

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 8, 1975

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

Prayer by the Rev. Richard W. Beebe of Fryeburg.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter**

Bill "An Act to Provide a Uniform Filing Deadline for Candidates" (H. P. 33) (L. D. 44) which was referred to the Committee on Election Laws in the House on January 1.

1. Came from the Senate indefinitely postponed in non-concurrence.

In the House:

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

Mr. JENSEN: Mr. Speaker, I move that we recede and concur and would speak briefly to my motion.

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

The gentleman may proceed.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I wish to kill it to bring it back at a later date with co-sponsors. It was prefiled before the co-sponsor order was approved.

Thereupon, the House voted to recede and concur with the Senate.

Messages and Documents

The following Communication:

State of Maine
Office of Energy Resources
Augusta, Maine

January 3, 1975

Edwin H. Pert, Clerk
HOUSE OF REPRESENTATIVES
Augusta, Maine 04330

Dear Mr. Clerk:

Chapter 770 of the Public Laws of 1974 established the "Office of Energy Resources". This Public Law instructed the Office to submit to the Members of the 107th Legislature an energy policy for the State of Maine, including a comprehensive plan for meeting the projected energy needs of the state.

Enclosed you will find the "State Energy Policy and Comprehensive Plan — an Interim Report."

Respectfully submitted,
Office of Energy Resources

/s/

ROBERT MONKS
Director

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

**Petitions, Bills and Resolves
Requiring Reference**

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

**Appropriations and Financial
Affairs**

Bill "An Act Appropriating Funds to Reimburse Municipalities for Business Inventory Taxes" (H. P. 82) Emergency (Presented by Mr. Cox of Brewer)

Bill "An Act Amending the Elderly Household Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income" (H. P. 104) (Presented by Ms. Goodwin of Bath) (Co-sponsored by Mr. Finemore of

Bridgewater and Mr. Spencer of Standish)

Bill "An Act to Provide State Reimbursement of Costs for Prosecuting State Prisoners" (H. P. 105) (Presented by Mr. Gray of Rockland)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Clarify the Authorized Indebtedness of the Ellsworth School District" (H. P. 81) Emergency (Presented by Mr. De Vane of Ellsworth)

Bill "An Act Relating to State Subsidy for Units with Federally Impacted Students" (H. P. 107) Emergency (Presented by Mr. LeBlanc of Van Buren)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Prohibiting Candidates from being Present when an Absentee Ballot is being Marked" (H. P. 94) (Presented by Mr. Burns of Anson)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 99) (Presented by Mr. Martin of Saint Agatha)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (H. P. 96) (Presented by Ms. Goodwin of Bath) (Cosponsored by Ms. Clark of Freeport)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Permit Controlled Hitchhiking" (H. P. 89) (Presented by Mr. Quinn of Gorham)

Bill "An Act Providing for the Designation of Anatomical Gifts on Motor Vehicles and Motorcycle Operators' Licenses" (H. P. 102) (Presented by Mrs. Boudreau of Portland)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Change the Statutory Term "Workmen's Compensation" to "Workers' Compensation" (H. P. 100) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Extend the Time Limit for Filing a Claim under a Mechanics Lien" (H. P. 84) (Presented by Mr. Tierney of Durham)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Prohibiting Smoking in Reference Rooms of Registries of Deeds" (H. P. 83) (Presented by Mr. Torrey of Poland)

Bill "An Act Prohibiting Sale or Lease of Property Acquired by Eminent Domain to Elected Officials" (H. P. 93) (Presented by Mrs. Berube of Lewiston)

Bill "An Act to Require Fire Detection Systems in All New Residential Construction" (H. P. 95) (Presented by Mr. Call of Lewiston)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act Increasing Salaries of Clerk and Deputy Clerk of Courts of Cumberland County" (H. P. 79) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act Relating to Inspection of Municipal Lockups and Jails" (H. P. 90) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act Relating to Compensation of Full-time Deputies in All Counties" (H. P. 101) Emergency (Presented by Mr. Burns of Anson)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act Amending the Powers and Duties of the Maine Committee on Aging to Include the Inspection of Nursing Homes" (H. P. 103) (Presented by Ms. Goodwin of Bath)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Establish a Homestead Tax Exemption" (H. P. 80) (Presented by Mr. Cox of Brewer)

Bill "An Act Relating to Inheritance Tax Exemption for Brothers and Sisters" (H. P. 91) (Presented by Mr. Burns of Anson)

(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Introduce Consideration of Socioeconomic Factors into the Site Location of Development Act" (H. P. 85) (Presented by Mr. Mills of Eastport)

Bill "An Act to Provide for Two Labor Representatives on the Board of Environmental Protection" (H. P. 88) (Presented by Mr. Bowie of Gardiner)

Bill "An Act to Clarify the Licensing Requirement for Structures of 60,000 Square Feet under the Site Location Act" (H. P. 92) (Presented by Mr. Quinn of Gorham)

(Ordered Printed)
Sent up for concurrence.

Public Lands

Resolve, Authorizing the Exchange of Certain Public Reserved Lands. (H. P. 97) (Presented by Mr. Martin of Eagle Lake) (Cosponsored by Mr. Palmer of Nobleboro)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Prohibit Dumping of Poultry on Highways" (H. P. 98) (Presented by Mr. Call of Lewiston)

Bill "An Act to Require the Department of Transportation to Maintain the Ferry Ramp at Frenchboro, Long Island Plantation" (H. P. 86) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act Relating to Operating a Motor Vehicle Without a Current Certificate of Inspection" (H. P. 87) (Presented by Mr. Farnham of Hampden)

Bill "An Act Relating to Emergency Call Facilities on the Maine Turnpike" (H. P. 106) (Presented by Mr. LaPointe of Portland)

(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Talbot of Portland was granted unanimous consent to address the House.

Mr. TALBOT: Mr. Speaker, I have a bill that is going to be heard this afternoon in State Government Committee. I was

notified that we were going to have a public hearing last Thursday afternoon. I think this is kind of short notice. I don't have any problems with that except for the fact that by the time I got my notices out to people who wanted to testify, they wouldn't get it probably until Monday morning.

I realize that most of the people who are going to be testifying on most of our bills are going to be working-class people. I wonder if it is any problem that the sponsor of a bill be given at least a one or two-week notice before the hearing is coming up so that he may inform those people who are going to testify on that particular in bill time to get off from work.

The SPEAKER: The Chair hears the question and would respond in this fashion. As soon as the chairmen of both the House and Senate can agree as to when it will be scheduled, the people who are sponsoring bills should be notified. If they can agree to the scheduling of bills two weeks in advance, then those people can at that time be notified of the time to have a hearing.

Mr. Higgins of Scarborough presented the following Joint Order and moved its passage:

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of
**SCARBOROUGH HIGH SCHOOL
 STATE SOCCER CHAMPIONS
 FOR THE YEAR 1974**

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine. (H. P. 108)

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

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

ORDERED, the Senate concurring, that notwithstanding Joint Rules 7 and 8 of the 107th Legislature all requests for bills and resolves, except the Governor's, covered by said Joint Rules shall be submitted to the Director of Legislative Research not later than 5:00 p.m. on January 31, 1975 and such measures shall be introduced in the appropriate House in complete and final form not later than 5:00 p.m. on March 21, 1975. (H. P. 109)

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: To be very brief, this order simply advances the cloture date from January 24 to January 31, and also from January 14 for departmental bills to January 31. I hope you will support its passage.

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

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 7, by Mr. Palmer of Nobleboro.

Pending — Reconsideration of Reference

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This was an item that I asked to have tabled yesterday because the sponsor of the bill who moved reconsideration of reference was not here. I notice he is in his seat today.

As I explained yesterday, it was the feeling of the Reference of Bills Committee that this amendment should go to the State Government Committee. This is where it went two years ago on the basis that it was an amendment to the Constitution. I know that the sponsor moved reconsideration because he felt it should go to the County Government Committee. But again, I will reiterate the feeling of the Reference of Bills Committee, because it was a Constitutional Amendment, we felt it should go to the State Government Committee.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: In the absence of the House Chairman of the State Government Committee, I would just like to reaffirm what the gentleman from York, Mr. Rolde, had to say. This bill was before us in State Government previously, and I believe all bills pertaining to constitutional changes normally fall within the jurisdiction of the State Government Committee.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, I would withdraw my motion. I was unaware this was a constitutional amendment.

Thereupon, Mr. Jalbert of Lewiston withdrew his motion to reconsider reference.

The Chair laid before the House the second tabled and today assigned matter: House Order, Relative to House Rules.

Tabled — January 2, by Mr. Palmer of Nobleboro

Pending — Passage

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This item refers to an order that I put in to change the rules. This order was introduced on the first day that we were here. The idea for the order was presented to us at our caucus. We did not really have any discussion about it, and agreed that we would include it on the first day. Since then there have been a lot of questions raised about this order, a lot of opposition. We have had a further discussion in our caucus about it, and there are some feelings that it could lead to some abuses. Therefore, I would respectfully request to withdraw the order.

Thereupon, on motion of Mr. Rolde of York, the Order was withdrawn.

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

Joint Order — (S. P. 17) Relative to Senate and House Registers.

Tabled — January 2, by Mr. Birt of East Millinocket.

Pending — Passage

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-2) was read by the Clerk and adopted.

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

Mr. JENSEN: Mr. Speaker, I notice you are reducing it from 25,000 to 15,000. That is something like 80 copies for each legislator. That doesn't seem to me to be that many. My understanding is that in the past you have always run out of copies. Is that correct?

The SPEAKER: The gentleman from Portland, Mr. Jensen, poses a question through the Chair to anyone who may care to answer.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, 15,000 was the initial printing. They did find that at a later time there was a need for a few more copies and they did have a second printing. The same thing can be done now. There were quite a few copies left over last year from the previous printing. And talking it over with floor leaders, they agreed that 15,000 was a good initial printing, and at a later date if there was a demand for more copies, they could be procured.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this, I think we should have enough. Probably 15,000 will do it. But last year I sent over a hundred of these to school teachers alone, and I received very good word back. They were very pleased with them. That is why I would like to see the book remain as it is and have enough copies so that each one can have the copies they need. I hope we will go along with the 15,000. We think it is enough. If it's not, have a second printing.

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

Mr. ROLDE: Mr. Speaker and Members of the House: I just very briefly speak to the economics of this. I think we find it costs about \$2,500 for every 5,000. So by reducing this order, we would be saving about \$5,000.

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

Mr. TALBOT: Mr. Speaker, am I correct in saying the more copies we have printed the less it is going to cost us?

The SPEAKER: The gentleman from Portland, Mr. Talbot, poses a question through the Chair to anyone who may care to answer.

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

Mr. ROLDE: Mr. Speaker, I believe the point that I made was that by increasing it from 15,000 to 25,000, it would cost us \$5,000 more. By decreasing it we would be saving \$5,000.

Thereupon, the Joint Order received passage as amended in non-concurrence and was sent up for concurrence.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Just as many of you did, I attended the inaugural of our new Governor on the second of January, and like many of you, I have taken the time to review his inaugural address and also followed closely since his election press coverage concerning his actions. Mr. Longley continues to use the terms "partisan politics and politician" in such a manner as to question the integrity of all

elected officials except himself, whom he labels as a businessman rather than what he truly is, a political opportunist.

Mr. Speaker, I speak for the record so that it can indicate, along with his address giving his opinion, just what the Governor has done, what he is doing and what I hope he stops doing — demeaning the Legislature, the Executive Council and department heads and bending the Constitution and the laws of this State to his advantage.

Point one that I would like to make, Mr. Speaker, in his attack of the Executive Council for wanting to hold public hearings on his appointments. Since these appointees were secretly interviewed for appointment by a Longley secret committee of unnamed and faceless people, may have signed letters I will refer to later, may place loyalty to the Governor over loyalty to the people of Maine, and in most cases have no prior government service and in general keeping with the Governor's now apparently forgotten pledge for an openness in government operations, I think the Executive Council representing the Legislature as its appointees has every right to hold open public hearings on confirmation and need not seek the Governor's approval for such nor do they have an obligation to advise him of their proposed action.

The Governor has stated he wants the best people available and it is the duty of the Executive Council to see that we do have the best people available. Unlike the operation of his own business, the Governor does not have the last say but rather is confined to working within constitutional and statutory limitations.

It is quickly becoming apparent to some of us that the State will be protected from the excesses of this Governor by those limitations.

Point two, Mr. Speaker, is the abuse or total ignorance of the law on appointments by the Governor. We as a legislature in general, but as citizens of the State in particular, should be ever indebted to Roberta Weil, Maine's first Commissioner of Business Regulation, for bringing to light the highly unethical practice of undated letters of resignation signed by department heads to be held by the Governor. Mrs. Weil's failure to agree to such a letter has cost her the position she held and in which she was doing an outstanding job.

Mr. Speaker, the record must indicate that the Department of Business Regulation is the very department that regulates the insurance business, a business in which the Governor has gained great wealth. To have the commissioner serve under threat of the Governor dating such a letter is coercion and is unethical conduct at its worst.

Mr. Speaker, anyone following newspaper accounts of this letter business can clearly see that the Governor has lied repeatedly in this matter. The people of Maine deserve better from its Chief Executive.

I can say that the ethics of politicians are better. The people are the protectors in relation to politicians, but we had to set up a consumer protection agency in the Attorney General's Office to protect the people against businessmen. He also has cast a shadow of doubt on his appointees. And we can all ask the question, how many have signed those letters of resignation?

Point three, Mr. Speaker, is the undisputed statement of Weil that the

Governor had offered her the appointment of State Treasurer and at a salary of \$25,000 per year. Now either the Governor thought her to be stupid, since he cannot make such an appointment, or he was ignorant of the constitutional provisions of appointments himself. This offer at \$25,000 a year further highlights this man's unstable, inconsistent pattern. Currently we are paying in the area of \$15,000 a year for a State Treasurer. Those of you who were at the Civic Center heard the Governor in his inaugural address say he wanted legislation which would say, "to abolish the office of State Treasurer. The duties of this office can be easily absorbed in the Department of Finance and Administration." If this is true, perhaps the Governor can explain why he wanted to give someone a \$10,000 raise for a worthless job.

Point four, Mr. Speaker, concerns itself with one of the Governor's appointees, the gentleman designated to head up the Finance and Administration Department.

We have come to expect total dedication from our State employees and we certainly should expect and receive even more dedication from the department heads. Yet the head of this department, at the instruction of the Governor, will be allowed to remain in as director of a Farmington bank, also to remain as the bank's consultant. That accommodation smells of conflict to high heaven.

I hope the members of the House and the general public can see the abuses that could exist if the Governor did have the State Treasurer, who invests State funds, under this department head as he proposed.

Maybe the Governor can run his business this way and get away with it, but as the Governor of the State of Maine, he is charged with running the people's business and no amount of rhetoric on his part will change the fact that so far he has displayed a totally irresponsible approach to management in the public sector.

Mr. Speaker, there are more points that could be presented and I know that as we go along certainly more will be made unless there is a change in the Governor's personal habits.

I have taken enough of your time, and I would like the message to reach the Governor that he was not elected God nor was he elected King. He was elected Governor, and as such he is to live within the laws of the State of Maine and not above them. As a co-equal branch of government, we as a legislature must insure that the people's interests are not violated by another branch of government. Only time will tell if we have performed our duties in the best interest of all the people.

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