks an order

that I plan to present tomorrow directing Marine Resources to pass out a bill on the lobster residency statute. I would like to call this to your attention so you can look at it and think about it the rest of today and tonight, and perhaps have a chance to talk with coastal representatives about it.

A case was filed on January 8 in the federal court which challenges our three-year residency statute. And if the statute falls, which I feel it probably will, it would leave the coast unprotected as far as anyone in the United States

could fish lobsters in the State of Maine.

I am as hesitant as anyone here to prolong this session any more than it already has been, but I feel that this is truly an emergency thing and I will present the order tomorrow. I hope you will look up any coastal representatives or myself for any information on this.

(Off Record Remarks)

On motion of Mr. Simpson of Standish,
Adjourned until nine thirty tomorrow morning.