

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 23, 1975

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

Prayer by the Rev. Frank A. Pitman of Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Bills and Resolution from the Senate requiring reference were disposed of in concurrence, with the following exception:

Bill "An Act to Clarify the Laws Relating to Dentistry: (S. P. 70) (L. D. 235).

Came from the Senate referred to the Judiciary Committee and ordered printed.

In the House: On motion of Mr. Goodwin of South Berwick, tabled pending reference in concurrence and specially assigned for Tuesday, January 28.

Report of Committee Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Bill "An Act Relating to Salary, Expenses and Travel of Members of the Legislature" (S. P. 13) (L. D. 56)

In accordance with Joint Rule 17-A, was placed in the legislative files.

Petitions, Bills and Resolves Requiring Reference

The following Bills, Resolve and Resolutions 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 Supporting Additional Positions for Department of Health and Welfare" (H. P. 289) (Presented by Mr. LaPointe of Portland)

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans. (H. P. 293) (Presented by Mr. Dirigotas of Auburn)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Requiring Security Deposits for Insurance Companies Transacting Business in Maine (H. P. 276) (Presented by Mr. Hewes of Cape Elizabeth)

Bill "An Act to Provide for Staggered Licensing of Hearing Aid Dealers and Fitters" (H. P. 280) (Presented by Mr. Fraser of Mexico)

Bill "An Act Relating to Limit of Insurance Risk Exposure under the Maine Insurance Code" (H. P. 292) (Presented by Mr. Hewes of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Prohibit Corporal Punishment of Pupils" (H. P. 275) (Presented by Mr. Henderson of Bangor) (Cosponsored by Mr. Ingegneri of Bangor) Committee on Reference of Bills suggested the Committee on Education.

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

Mr. TALBOT: Mr. Speaker, I move this bill be referred to the Committee on Human Resources.

Thereupon, on motion of Mr. Henderson

of Bangor, tabled pending the motion of Mr. Talbot of Portland that the Bill be referred to the Committee on Human Resources and specially assigned for Wednesday, January 29.

Education

Bill "An Act Concerning Tuberculosis Control Requirements for School Personnel" (H. P. 282)

(Presented by Mr. Fraser of Mexico)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Repeal the Bounty on Bobcats" (H. P. 287) (Presented by Mr. Cooney of Sabattus)

Bill "An Act to Increase the Amount of Trout, Salmon, Togue and Black Bass which may be Legally Possessed" (H. P. 296) (Presented by Mr. Quinn of Gorham)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Abolish the Statewide Central Tumor Registry of the Department of Health and Welfare" (H. P. 283) (Presented by Mr. Fraser of Mexico)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act to Protect Families with Children and Recipients of Certain Benefits Against Discrimination in Rental Housing" (H. P. 273) (Presented by Mr. Henderson of Bangor)

Bill "An Act to Clarify the Laws of the Passamaquoddy Tribe of Indians" (H. P. 279) (Presented by Mr. Mills of Eastport)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Repeal the Statutory Provision Against Suspending a Sentence for Conviction of Assault with a Firearm or Granting Probation from that Sentence" (H. P. 274)

(Presented by Mr. Hinds of South Portland)

Bill "An Act Restricting the Use of Personal Recognizance as Bail to Persons Committing Misdemeanors." (H. P. 297)

(Presented by Mr. Faucher of Solon)

Bill "An Act to Require Imprisonment for any Crime Committed by a Person while Released Pending Trial" (H. P. 299) (Presented by Mr. Faucher of Solon)

Bill "An Act to Require Restitution by Offenders whose Cases have been Continued for Sentence and who have been Placed on Probation" (H. P. 300) (Presented by Mr. Faucher of Solon)

RESOLUTION, Proposing an Amendment to the Constitution to Provide a Non-Jury Trial for Petty Criminal Offenses (H. P. 301) (Presented by Mr. Faucher of Solon)

(Ordered Printed)

Sent up for concurrence.

Order Out of Order

From the Senate: The following Joint Order: (S. P. 95)

Ordered, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, January 28, at ten o'clock in the morning.

Came from the Senate read and passed.

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

Legal Affairs

Bill, "An Act to Include Rodent Infestation in the Definition of Nuisances" (H. P. 281) (Presented by Mr. Fraser of Mexico)

RESOLVE, to Reimburse G. Gordon Gilman of Stow for loss of Bee Hives by Bear. (H. P. 291) (Presented by Mr. Wilfong of Stow)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Amend the Law Relating to Scallop Fishing Licenses" (H. P. 284) (Presented by Mr. Blodgett of Waldoboro)

Bill, "An Act to Amend the Alewife Fishing Laws Relating to Municipalities" (H. P. 286) (Presented by Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to the Composition and Duties of the Maine Real Estate Commission" (H. P. 277) (Presented by Mr. Hewes of Cape Elizabeth)

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

On motion of Mrs. Boudreau of Portland, tabled pending reference and specially assigned for Tuesday, January 28.

State Government

Bill "An Act Repealing the Mandatory Incorporation of Regional Planning Commissions" (H. P. 278) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act to Clarify the Confidentiality Provisions of the Maine Housing Authorities Act" (H. P. 285) (Presented by Mr. Cooney of Sabattus)

RESOLUTION, Proposing an Amendment to the Constitution Providing that Every Proposed Amendment to the Federal Constitution be put to a Statewide Advisory Election (By Request) (H. P. 288) (Presented by Mr. Quinn of Gorham)

RESOLUTION, Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms (H. P. 298) (Presented by Mr. Faucher of Solon — Cosponsored by Mr. Carey of Waterville)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Abolish the Board of Visitors to State Correctional Institutions and to Create the Maine Correctional Advisory Commission" (H. P. 290) (Presented by Mr. LaPointe of Portland)

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

On motion of Mr. Goodwin of South Berwick, referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Orders

Mr. Davies of Orono presented the following Joint Order and moved its passage:

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

The Orono High School Red Riots State Class C Track and Field 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. 294)

The Order was read and passed and sent up for concurrence.

Mrs. Berry of Madison presented the following Joint Order and moved its passage:

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Madison Bulldogs Football Tam Mountain Valley Conference Championship Class C Tri-Champions 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. 295)

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The Town of Madison is very proud of their football team this year. Although this is not a first for them, they had a championship about 11 years ago, however, it has been their best record, with 10 winnings and no losses.

They have three coaches who have coached this team to their victory; namely, John Wolgram, Buddy White and John Krasnavage, and I am sure you will all join in with me in congratulating this team. (Applause)

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

House Reports of Committees Ought Not to Pass

Mr. Smith of Portland from Committee on Appropriations and Financial Affairs on Bill "An Act to Reduce the Pay of State Legislators" (H. P. 118) (L. D. 140) reporting "Ought Not to Pass"

In accordance with Joint Rule 17-A, was placed in the Legislative Files.

Mr. MacEachern of Lincoln from Committee on Fisheries and Wildlife on Bill "An Act to Allow Growers to Protect their Crops Against Damage by Deer" (H. P. 66) (L. D. 78) reporting "Ought Not to Pass"

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

Mr. MILLS: Mr. Speaker and Members of the House: That the House may understand, on page 5, item 2, also down below on item 2, in regard to the deer that are doing damage to blueberry fields, the top one was my bill which would return us back to the old wide open status. Item 2 down below, An Act relating to Deer doing Damage to Blueberry Lands, is reported out of Fisheries and Wildlife as "Ought to Pass" is the one presented by

Representative Silverman. This does put a mild deterrent on how it shall be done.

If deer are doing damage to a blueberry field, the person owning the land has to apply to the local warden and get a three-day permit to remove the deer from doing the damage. I believe that item 2 down below was a much better bill than the one I had.

Thereupon, in accordance with Joint Rule 17-A, was placed in the Legislative Files.

Leave to Withdraw

Mr. Faucher of Solon from Committee on Legal Affairs on Bill "An Act to Permit the Sale of Fireworks for 2 Weeks Before July 4th and on July 4th." (H. P. 129) (L. D. 148) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

(H. P. 81) (L. D. 103) Bill "An Act to Clarify the Authorized Indebtedness of the Ellsworth School District." Committee on Education reporting "Ought to Pass"

(H. P. 39) (L. D. 50) Bill "An Act Relating to Deer Doing Damage to Blueberry Lands." Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 120) (L. D. 145) Resolve, to Reimburse the Town of Dennysville for Welfare Expenditures. Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 132) (L. D. 149) Bill, "An Act Authorizing Facsimile Signature of State Tax Assessor" Committee on Legal Affairs reporting "Ought to Pass"

Passed to Be Engrossed

Bill "An Act Designating a Commemorative Day in Remembrance of Martin Luther King Jr." (H. P. 17) (L. D. 25)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

Passed to Be Enacted

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 Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker 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 Amending the Elderly Householders Tax and Rent Refund Act to Expand Eligibility to Recipients of Supplemental Security Income" (H. P. 104) (L. D. 101)

Tabled — January 22, by Mr. Smith of Dover-Foxcroft

Pending — Further Consideration

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

Mrs. GOODWIN: Mr. Speaker and Ladies and Gentlemen of the House: A word of explanation as to why this has been lying on the table; the House originally referred this piece of legislation to the Appropriations Committee. It was sent back in nonconcurrence by the Senate, ordered to the Taxation

Committee. It was my feeling originally, and it was the feeling of Reference of Bills, that this should be and eventually will become an Appropriations matter. It merely strikes out the clause which says that S.S.I. recipients are not eligible and that one strike-out will cost \$2 million dollars a year. So it will eventually come to the Appropriations Committee but we will admit that there is a precedent for sending this bill to the Committee on Taxation. It was originally referred there when I introduced it in 1969 and all subsequent amendments have gone to the Committee on Taxation. This legislation is the number one priority of Maine's elderly in this session of the Legislature as it came out of the Blaine House conference on ageing.

We would urge that the Committee on Taxation expedite this matter and get it before us as soon as possible. I now move that we recede and concur.

Thereupon on motion of Mrs. Goodwin of Bath, the House voted to recede and concur.

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

Bill "An Act to Clarify Municipal Obligation for Relief under the Pauper Laws" (H. P. 245)

Tabled — January 22, by Mr. Raymond of Lewiston

Pending — Reference

On motion of Mr. Raymond of Lewiston, was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have asked to address some remarks on the record today and I hope you will bear with me because I am concerned over what may appear to some to be a trend that has developed in the approximately three weeks that we have been here and that was brought into focus by certain statements that were made here yesterday.

What I am referring to is the succession of critical comments that have been made in this body about Governor Longley. The attacks on the Governor have been made by individual members of the House who have expressed their feelings on a variety of issues, ranging from women's rights to an inability to discuss a local economic development problem with the State's Chief Executive. It is no secret that the members who have spoken out publicly against the Governor are Democrats and there have been rumors and statements circulated that these isolated happenings are somehow part of a planned Democratic strategy to continue an ever-increasing tempo of attacks against the Governor.

As a Democratic leader, I categorically denounce any such charge or even the intimation that the statements that were made here during the past three weeks were anything except the individual expressions of individual members. These past three weeks have been difficult weeks of adjustment. Many dramatic and traumatic changes have been made. An entirely new style of governing has evolved on the second floor and I know that in the process there have been severe feelings of frustration engendered on the part of legislators of both parties and I know, too, that the Governor and the

Governor's office has become aware of these problems. And in the last day or two, they have taken action to try to deal in a more effective manner with the needs of legislators and to provide direct access to the Governor.

Having spent six years, myself, as a gubernatorial assistant, I can sympathize with the crushing burden of work that has fallen upon the governor and his staff — a burden that is compounded by the Chief Executive's relative inexperience in the field of government. These rough edges in our relationship have still to be smoothed away and, in some respects, of course, there will always be tension in our relationship, as there always has been between any legislature and any Governor, for we are separate branches of government, neither subservient to the other, conducting ourselves from independent points of view of how we can best serve the public interest.

I think this was expressed very well yesterday at our Democratic caucus, at which we discussed this problem of our relationship with the Governor. When it was said that, "When we believe he is right, we will support him; and when we believe he is wrong, we will speak out and oppose him and we will do our level best as a party to cooperate not only with the Governor, but with the opposite Party and with all segments of Maine society concerned with the public good."

We Democrats know that government cannot be a one way street; that no one group can have things entirely as they'd please and we sincerely regret it if any impression has been given that we have embarked on any hostile plan of action against Governor Longley. Nothing could be further from the truth. And since actions speak louder than words, I would like to state that the Democratic leadership will very shortly today be issuing a statement that expresses support for Governor Longley in his action yesterday in calling for a moratorium on utility rate increases. We approve the step that he has taken and we intend to help him move further in the direction of relief for the consumers of Maine.

Mr. DUDLEY: of Enfield was granted unanimous consent to address the House:

Mr. DUDLEY: Mr. Speaker, Members of the House: I don't need nobody to speak my piece as a leader of any kind. I am not being led by anybody but I tell you, I am in agreement with the Governor. I agree with what he has done and I think he is going to be a good governor. So far, I'm 100 percent behind him. But when I am not, I am not going to tell this House and the public and the press; I'm going to tell the Governor. He is going to know right where I stand, and I hope before the session is over you know where I stand. But there's nobody going to need to speak for me and I'm not going around and criticizing the Governor without first checking it out with him. I suggest that might be a good idea for some of the others. I think at this point he's done a good job; he is trying and he is a new man and he is doing a remarkable job and he is trying hard and he is doing just what he thinks needs to be done and I agree with him. But anytime I don't, he's the first fellow I am going to see.

Mr. LAFFIN of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Members of the House: I've been a member of this

body of lawmakers for exactly eleven working days. Our Governor has held the office for the same length of time. On three of those eleven days my colleagues from the other side of the aisle have attacked our Governor viciously, in my opinion. I could go into the fact that they had called him all kinds of things but at this time I do not feel that I should as all members here present know what it was.

It is hard for me to conceive that after only eleven days as our Governor, a man could do so many things; so many things wrong in such a short time. Could it be that my colleagues from the other side of the aisle, after eight years of a truly irresponsible governor, that they are afraid that it might continue? We've had the biggest spender of our time for eight years, one floor below us. And now a man comes along who wants to save the taxpayers money and you are ready to crucify him and condemn him before his seat is even warm.

I ask you, was our last Governor viciously attacked in this manner? Was he attacked in eleven days? A month? Two years? Five years? Eight years? I say to you, Are we so miserable in this legislature that we have become so personal with our desires to have our own candidate elected that we cannot see the qualifications of an Independent Governor?

The Governor has no one here to defend him. I ask you and I beg you, give this man a chance or we will be divided and divided we will fall. The people of Maine, our people, my people and your people, those are the ones who will suffer. Words will be said and wounds will never be healed. These continuous attacks — personal attacks on our Governor are outrageous, in my opinion, certainly, uncalled for.

There are those who will say I am speaking for the Governor. Well, let me assure you, ladies and gentlemen, I speak for no man; I speak for myself. I have a bill right here in my hand that I was going to sign and put in the hopper today. It's a bill that would cut the Governor's pay back to last year's salary, hoping that we could then first cut our own salaries, then the Governor's, then department heads and start saving the people of this state money. Well, this is what I think of this bill now (throwing bill into the air) - - -

The SPEAKER: The gentleman would kindly refrain from throwing anything in this body.

Mr. LAFFIN: I will, Mr. Speaker.

A member of this legislature stood up in our pre-legislative conference and he said something that I well remember. He said, "Be truthful and give your word. When you give your word, stick to it."

I say to you, Ladies and Gentlemen, "Are you truthful with yourselves when you say that you have given the Governor a fair chance?"

Apparently, spending by the Legislature is a way of life just as long as the taxpayers and the working people pick up the tab. You can spend your own money freely; that's your business, nobody cares. But you have an obligation to the people of this state who elected you, who put you in office, to use their money wisely. But after eight years of living in what we've lived under, I can understand why you spend money freely. I stand before you today humbled to serve the people of my state. I'm proud to stand in this legislature. I stand before you today defending our Governor. I will not judge his ability on the short time of service that he has been our

Governor; nor should you be judged on the short time.

Everyone has the right to criticize. I agree whole-heartedly. But I say to you, give him a chance; the same chance that you would want; that I would want. For I would hate to be judged by the people of Westbrook for only eleven days in office and I'm sure that you wouldn't want to be judged by eleven days in office by your home town. I believe that any man deserves more than that and judging a man on eight days, twelve days or even thirty days of service, is a pitiful cry of injustice compared to eight years.

I ask that we put our personal feelings aside; give him a chance. If he does not come through with our wishes later on, I'll be the first to join you. But I ask you now, give him a chance.

Thank you.

(Off Record remarks.)

On motion of Mr. Berry of Saco,
Adjourned until Tuesday, January 28, at
10:00 o'clock in the morning.