

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

Thursday, January 9, 1975

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

Prayer by the Rev. Robert M. Butler of Jefferson.

The journal of yesterday was read and approved.

Papers from the Senate

Bills and Resolves from the Senate requiring reference were disposed of in concurrence.

From the Senate: The following Joint Order: (S. P. 60)

ORDERED, the House concurring that when the House and Senate adjourn, they adjourn until Tuesday, January 14, 1975, at ten o'clock in the morning.

Came from the Senate read and passed.

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

Order Out of Order

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

ORDERED, that a message be sent to Governor James B. Longley informing him that the House of Representatives is in session and awaits any message which he may care to deliver at this time.

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

The Speaker appointed the following committee to advise the Governor that the House was in session and were awaiting any message he may care to deliver:

Messrs.

ROLDE of York
LYNCH of Livermore Falls

Mrs.

MARTIN of Brunswick

Messrs.

CAREY of Waterville
PALMER of Nobleboro
PERKINS of South Portland
LUNT of Presque Isle

Subsequently, Mr. Rolde of the Committee reported that they had delivered the message with which they were charged and the Governor would be arriving forthwith.

Thereupon, the Honorable James B. Longley entered the Hall of the House amid prolonged applause, the members rising.

The SPEAKER: The Governor of the State of Maine, James B. Longley. It is my pleasure to present to you, and to the members of the House, the Governor of the State, Governor Longley.

GOVERNOR LONGLEY: Mr. Speaker and Legislators: I do not intend to make this a practice. I appreciate this opportunity to appear before you this morning. I am here to say that your Representative and mine, Spike Carey, is a fine person, and he did what he thought was right. I think we can all learn from our mistakes as well as our actions, and I just speak in defense of his right to do what he, did yesterday.

I ask you to keep in mind that we have an unusual and unique situation here in Maine. The entire country is watching us, and I am sure you want, as I want, to be fair. I was elected by the people of Maine. The people who elected me were not here yesterday, and I did not have a party here to defend me. So I ask you to recognize the right of one of your Body to speak as he spoke yesterday. He was my friend before

he spoke — he is still my friend. I respect him. I respect his candor. And with that, I ask this Body to get on with the business of government and forget about yesterday, except to the extent that all of us, most of all your Governor, admittedly has much to learn.

I said before elected that there would be no person who ever worked harder to be the Governor of the people of this State, and I will say there will be no person more willing to step forward and say he has made a mistake and he is sorry and he apologizes.

I ask this Body to keep in mind that when criticism is leveled at the Governor of this State, it should be taken as criticism of a person and hopefully not criticism of the office. We should all learn from constructive and fair criticism. Hopefully, I am learning with each passing day. I need your help. I pledge my cooperation and I pledge you to do everything humanly possible to bring honor and credit on the government of this State and the Office of Governor. Thank you very, very much. (Prolonged applause)

At the conclusion of the address, the Governor withdrew from the House amid applause, the Members rising.

Messages and Documents

The following Communication: (H. P. 135)

State of Maine
Department of Indian Affairs
Augusta, Maine

January 7, 1975

Honorable Edwin H. Pert
Clerk of the House
of Representatives
State House
Augusta, Maine 04330
Dear Mr. Pert:

This is to advise you that on September 10, 1974, Ernest J. Goslin was elected Indian Representative to the Legislature from the Penobscot Tribe, and that Joseph A. Nicholas was elected Indian Representative to the Legislature from the Passamaquoddy Tribe on September 3, 1974.

Very truly yours,
/s/JOHN STEVENS

Commissioner
Dept. of Indian Affairs

The Communication was read, ordered placed on file, and sent up for concurrence.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves 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 to Reduce the Pay of State Legislators" (H. P. 118) (Presented by Mr. Laffin of Westbrook)

Bill "An Act Allowing the Department of Military, Civil Emergency Preparedness and Veterans Services to Pay a Lump Sum Final Settlement in Accordance with the Workmen's Compensation Act. (H. P. 127) Emergency (Presented by Mr. Ault of Wayne)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers" (H. P. 122) (Presented by Mr. Twitchell of Norway)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act" (H. P. 133) (Presented by Mr. Mulhern of Portland)

The Committee on Reference of Bills suggested the Committee on Business Legislation.

On motion of Mr. Drigotas of Auburn, referred to the Committee on Taxation, ordered printed and sent up for concurrence. (Later Reconsidered)

Fisheries and Wildlife

Bill "An Act Relating to Fencing of Strawberry Fields Damaged by Deer" (H. P. 112) (Presented by Mrs. Kelley of Machias)

Bill "An Act to Prohibit the Use of Motorboats on Simpson's Pond" (H. P. 115) (Presented by Mrs. Kelley of Machias)

(Ordered Printed)

Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport Ms. Clark.

Ms. CLARK: Mr. Speaker, I move we reconsider our action whereby House Paper 133, An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Thereupon, on motion of Mr. Drigotas of Auburn, tabled pending the motion of Ms. Clark of Freeport to reconsider and tomorrow assigned.

Legal Affairs

Resolve to Reimburse the Town of Dennysville for Welfare Expenditures (H. P. 120) (Presented by Mr. Mills of Eastport.)

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

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, I move that this item be referred to the Committee on Legal Affairs and would speak just briefly to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, moves that this item be referred to the Committee on Legal Affairs.

The Chair recognizes the same gentlewoman.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: After close examination of the bill, the subject matter seems to be more of a legal affair than welfare.

Thereupon, on motion of Mrs. Najarian of Portland, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act Relating to Discharge from Parole or Probation" (H. P. 114) (Presented by Mr. Churchill of Orland)

Bill "An Act to Require that Minors Between the Age of 16 and 18 Years who Illegally Purchase Alcohol be tried in District Court" (H. P. 128) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to Contraband Cigarettes" (H. P. 123) (Presented by Mr. Morton of Farmington)

The Committee on Reference of Bills suggested the Committee on Judiciary.

On motion of Mr. Finemore of Bridgewater, tabled pending reference and tomorrow assigned.

Legal Affairs

Bill "An Act to Permit the Sale of Fireworks for 2 Weeks Before July 4th and on July 4th" (H. P. 129) (Presented by Mr. Laffin of Westbrook)

Bill "An Act Authorizing Facsimile Signature of State Tax Assessor" (H. P. 132) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act Relating to Enforcement of the Statutes on Alcoholic Beverages" (H. P. 134) (Presented by Mr. Maxwell of Jay, Co-sponsor: Mr. Cote of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Increasing Salary of County Treasurer of Aroostook County" (H. P. 111) (Presented by Mr. Finemore of Bridgewater)

Bill "An Act to Require a Second Election on Any Adoption, Revision or Amendment of a Municipal Charter Invalidated Because of Procedural Error" (H. P. 116) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning the Taking of Shellfish by Holders of Commercial Shellfish Licenses" (H. P. 117) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Extend Date for Closing of Open Burning Dumps" (H. P. 130) (Presented by Mrs. Berry of Madison, Co-sponsor: Mr. Hunter of Clinton)

(Ordered Printed)

Sent up for concurrence.

Performance Audit

Bill "An Act Providing that the Department of Health and Welfare Increase Payments to Flat Rate Nursing Homes" (H. P. 119) Emergency (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Designating the Bureau of Taxation as the State Revenue Bureau and to Correct Errors and Inconsistencies in the Property Tax Laws" (H. P. 110) (Presented by Mr. Finemore of Bridgewater)

Bill "An Act to Exempt Sewer Service Charges from the Sales Tax" (H. P. 113) (Presented by Mrs. Kelley of Machias)

Bill "An Act Relating to Amount of Annual Excises Tax on Railroads" (H. P. 125) (Presented by Mr. Maxwell of Jay)

Bill "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 126) (Presented by Mrs. Kelley of Machias)

Bill "An Act Relating to Use Fuel Tax Audits" (H. P. 124) (Presented by Mr. Immonen of West Paris)

Bill "An Act to Clarify Provisions in the Motor Fuel Tax Law" (H. P. 131) (Presented by Mr. Maxwell of Jay)

Bill "An Act Relating to Sales Tax Interest and Penalties" (H. P. 121) (Presented by Mr. Cox of Brewer)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Jalbert of Lewiston presented the following Joint Order and moved its passage:

Ordered, the Senate concurring, that the Joint Standing Committee on Election Laws be authorized and directed to examine the election laws of this State as provided in Title 21 of the Maine Revised Statutes and related titles for the purpose of ascertaining as economically as possible all necessary repealers, amendments and modifications of existing laws as, in the judgment of the Committee, are necessary and appropriate and to consolidate all such repealers, amendments, modifications and recommendations in final legislative draft form for appropriate consideration at the regular session of the 107th Legislature. (H. P. 136)

The Order was read.

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

MR. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: What prompted me to put this order in, was that quite a few years ago, there were single individual bills put in for all counties, wherein it concerned itself with increases in salaries for members of county government. We would be flooded with a hike for the Clerk of Courts in Lincoln County and a hike for the Sheriff in Cumberland and a hike for the Judge of Probate in Androscoggin and so on down the line. I have seen us, believe it or not, debate on one of these bills for two or three days at a time. I have cleared this order with the Speaker and leadership of both parties and the Chairman of the Election Laws Committee.

One, this would possibly allow the Election Laws Division to probably take some of the stuff on there that shouldn't be there. Two, a great many bills of duplication form — I mean they would all come out in some way or another. This could allow them on some of the bills that are before them to add this on under one roof, make an omnibus bill out of it, of those bills that they would agree upon, and those that were going to get the axe, give it to 17-A, give it to it. Then the bills that couldn't be agreed upon would be coming out as usual in the divided reports.

I think it would allow one big omnibus bill — I know it would. It would also allow the saving of a great deal of time by debating it for one day and allowing amendments to go on for one day. It is a time saver and I think it is badly needed. Mr. Speaker, I hope the order receives passage.

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

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

ORDERED, that 5 Clerk-stenographers be employed to provide stenographic and clerical assistance to the Members of the House. Such Clerk-stenographers shall be selected, 3 by the Speaker of the House of

Representatives and 2 by the Minority Leader; and be it further

ORDERED, that the Clerk of the House include in his payroll of House Officers, the Clerk-stenographers so employed, at a salary approved by the Speaker, the House Majority Leader and the House Minority Leader.

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: I believe the Order explains itself very clearly. I would just simply emphasize the fact that these clerk-stenographers will be at the service of the members of the House for any letters or documents that they are going to need typed.

I know that in the last session this would have been a great service to me because I type with one finger. The workload on the stenographers and secretaries of leadership was so great that I always was afraid to ask them to do any work for me. So I think this will be of great help to us in providing further service to our constituents. I hope the Order will be passed.

Thereupon, the Order received passage.

(Off Record Remarks)

Pursuant to Senate Joint Order, Adjourned until Tuesday, January 14, at ten o'clock in the morning.