

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

Thursday, January 16, 1975

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

Prayer by the Rev. Donald Hinckley of Auburn.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Amending the Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income" (H. P. 104) (L. D. 101) which was referred to the Committee on Appropriations and Financial Affairs in the House on January 8.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House: On motion of Mr. Smith of Dover-Foxcroft, tabled pending further consideration and specially assigned for Wednesday, January 22.

Non-Concurrent Matter

Bill "An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers" (H. P. 122) (L. D. 142) which was referred to the Committee on Business Legislation in the House on January 9.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Joint Order relative to Senate and House Registers (S. P. 17) which was read and passed as amended by House Amendment "A" (H-2) in the House on January 8.

Came from the Senate passed as amended by House Amendment "A" (H-2) and Senate Amendment "A" (S-1) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from York, Mr. Rolde, moves that the House recede and concur.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This amended order is one that we discussed in the House the other day. It deals with the printing of Registers, those little booklets that contain our names and addresses, copies of the rules, the Constitution, etc.

As you may remember, the original order, which originated in the other body, called for the printing of 25,000 of these Registers. In a spirit of economy, we cut that figure to 15,000, or the number that we had originally printed during the last session. It was my feeling, and perhaps I was being uncharacteristically conservative, that in this year of economic uncertainty we should tighten our belts a little and live within the 15,000 figure, although I believe that eventually in the last session we did go to about 17,000.

I know that the gentleman in the other corner, Mr. Palmer, shared my feelings, but the leadership in the other body were in apparently a more open-handed frame of mind and argued vociferously that we

should up the printing order to 25,000. Since politics is the art of compromise, the gentleman from Nobleboro, Mr. Palmer, and myself, have reluctantly agreed to the compromise figure of 20,000, and that is what the amendment of this order calls for, and that is the reason I have made this motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, I move we insist on our action where we authorized the printing of 15,000 copies of the Senate and House Register, and I wish to speak on my motion.

The SPEAKER: The Chair would inform the gentleman that the motion to recede and concur has precedence; however, if the motion to recede and concur were defeated, the motion to insist would be in order. However, he can proceed on the motion to recede and concur and in order to put his point across, he would argue against the motion to recede and concur.

The gentleman may proceed.

Mr. LAFFIN: Mr. Speaker and Members of the House: I oppose the additional printing of the House and Senate Registers, as I see it a waste of the taxpayers' money.

Mr. Rolde told me this morning that it would cost us about \$1,700 more on top of what has already been allotted for this. I feel that if the Registers are so valuable for us to give away, throw away, keep in our cars, then I say we should pay for them out of our own pockets. If this were the case, I am sure that 250 would be plenty.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I recommend that Mr. Laffin make an amendment to this order and see where it goes from there.

Mr. Laffin of Westbrook requested a vote on the motion to recede and concur.

The SPEAKER: The pending question is on the motion of the gentleman from York, Mr. Rolde, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

From the Senate: Bill "An Act to Redefine the Term 'Payable to Installments' under the Maine Consumer Credit Code" (S. P. 61) (L. D. 178).

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, the Bill was referred to the Committee on Business Legislation in concurrence.

**Petitions, Bills and Resolves
Requiring Reference**

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

Election Laws

Bill "An Act to Change the Date of the Primary Election" (H. P. 188) (Presented by Mr. Bagley of Winthrop)

(Ordered Printed)
Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Exempt Fuel Adjustment

Charges from the Sales Tax" (H. P. 189) (Presented by Mrs. Tarr of Bridgton)

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

On motion of Mr. Dam of Skowhegan, tabled pending reference and specially assigned for Wednesday, January 22.

Order Out of Order

From the Senate: The following Joint Order: (S. P. 71)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 21, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was received out of order by unanimous consent, read and passed in concurrence.

Fisheries and Wildlife

Bill, "An Act Relating to the Statewide Open Deer Season" (H. P. 191) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill, "An Act to Clarify the Laws Relating to Human Rights" (H. P. 187) (Presented by Mr. McKernan of Bangor)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill, "An Act Regulating the Collection and Return of Tenant Security Deposits by Landlords" (H. P. 194) (Presented by Mr. Mulkern of Portland)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

RESOLVE to Reimburse Kenneth I. Coombs for Legal Fees Caused by Unwarranted Action of the State Board of Education. (H. P. 186) (Presented by Mr. Hinds of South Portland)

RESOLVE to Reimburse Evelyn Bass of Bucksport for Loss of Beehives by Bear. (H. P. 192) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill, "An Act to Provide for the At-Large Election of County Commissioner of Oxford County" (H. P. 190) (Presented by Mr. Fraser of Mexico)

(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. 182) (Presented by Mr. MacEachern of Lincoln) (Cosponsor: Mr. Goodwin of So. Berwick, Mr. Wilfong of Stowe, and Mr. Martin of St. Agatha)

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

On motion of Mrs. Najarian, tabled pending reference and specially assigned for Tuesday, January 21.

State Government

Resolution, Proposing an Amendment to the Constitution to Abolish the Executive Council and to Reassign its Constitutional Powers. (H. P. 184) (Presented by Mr. Tyndale of Kennebunkport) (Cosponsor: Mr. Faucher of Solon)

Resolve, Authorizing the Director of the Bureau of Forestry to Convey the Interest

of the State in and to Certain Land in Medford, Piscataquis County. (H. P. 181) (Presented by Mr. Winship of Milo) (Ordered Printed) Sent up for concurrence.

Taxation

Bill "An Act Exempting Gas for Cooking and Heating in Homes from Sales Tax" (H. P. 183) (Presented by Mr. Kelleher of Bangor)

Bill "An Act to Allow a Trade-in Credit on the Sales Tax on Boats" (H. P. 185) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mrs. Clark of Freeport, Mrs. Byers of Newcastle, and Mr. MacLeod of Bar Harbor)

Bill "An Act to Clarify the Laws Relating to the Bureau of Property Taxation" (H. P. 193) (Presented by Mr. Drigotas of Auburn) (Ordered Printed) Sent up for concurrence.

Orders

Mr. Jackson of Yarmouth presented the following Joint Resolution, and moved its adoption:

In Memoriam

Having Learned of the Death of Mrs. Minnie E.C. Knapp

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine. (H. P. 195)

The Joint Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say a few words about Mrs. Knapp. Mrs. Knapp was born in Jonesport in 1897. She served three terms in this House. She was an outstanding citizen, both to the State of Maine and throughout the Town of Yarmouth.

I would like to list very briefly just a few of the many, many things that she has done for the citizens of Maine and to serving our town. She was for nine years a member of our town council — this was right up until the time of her death — she was a justice of the peace, a deputy sheriff, the town health officer and town constable. She was for 55 years a practicing druggist, which we believe is the nation's longest period for a practicing druggist. This gives so many of her achievements and so many of the things she did.

A person is born into the world with nothing; then contributes so much and takes nothing with them, how can one be sad?

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

Mr. Snow of Falmouth, presented the following Order:

ORDERED, that in the interest of the health, comfort and safety of those in this chamber and to set an example for the youth of this State who frequent our gallery, the Members of the House of Representatives shall not smoke in the House Chamber when the House is in session.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker and Members of the House: This order will replace one which is currently on the table, and it is directed to meet an objection of the gentleman from Portland, Representative Connolly, who was concerned that the previous order implied that he should not smoke anywhere while the House is in session, whether he was in California or in the Chamber of the House. The new order refers specifically to the House.

Mr. Speaker, in closing, I would like to point out that some of our friends who enjoy their cigarettes sometimes forget the extent to which they are enjoying them. I noticed that my seatmate has one cigarette in this ashtray and one in the next ashtray.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I would move indefinite postponement of this order.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves the indefinite postponement of this Joint Order.

The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to tell the gentleman from Falmouth, Mr. Snow, that I do appreciate his attempt to take some of the objections out of the order that he originally presented. However, I still feel that there are some objections to this order, and I think possibly that these objections could be worked out if somebody would rise and table this order for about 130 legislative days.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that this Order be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 91 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the adoption of this House Order. The Chair will order a vote. All those in favor of the adoption of this Order will vote yes; those opposed will vote no.

A vote of the House was taken.

97 having voted in the affirmative and 45 having voted in the negative, the motion did prevail.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, I now move we reconsider our vote, and I would urge those to vote against me that favor the no smoking.

The SPEAKER: The gentleman from Falmouth, Mr. Snow, moves that the House reconsider its action whereby this Order, was adopted. All those in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

House Reports of Committees Divided Report

(Item 1) Majority of the Committee on Fisheries and Wildlife reporting "Ought to pass" on Bill "An Act to repeal requirements for an Atlantic Salmon Stamp under Fish and Game Law" (H. P. 11) (L. D. 16)

Report was signed by the following Members: Messrs. MILLS of Eastport, KAUFFMAN of Kittery, PETERSON of Caribou, TOZIER of Unity, USHER of Westbrook, MARTIN of St. Jagatha, MacEACHERN of Lincoln. — of the House.

Minority Report of the same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following members:

Messrs. McNALLY of Hancock, GRAFFAM of Cumberland, PRAY of Penobscot — of the Senate.

Messrs. CHURCHILL of Orland, WALKER of Island Falls, DOW of West Gardiner — of the House.

Reports were read.

On motion of Mr. Mills of Eastport, tabled pending acceptance of either Report and specially assigned for Tuesday, January 21.

Consent Calendar

First Day

(H. P. 12) (L. D. 17) Bill "An Act Relating to the Taking of Alewives in the Town of Whiting, Washington County" Committee on Fisheries and Wildlife Reported "Ought to Pass"

Orders of the Day

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

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

Tabled — January 15 by Mr. Rolde of York.

Pending — Motion by Mr. Dudley of Enfield to Refer to the Committee on Transportation.

On motion by Mr. Rolde of York, retabled pending the motion of Mr. Dudley of Enfield to refer to the Committee on Transportation and specially assigned for Tuesday, January 21.

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

Bill "An Act to Clarify the Laws Relating to Superior Court Commitment of Mentally Disordered Persons" (H. P. 170)

Tabled — January 15 by Mr. Rolde of York.

Pending — Motion by Mr. Goodwin of So. Berwick to refer to the Committee on Health and Institutional Services.

Thereupon, was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

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

Bill "An Act Concerning Enforcement of Sea Harvest Statutes" (H. P. 171)

Tabled — January 15, by Mr. Greenlaw of Stonington.

Pending — Reference.

Thereupon, was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned matter: House Order, Relative to Smoking While in Session.

Tabled — January 14 by Mr. Snow of Falmouth.

Pending — Passage.

Mr. Snow of Falmouth withdrew the Order.

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker, Ladies

and Gentlemen of the House: You may have noticed that on your desks this morning there was an interdepartmental memorandum that was sent to Governor Longley and then referred back to Speaker Martin and as I understand it, the President in the other body, concerning the economic impact of the President's message and his request of \$3 per barrel of oil tax and what impact it is going to have on the consumers of Maine.

He begins his remarks by saying that the government must begin immediately in an all-out campaign educating the public, the every day energy user, about the energy picture. The remainder of his remarks on the first pages are important, but I think the real eye opener for the people of Maine is on page 2, and there it says that it will cost approximately \$151 million to the consumers in this state if this program is implemented at the request of the President.

You may want to take this home with you and put it in your daily and weekly papers so the people of Maine are going to realize what a terrific burden is coming to the people in this state, and I am sure the rest of the nation is going to realize the impact of what it is going to have on the every day consumer and family and their individual states.

As you can see, the household and commercial request will go to fifty to a million more dollars. The industrial impact is \$27 million more dollars, transportation \$54 million, and so on. I would urge that each and every one of us would take time to write your congressmen and your senators to tell them that we would respectfully ask that Washington send some type of a supplemental appropriation back to the states so we in turn can help the consumer in this state. We are a very poor state; perhaps two-thirds of us could apply for any number of social welfare programs out of the federal government, and this \$3 request by the President seems to me to be very unbearable, unless he has a program of subsidizing the homeowner and the consumer in this State.

Representative Martin thought we would have this distributed with our names on it for your interest, and perhaps it may be helpful to you and your constituents when you return home this weekend.

(Off Record Remarks)

On motion of Mr. Faucher of Solon,
Adjourned until Tuesday, January 21, at
ten o'clock in the morning.