

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Tuesday, January 7, 1975

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

Prayer by the Rev. Read Blackstone of the Dunntown Advent Christian Church, Wade.

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

The journal of the previous session was read and approved.

Messages and Documents

State of Maine
LEGISLATIVE COUNCIL
State House
Augusta, Maine

January 1, 1975

Edwin H. Pert, Clerk
House of Representatives
Augusta, Maine 04330

Dear Mr. Clerk:

Enclosed please find legislative copies of the Executive Summary from the report, "Tourism in Maine: Analysis and Recommendations," as authorized and funded by the 105th Maine Legislature.

Complete copies of the report may be obtained from Alvah Laiho, Department of Commerce and Industry. Copies are also on file in the Law Library.

Respectfully submitted,

/s/

LARRY E. SIMPSON, Chairman
Maine Vacation Travel
Analysis Committee

The Communication was read and with accompanying Report ordered placed on file.

State of Maine
LEGISLATIVE COUNCIL
State House
Augusta, Maine

January 1, 1975

Edwin H. Pert, Clerk
House of Representatives
Augusta, Maine 04330

Dear Mr. Clerk:

Pursuant to Chapter 590, Public Laws of 1973, I am forwarding to the 107th Maine Legislature the Legislative Council report of the 106th Maine Legislature.

Complete details of the Council's activity may be found on file in the Legislative Research Office.

Respectfully submitted,

/s/

LARRY E. SIMPSON, Chairman
The Communication was read and with accompanying Report ordered placed on file.

State of Maine
Department of Environmental Protection
January 2, 1975

John Martin, Representative
Speaker of the House
House of Representatives
State House
Augusta, Maine

Dear Representative Martin:

Chapter 238 of the Public Laws of 1973 established the "Committee to Study Airmobiles". This Public Law instructed the Committee to submit to the members of the 107th Legislature the Committee's findings.

Enclosed you will find the report of the "Committee to Study Airmobiles" and its recommendations to continue the prohibition of airmobiles and a suggestion

that the Legislature consider studying the need to regulate off-the-road vehicles of all type.

Respectively submitted on behalf of the members of the Committee to Study Airmobiles.

Committee to Study Airmobiles
(S)

WILLIAM R. ADAMS

Chairman

The Communication was read and with accompanying Report ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills, Resolves and Resolutions were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Resolve Providing Funds for the Lumberman's Museum in Patten, Maine (H. P. 55) (L. D. 67) (Presented by Mr. Birt of East Millinocket)

Sent up for concurrence.

Education

Bill "An Act Authorizing Additional Indebtedness for School Administrative Districts Nos. 25 and 42" (H. P. 57) (L. D. 69) Emergency (Presented by Mr. Birt of East Millinocket)

Bill "An Act Relating to the Borrowing Capacity of School Administrative District No. 19" (H. P. 69) (L. D. 81) Emergency (Presented by Mr. Mills of Eastport)

Sent up for concurrence.

Election Laws

Bill "An Act Establishing Open Primaries" (H. P. 49) (L. D. 61) (Presented by Mr. Quinn of Gorham)

Bill "An Act to Provide for Reimbursement of Election Expenses in Unorganized Towns" (H. P. 67) (L. D. 79) (Presented by Mr. LeBlanc of Van Buren)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Allow Growers to Protect their Crops Against Damage by Deer" (H. P. 66) (L. D. 78) (Presented by Mr. Mills of Eastport — By Request)

Sent up for concurrence.

Human Resources

Bill "An Act Relating to Parking Placards for Handicapped Persons" (H. P. 63) (L. D. 75) (Presented by Mr. Silverman of Calais)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Irreconcilable Marital Differences" (H. P. 72) (L. D. 84) (Presented by Mr. LaPointe of Portland)

Bill "An Act Making the Drawing of Checks upon a Closed Account a Felony" (H. P. 46) (L. D. 58) (Presented by Mr. Quinn of Gorham)

Sent up for concurrence.

Labor

Bill "An Act to Extend Collective Bargaining Rights to Maine Turnpike Authority Employees" (H. P. 61) (L. D. 73) Emergency (Presented by Mr. McMahon of Kennebunk)

Sent up for concurrence.

Legal Affairs

Resolve to Reimburse William Rich of Buckfield for Loss of Bee Hives by Bear

(H. P. 65) (L. D. 77) (Presented by Mr. Rollins of Dixfield)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Members of the House: Item 11 and item 12 are a joint thing and they have been handled in previous sessions by the Committee on Fisheries and Wildlife. I now move they be assigned there.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that this Bill be referred to the Committee on Fisheries and Wildlife.

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of the House: This is my bill, and I am very happy with it in Legal Affairs. I would hope that we would have a division on the motion.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: On this division, I would like to explain something to the gentleman from Eastport. Item 12, nonresident big game hunting permits, I agree this should be with the Fisheries and Wildlife Committee, but item 11 reimbursing the person for damage done by an animal of the State has always gone to Legal Affairs, and I think that does belong in Legal Affairs.

Mr. Mills of Eastport withdrew his motion that this Resolve be referred to the Committee on Fisheries and Wildlife.

Thereupon, the Resolve was referred to the Committee on Legal Affairs and sent up for concurrence.

Bill "An Act to Increase the Fee for Nonresident Big Game Hunting Permits" (H. P. 71) (L. D. 83) (Presented by Mr. Burns of Anson)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mr. Mills of Eastport, referred to the Committee on Fisheries and Wildlife and sent up for concurrence.

Bill "An Act Converting Mount Chse Plantation into the Town of Mount Chase" (H. P. 59) (L. D. 71) (Presented by Mr. Birt of East Millinocket)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mr. Dam of Skowhegan, referred to the Committee on Local and County Government and sent up for concurrence.

Bill "An Act to Deem the Municipality of Jay to Be Part of the Northern Androscoggin District of the District Court" (H. P. 60) (L. D. 72) (Presented by Mr. Maxwell of Jay)

Resolve to Reimburse Paul R. Nyberg of Mechanic Falls for Motor Vehicle Damage Caused by State Ward (H. P. 45) (L. D. 57) (Presented by Mr. Drigotas of Auburn)

Sent up for concurrence.

Local and County Government

Bill "An Act to Establish County Commissioner Districts in Penobscot County" (H. P. 56) (L. D. 68) (Presented by Mr. Birt of East Millinocket)

(Item 17) Resolve, Providing for Purchase of Copies of History of Popham Beach, Maine (H. P. 51) (L. D. 63) (Presented by Mrs. Clark of Freeport)

Sent up for concurrence.

Bill "An Act Combining the Towns of Yarmouth and North Yarmouth as One Municipality for Shellfish Conservation Purposes" (H. P. 70) (L. D. 82) (Presented by Mr. Jackson of Yarmouth)

The Committee on Reference of Bills suggested the Committee on Marine Resources.

On motion of Mr. Jackson of Yarmouth, referred to the Committee on Legal Affairs and sent up for concurrence.

Natural Resources

Bill "An Act to Require Consideration of Economic Factors under the Site Location Law" (H. P. 47) (L. D. 59) (Presented by Mr. Mills of Eastport)

Sent up for concurrence.

State Government

Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council (H. P. 48) (L. D. 60) (Presented by Mr. Hinds of South Portland)

Resolution, Proposing an Amendment to the Constitution Decreasing to \$40,000,000 the Limitation of Legislative Authority to Insure Payment of Loans to Industrial, Manufacturing, Fishing and Agricultural Enterprises for which Payment the Legislature may Appropriate Moneys or Issue Bonds, or both on Behalf of the State (H. P. 50) (L. D. 62) (Presented by Mr. Silverman of Calais)

Resolve, Ratifying Grant of Easement on State Land to Central Maine Power Company (H. P. 54) (L. D. 66) (Presented by Mr. Carey of Waterville)

Bill "An Act Establishing a Seal for Official Use of the Legislature" (H. P. 58) (L. D. 70) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Provide Funds for an Additional Assistant District Attorney in Prosecutorial District 6" (H. P. 76) (L. D. 88) (Presented by Mr. Palmer of Nobleboro)

Sent up for concurrence.

Taxation

Bill "An Act to Set Standards for Single-Unit Municipal Assessing Areas" (H. P. 53) (L. D. 65) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Exempt Nonprofit Health Care Corporations from Sales Tax on Medical Supplies and Equipment Donated to Patients" (H. P. 74) (L. D. 86) (Presented by Mrs. Bachrach of Brunswick)

Resolve, to Reimburse Ernest F. Murphy of Old Orchard for a Claim Concerning a Tax Refund for Retail Gasoline Shrinkage (H. P. 68) (L. D. 80) (Presented by Mrs. Morin of Old Orchard Beach)

Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 52) (L. D. 64) (Presented by Mr. Maxwell of Jay)

Sent up for concurrence.

Transportation

Bill "An Act to Allow the Use of Initial Type Plates on Pickup Trucks" (H. P. 62) (L. D. 74) (Presented by Mr. Rollins of Dixfield)

Bill "An Act Relating to the Erection of a Sign on Maine Turnpike for Pleasant Mountain Recreational Area" (H. P. 75) (L. D. 87) (Presented by Mrs. Tarr of Bridgton)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Definition of Out-of-State Service under State Retirement System" (H. P. 73) (L. D. 85) (Presented by Mr. Jackson of Yarmouth)

Bill "An Act Concerning Graves of Revolutionary War Veterans" (H. P. 64) (L. D. 76) (Presented by Mr. Hinds of South Portland)

Sent up for concurrence.

Orders

Mr. Rolde of York presented the following Joint Order and moved its passage:

ORDERED, The Senate concurring, that a Joint Special Committee on Public Lands, 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 appointed for the purpose of reviewing legislation introduced in the 107th Legislature in connection with public lands including public lots. The Committee is not only authorized to review all legislation introduced in connection with the public lots but is directed to study and report on the present legal status of the public lots; the legal rights of the citizens of Maine in the public lots; and the alternative uses to which the public lots may be put in the public interest and to report to the Legislature its views and recommendations in regard to what action, if any, the Legislature should take in regard to the use of public lands including public lots and to draft and submit legislation to implement its recommendations.

The Committee shall act as expeditiously as possible and shall report to the 107th Legislature either in regular or special session in such manner as the Committee deems appropriate.

The Committee shall proceed in its work with the assistance of the Attorney General's Department, the Director of Legislative Research, the Legislative Finance Officer and any other state department, board, commission, authority or agency from which information may be required to carry out and expedite the Committee's duties. Furthermore, said Committee may employ such assistants, clerks, attorneys, agents and advisors as it shall deem necessary and set the conditions of their employment with the approval of the President of the Senate and the Speaker of the House. If it is necessary for the Committee to meet when the Legislature is not in session, the Committee Members shall be reimbursed for their actual expenses in service to the Committee, with the exception of mileage which shall be paid at the same rate received by state employees. The Committee is authorized to conduct public hearings at such times, places and in such manner as it deems appropriate to fulfill its duties; and be it further

ORDERED, that the Committee shall take cognizance of the research and recommendations of the Joint Special Committee on Public Lands of the 106th Legislature; and be it further

ORDERED, that there is allocated to the Committee from the Legislative Account the sum of \$10,000 to carry out the purposes of this order. (H. P. 77)

The Joint Order was read.

Mr. Rolde of York offered House Amendment "A" (H-1) and moved its adoption.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The first paper that I have offered today is an order to reestablish the Joint Committee on Public Lands, which existed in the 106th Legislature and did a great deal of work on the question of the public lots. One might say that a direct outgrowth of its work was the recent transfer to the State by the Great Northern Paper Company of more than 60,000 acres of prime recreational land in the unorganized territories.

The work of the Committee is not finished. Leadership felt that it should be continued, if for no other reason than to supervise the transfer of this land and the planning of its use by the Bureau of Public Lands.

In addition, there are still some 300,000 acres of public lots for which the grass and timber rights are not in public hands, and there is also the prospect that other landowners may be willing to follow the lead set by the Great Northern Paper Company. For these reasons, we felt that the committee should be continued. However, I would like to amend the order which was reproduced from the order that established the original committee. The amendment is to strike out the \$10,000 appropriation, since it is no longer needed as it was when the committee was first established and it had a great deal of field work and legal work to do.

I will refrain from any judgment on whether or not this action is in conformity with the Governor's Inaugural request, but I would ask you to support my amendment to delete the \$10,000 and then support the order to establish the Public Lands Committee.

Thereupon, House Amendment "A" was adopted.

The Joint Order received passage as amended and was sent up for concurrence.

Mr. Rolde of York presented the following Joint Order and moved its passage:

ORDERED, the Senate concurring, that the Commissioner of Environmental Protection, State Controller and Treasurer of State be respectfully directed to withhold payment of special travel expenses in the amount of \$4,368.89 incurred by Professor Orlando Delogu as a member of the Board of Environmental Protection for the academic year 1973-74 pending legislative inquiry; and be it further

ORDERED, that the Legislative Council be authorized and directed to investigate the facts surrounding this unusual expenditure for travel and to report the results of its findings with any necessary recommendations to the regular session of the 107th Legislature. (H. P. 78)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The controversy that this order addresses itself to had its origin when Orlando Delogu, a member of the Board of Environmental Protection, went to Germany on sabbatical leave. Rather than resign his position on the Board of Environmental Protection, however, he chose to travel back and forth across the Atlantic every time there was a crucial vote and to bill the State for these trips to a tune of \$4,368.89 to be exact.

The Executive Council refused to pay these bills, but Attorney General Lund issued an opinion that the State had to pay them. The purpose of this order today is to

hold up payment until there can be a thorough legislative investigation, because the existence of such a situation such as this clearly indicates that action needs to be taken to prevent its ever happening again. Also, it may well be that the new Attorney General will wish to review this situation, so I hope you will support the order.

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

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the Speaker appointed Albert Daigle of Madawaska as page and Leo O. Martin as courier.

The Speaker appointed the following monitors:

- Mrs. CLARK of Freeport
- Mr. FINEMORE of Bridgewater

Orders of the Day

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

Resolution, Proposing an Amendment to the Constitution to Provide for a Four-year Term of Office of Sheriffs. (H. P. 42) (L. D. 54)

Tabled — January 1, by Mr. Rolde of York.

Pending — Reconsideration of Reference

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Members of the House: I tabled this item the other day because it was the feeling of the Reference of Bills Committee that an amendment to the Constitution such as this should go to the State Government Committee, which is where the amendment went two years ago, and that is the feeling that I wish to express today. However, since the sponsor of the bill is not here today to argue his own case for sending this to the County Government Committee, I would ask that somebody table this for one legislative day until he can be here.

Whereupon, on motion of Mr. Palmer of Nobleboro, retabled pending reconsideration and tomorrow assigned.

The Speaker announced the appointment of the following House members to the Joint Standing Committees:

Agriculture

- Mahany of Easton, Chairman
- Albert of Limestone
- Berry of Buxton
- Carroll of Limerick
- Hall of Sangerville
- Wilfong of Stow
- Rollins of Dixfield
- Teague of Fairfield
- Torrey of Poland
- Dyer of So. Portland

Appropriations and Financial Affairs

- Smith of Dover-Foxcroft, Chairman
- Jalbert of Lewiston
- Carter of Winslow
- Goodwin of Bath
- LeBlanc of Van Buren
- MacLeod of Bar Harbor
- Garsoe of Cumberland

Business Legislation

- Clark of Freeport, Chairman
- Boudreau of Portland
- Tierney of Durham
- DeVane of Ellsworth
- Peakes of Dexter
- Rideout of Mapleton
- Pierce of Waterville

- Bowie of Gardiner
- Byers of Newcastle
- Higgins of Scarborough

Education

- Lynch of Livermore Falls, Chairman
- Carroll of Limerick
- Cannolly of Portland
- Mitchell of Vassalboro
- Powell of Wallagrass
- Ingegneri of Bangor
- Lewis of Auburn
- Tyndale of Kennebunkport
- Fenlason of Danforth
- Bagley of Winthrop

Election Laws

- Boudreau of Portland, Chairman
- Bustin of Augusta
- Albert of Limestone
- Talbot of Portland
- DeVane of Ellsworth
- Call of Lewiston
- Birt of East Millinocket
- Mackel of Wells
- Durgin of Kittery
- Shute of Stockton Springs

Energy

- Farley of Biddeford
- Kelleher of Bangor
- Connolly of Portland
- Greenlaw of Stonington
- Bennett of Caribou
- Davies of Orono
- Jackson of Yarmouth
- Byers of Newcastle
- Durgin of Kittery

- Torrey of Poland

Fisheries and Wildlife

- Mills of Eastport, Chairman
- Dow of West Gardiner
- MacEachern of Lincoln
- Martin of St. Agatha
- Tozier of Unity
- Usher of Westbrook
- Churchill of Orland
- Walker of Island Falls
- Kauffman of Kittery
- Peterson of Caribou

Health and Institutional

- Goodwin of So. Berwick, Chairman
- LaPointe of Portland
- Morin of Old Orchard Beach
- Hennessey of West Bath
- Curran of So. Portland
- Kennedy of Gray
- Post of Owl's Head
- Lovell of Sanford
- Sprowl of Hope
- Laverty of Millinocket

Human Resources

- Talbot of Portland, Chairman
- Bachrach of Brunswick
- Davies of Orono
- Raymond of Lewiston
- Saunders of Bethel
- Truman of Biddeford
- Ault of Wayne
- Hutchings of Lincolnville
- Conners of Franklin
- Hunter of Benton

Judiciary

- Gauthier of Sanford, Chairman
- Hobbins of Saco
- Bennett of Caribou
- Henderson of Bangor
- Hughes of Auburn
- Spencer of Standish
- Hewes of Cape Elizabeth
- Perkins of So. Portland
- McMahon of Kennebunk
- Miskavage of Augusta

Labor

- Tierney of Durham, Chairman
- Binnette of Old Town
- Chonko of Topsham
- Snow of Falmouth

- Flanagan of Portland
- Martin of St. Agatha
- Teague of Fairfield
- Tarr of Bridgton
- Laffin of Westbrook
- Sprowl of Hope

Legal Affairs

- Faucher of Solon, Chairman
- Cote of Lewiston
- Dudley of Enfield
- Carey of Waterville
- Burns of North Anson
- Joyce of Portland
- Shute of Stockton Springs
- Hunter of Benton
- Perkins of Blue Hill
- Gould of Old Town

Liquor Control

- Maxwell of Jay, Chairman
- Jacques of Lewiston
- Faucher of Solon
- Lizotte of Biddeford
- Twitchell of Norway
- Raymond of Lewiston
- Immonen of West Paris
- Perkins of Blue Hill
- Pierce of Waterville
- Dyer of South Portland

Local and County Government

- Dam of Skowhegan, Chairman
- Berube of Lewiston
- Carpenter of Houlton
- Henderson of Bangor
- Martin of Brunswick
- Truman of Biddeford
- Walker of Island Falls
- Berry of Madison
- Kelley of Machias
- Gray of Rockland

Marine Resources

- Greenlaw of Stonington, Chairman
- Mills of Easport
- Webber of Belfast
- Blodgett of Waldoboro
- Jensen of Portland
- Post of Owl's Head
- Jackson of Yarmouth
- Mackel of Wells
- Curtis of Rockland
- Conners of Franklin

Natural Resources

- Peterson of Windham, Chairman
- Curran of Bangor
- Blodgett of Waldoboro
- Doak of Rangeley
- Hall of Sangerville
- Wilfong of Stow
- Ault of Wayne
- Churchill of Orland
- Hutchings of Lincolnville
- McBreairty of Caribou

Performance Audit

- Berube of Lewiston, Chairman
- Carey of Waterville
- Dow of West Gardiner
- Cooney of Sabattus
- Najarian of Portland
- Bachrach of Brunswick
- Norris of Brewer
- Silverman of Calais
- Birt of East Millinocket
- Hinds of South Portland

Public Lands

- Rolde of York, Chairman
- Martin of Eagle Lake
- Lynch of Livermore Falls
- Peterson of Windham
- Palmer of Nobleboro
- Rollins of Dixfield
- Farmham of Hampden

Public Utilities

- Kelleher of Bangor, Chairman
- Berry of Buxton
- Leonard of Woolwich
- Nadeau of Sanford
- Saunders of Bethel

Spencer of Standish
Littlefield of Hermon
Lunt of Presque Isle
Tarr of Bridgton
Gray of Rockland

State Government

Cooney of Sabattus, Chairman
Carpenter of Houlton
Kany of Waterville
Pelosi of Portland
Quinn of Gorham
Wagner of Orono
Farnham of Hampden
Snowe of Auburn
Lewin of Augusta
Stubbs of Hallowell

Taxation

Drigotas of Auburn, Chairman
Dam of Skowhegan
Maxwell of Jay
Mulkern of Portland
Twitchell of Norway
Cox of Brewer
Susi of Pittsfield
Finemore of Bridgewater
Immonen of West Paris
Morton of Farmington

Transportation

Fraser of Mexico, Chairman
Webber of Belfast
Jacques of Lewiston
Binnette of Old Town
Jensen of Portland
Winship of Milo
Strout of East Corinth
Berry of Madison
Kauffman of Kittery
Lunt of Presque Isle

Veterans and Retirement

Theriault of Rumford, Chairman
Leonard of Woolwich
MacEachern of Lincoln
Nadeau of Sanford
Powell of Wallagrass
Usher of Westbrook
Kelley of Machias
Curtis of Rockland
Lavery of Millinocket
Morton of Farmington

On motion of Mr. Rolde of York
Adjourned until ten o'clock tomorrow
morning.