

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 15, 1975

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

Prayer by the Rev. Daniel R. Collins of Portland.

The journal of yesterday was read and approved.

Papers from the Senate

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

Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolve and Resolution 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 Pay for One Hundred Percent of Health Insurance Plans for State Employees" (H. P. 160) (Presented by Mr. Silverman of Calais)

Resolve Appropriating Funds for the Maintenance of Ocean Beach at Belfast (H. P. 173) (Presented by Mr. Webber of Belfast)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Require See-Through Packaging of Meat, Poultry and Fish" (H. P. 178) (Presented by Mr. Peterson of Windham)

Bill "An Act to Revise the Laws Relating to the State Board for Registration of Architects" (H. P. 179) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Determining Position of Names of Candidates on Primary Ballots and General Election Ballots" (H. P. 167) (Presented by Mr. Shute of Stockton Springs)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Establishing a Controlled Open Season on Moose" (H. P. 168) (Presented by Mr. Usher of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Provide Vocational Rehabilitation Services to Those Persons who are Deaf or Who Have Impaired Hearing" (H. P. 165) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act to Expand the Authority of Pharmacists to Dispense Drugs by their Generic Names" (H. P. 176) (Presented by Mr. Cox of Brewer)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Relating to Mandatory Reporting of Child Abuse or Neglect" Emergency (H. P. 153) (Presented by Mr. Mulkern of Portland) (Cosponsored by Mrs. Boudreau of Portland)

Bill "An Act Establishing the Civil Rights of Hemophiliacs" (H. P. 161) (Presented Mrs. Kelley of Machias)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Clarify the Laws Relating to Superior Court Commitment on Mentally Disordered Persons" (H. P. 170) (Presented by Mr. Goodwin of South Berwick)

Committee on Reference of Bills suggested the Committee on Judiciary.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move that this item be referred to the Committee on Health and Institutional Services.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: The other day, the Judiciary Committee held a hearing with respect to commitment of persons to mental institutions and the divorce laws. It would seem reasonable to me that that committee should continue to deal with those problems so that we can get an overall view of the problem itself.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mr. Goodwin of South Berwick to refer to the Committee on Health and Institutional Services and tomorrow assigned.

Bill "An Act to Clarify the Short Form Deeds Act" (H. P. 172) (Presented by Mrs. Miskavage of Augusta)

Bill "An Act to Protect Physicians Engaged in Peer Review" (H. P. 174) (Presented by Mr. Goodwin of South Berwick)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Increase the Penalty for Premeditated Animal Fights" (H. P. 162) (Presented by Mr. Tyndale of Kennebunkport) (Cosponsored by Mr. Faucher of Solon)

Bill "An Act to Amend the Charter of the Bangor Children's Home," (H. P. 155) (Presented by Mr. McKernan of Bangor)

Bill "An Act Pertaining to Junked Cars" (H. P. 169) (Presented by Mr. Tozier of Unity)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Concerning Enforcement of Sea Harvest Statutes" (H. P. 171) (Presented by Mr. Tyndale of Kennebunkport)

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

On motion of Mr. Greenlaw of Stonington, tabled pending reference and tomorrow assigned.

Natural Resources

Bill "An Act Authorizing the Department of Environmental Protection to License Privately-owned Septic Waste Disposal Sites" Emergency (H. P. 154) (Presented by Mr. Rolde of York)

Bill "An Act to Reduce the Maximum Allowable Height for Outdoor Advertising Near State Highways to Twenty-five Feet" (H. P. 177) (Presented by Mr. Peterson of Windham)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Clarify the Powers of

Kittery Water District" Emergency (H. P. 164) (Presented by Mrs. Durgin of Kittery) (Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Make the General Election Day a Bank and Business Holiday" (H. P. 166) (Presented by Mr. Usher of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to Issuance of Motor Vehicle Registrations by Municipal Tax Officers" (H. P. 152) (Presented by Mr. Churchill of Orland)

Committee on Reference of Bills suggested the Committee on State Government.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: It has always been customary that this would go to Transportation, and I so move that this be sent to the Transportation Committee.

On motion of Mr. Rolde of York, tabled pending the motion of Mr. Dudley of Enfield to refer to the Committee on Transportation and tomorrow assigned.

State Government cont'd.

Resolution, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiative and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions (H. P. 158) (Presented by Mr. McKernan of Bangor)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for Trade-in Credit Exemptions for Trailers under the Sales Tax" (H. P. 157) (Presented by Mr. McKernan of Bangor)

Bill "An Act to Exempt Incorporated Fire Fighters Associations from the Sales Tax" (H. P. 156) (Presented by Mr. Mulkern of Portland)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning the Motor Vehicle Inspection Laws" (H. P. 163) (Presented by Mr. Tyndale of Kennebunkport) (Cosponsored by Mr. Faucher of Solon)

Bill "An Act to Increase Allowable Weight Limits on the Interstate Highway System" Emergency (H. P. 175) (Presented by Mr. Finemore of Bridgewater)

(Ordered Printed)

Sent up for concurrence.

The SPEAKER: The Chair is pleased at this time to recognize in the rear of the House Maine's Potato Blossom Festival Queen from Madawaska. She is the daughter of Yoland and Philip Cyr, a freshman at Westbrook College, and she is a Valley girl, obviously from Aroostook County.

Would the gentleman from St. Agatha,

Mr. Martin, please escort Patricia Ann Cyr to the rostrum to address us.

Thereupon, Miss Patricia Cyr was escorted to the rostrum by Mr. Martin of St. Agatha, amid the applause of the House, the members rising.

Miss PATRICIA CYR: Mr. Speaker and Ladies and Gentlemen of the House: Never in my wildest dreams did I ever imagine that I would have the honor of standing here addressing you in front of the State Legislature, and I will assure you, it is an honor I will never forget.

As you must know, I am thrilled and honored beyond words in having been selected your Maine Potato Queen, and I will represent the potato industry and promote our potatoes in the best way I can and in a dignified manner.

In all honesty, I must confess that one of the most important and relating factors concerning potatoes I have learned since my reign is that they are really good for you and they are not fattening. Relieving, huh?

In conclusion, I would like to wish all the new members of the Legislature and our new Governor, Mr. Longley, the very best for the present and the future. For God only knows, our country is in dire need of good leadership, and I believe that Maine will contribute much of the help needed.

Thank you for allowing me this day and this honor, and good luck to all of you. Thank you.

Thereupon, Miss Cyr was escorted from the Hall by Mr. Martin of St. Agatha. (Applause)

Orders

Mr. Peterson of Windham, presented the following Joint Resolution, approved for introduction by a majority of the Committee on Reference of Bills, and moved its adoption:

We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred and Seventh Legislature, now assembled, most respectfully present and petition your Honorable Body as follows:

WHEREAS, the United States Congress will soon consider legislation to promote energy conservation; and

WHEREAS, among these proposals will be a measure proposed by the President to increase the tax on oil by \$1 per barrel for 3 months; and

WHEREAS, the State of Maine is far more dependent on oil as a source of energy than is most of the nation; and

WHEREAS, approximately 90% of Maine's energy is produced by oil; and

WHEREAS, Maine uses 48 barrels of oil per capita per year, compared with the national average of 28 barrels per year; and

WHEREAS, Maine is a predominately rural state with a widely dispersed population which must travel long distances to work, shop and receive health care; and

WHEREAS, Maine has few urban transit systems and no passenger rail service to utilize in place of the automobile; and

WHEREAS, most Maine utilities have requested substantial rate increases in recent months while continuing to pass on to the consumer the sixfold increase in the cost of oil by use of the so-called fuel adjustment clause; and

WHEREAS, oil costs will also increase the cost of other consumer necessities, particularly food, which must be carried into Maine by truck and train; and

WHEREAS, Maine's unemployment

rate has soared past 8% and inflation shows no signs of abating; and

WHEREAS, Maine's middle and low income people should not be deprived of their right to travel, work and live a normal life because they are not wealthy; and

WHEREAS, more fair and equitable methods of conserving energy have been proposed than the policy of conservation based on the inability to pay; and

WHEREAS, among these methods are oil and gasoline rationing, fuel allocation systems and taxes on nonessential uses of energy; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge the Maine Congressional delegation to oppose efforts to increase the cost of oil in any form and seek ways to conserve energy in a manner which treats all people, regardless of income, equally; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States and to the Members of the United States Congress from the State of Maine. (H. P. 180)

The Joint Resolution was adopted and sent up for concurrence.

On motion of Mr. Perkins of South Portland, it was

ORDERED, that James McMahan of Kennebunk be excused during the duration of his illness.

Passed to Be Engrossed

Bill "An Act to Prevent the Department of Transportation from Confiscating or Appropriating Private Water Supply Equipment in Certain Situations" (H. P. 30) (L. D. 38)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended by House Amendment "A" and sent to the Senate.

Orders of the Day

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

Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (H. P. 96) (L. D. 107)

Tabled — January 14, by Mrs. Najarian of Portland.

Pending — Further consideration.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, this came back in non-concurrence and ordered to the Committee on Election Laws. Also, another piece of legislation came from the Senate which was sent to the Committee on Human Resources called, An Act Requiring that Newly Reconstructed Public Buildings be made Accessible to the Physically Handicapped. I believe that these two bills are similar in nature and both should be taken up by the Committee on Human Resources.

This is not a change in the election laws. This deals with the physically handicapped and the elderly, and I would think since the subject matter of these two bills is very much alike, that the same committee should hear both bills.

I now move we insist.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill deals with Title 21. Title 21 is election laws. The other bill deals with Title 30. They are two different titles, and Title 21 normally goes to Election Laws. I would suggest that this go to Election Laws.

Thereupon, on motion of Mrs. Boudreau of Portland, the House voted to recede and concur.

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

Bill "An Act Prohibiting the Use of Motor Boats Powered by Internal Combustion Engines on Nokomis Pond" (S. P. 55) (L. D. 136)

Tabled — January 14, by Mr. Rolde of York.

Pending — Motion of Mr. Mills of Eastport to refer to Committee on Fisheries and Wildlife.

Mr. Mills of Eastport withdrew his motion.

Thereupon, the Bill was referred to the Committee on Public Utilities in concurrence.

Mr. Rolde of York was granted unanimous consent to address the House.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just briefly direct your attention to Item I on Page 5, under Bills in the Second Reading. This is an act which we have just passed to be engrossed. I would be remiss not to mention that this is the first bill put before us and that it was the work of the Committee on Legal Affairs, which began its activities almost immediately after we assembled here. I would like to give them a small pat on the back for the speed with which they have gotten into operation and hope that the example they have set will be a mark for the entire legislature to follow.

(Off Record Remarks)

On motion of Mr. Ault of Wayne,
Adjourned until ten o'clock tomorrow morning.