

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 29, 1975

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

Prayer by the Rev. Russell Peppe of Auburn.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate:

Bill "An Act Creating the Maine Criminal Code" (S. P. 113) (L. D. 314)

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

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

Reports of Committees**Divided Report****Tabled and Assigned**

Majority Senate Report of the Committee on State Government reporting "Ought to Pass" on Resolution, Proposing an Amendment to the Constitution, Reducing the Size of the House of Representatives and Establishing the Size of the Senate (S. P. 2) (L. D. 2)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland, CURTIS of Penobscot of the Senate.

Mr. LEWIN of Augusta, Mr. COONEY of Sabattus, Mr. FARNHAM of Hampden, Mr. PELOSI of Portland, Mr. CARPENTER of Houlton, Mrs. KANY of Waterville, Mr. STUBBS of Hallowell, Mr. QUINN of Gorham, Mrs. SNOWE of Auburn - of the House.

Minority Report of same Committee reporting "Ought Not To Pass" on same Resolution.

Report was signed by the following members:

Mr. WYMAN of Washington - of the Senate. Mr. WAGNER of Orono - of the House.

Came from the Senate with the Majority Report accepted and the Resolution passed to be engrossed as amended by Senate Amendment "A" (S-2)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority Report and would ask someone to table this bill for two legislative days for two reasons. One, as we are aware, we have a very limited time for our session this morning because there are hearings at ten o'clock. Second, our minority leadership is not here this morning, so I would ask someone to table this for two legislative days.

Thereupon, on motion of Mr. Smith of Dover-Foxcroft, tabled pending the motion of Mr. Cooney of Sabattus to accept the Majority "Ought to pass" Report in concurrence and specially assigned for Tuesday, February 4.

Messages and Documents

The following Communication:

STATE OF MAINE
House of Representatives
Augusta

December 4, 1974

Mr. Edwin H. Pert
Clerk of the House
107th Legislature
State House
Augusta, Maine

Dear Mr. Pert:

The Republican members of the House of Representatives of the 107th Legislature held a caucus on December 3, 1974 at which time they elected their floor leaders.

Elected to be Minority Floor Leader was Linwood E. Palmer, Jr. of Nobleboro and elected as Assistant Minority Floor Leader was John R. McKernan, Jr. of Bangor.

Respectfully yours,
/s/ JOYCE E. LEWIS
Secretary of the Caucus

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
House of Representatives
Augusta

December 4, 1974

Mr. Edwin H. Pert
Clerk of the House
107th Legislature
State House
Augusta, Maine 04330

Dear Mr. Pert,

The Democratic members of the House of Representatives of the 107th Legislature held a caucus on December 3, 1974, at which time they elected their floor leaders.

Elected to be Majority Floor Leader was Neil Rolde of York and elected as Assistant Majority Floor Leader was Mary Najarian of Portland.

Respectfully yours,
/s/ NANCY RANDALL CLARK
Secretary of the Caucus

The Communication was read and ordered placed on file.

The following Communication: (H. P. 381)

STATE OF MAINE

January 28, 1975

To the Honorable John L. Martin,
Speaker of The House of Representatives
of the One Hundred And Seventh
Legislature:

I have the honor to herewith transmit the budget estimates of expenses of the sixteen counties within the State for the years 1975-1976, the same having been filed in this office according to the provisions of Title 30, Sections 252 and 253, of the Revised Statutes, as amended of 1972.

/s/ MARKHAM L. GARTLEY
Secretary of State

The Communication read and referred to the Committee on Local and County Government, and sent up for concurrence.

The following Communication: (H. P. 382)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

January 28, 1975

The Honorable John Martin
Speaker of the House of Representatives
107th Legislature
State House

Dear Speaker Martin:

I respectfully request an opportunity to address a joint convention of the Maine State Legislature at 10 a.m. Thursday, February 6th, 1975, to present the budget message for the 1976-1977 biennium.

Sincerely,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

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:

Business Legislation

Bill "An Act Relating to Unlawful Discrimination in the Extension of Credit" (H. P. 337) (Presented by Mrs. Clark of Freeport)

Bill "An Act to Require Further Notice of Free Choice of Insurance" (H. P. 372) (Presented by Mr. Tierney of Durham)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Changing the Formula for State Subsidy of Education" (H. P. 347) (Presented by Mr. Mackel of Wells) (Cosponsors: Mr. MacLeod of Bar Harbor and Mr. Perkins of Blue Hill)

Bill "An Act to Provide Free Tuition to Certain Maine Residents 65 Years of Age or Older who are Enrolled in a State Supported Institution of Higher Learning" (H. P. 358) (Presented by Mr. Faucher of Solon)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Require Grouping of Candidates by Party on General Election Ballots" (H. P. 349) (Presented by Mr. Jalbert of Lewiston)

Bill "An Act Concerning Candidate Access to General Register of Voters Files and Concerning Voting Machines" (H. P. 355) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to Transporting Deer in Open View" (H. P. 344) (Presented by Mr. Walker of Island Falls)

Bill "An Act Relating to Fluorescent Orange Clothing to be Used when Hunting" (H. P. 345) (Presented by Mr. Walker of Island Falls)

Bill "An Act Relating to Hunting Pheasants" (H. P. 346) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Require Nonresidents of Maine to Use the Services of a Maine Guide when Hunting in Washington County" (H. P. 371) (Presented by Mrs. Kelley of Machias)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Remove Certain Laboratories from Exemption under the Maine Medical Laboratory Act" (H. P. 356) (Presented by Mr. Talbot of Portland)

Bill "An Act Relating to Membership on Advisory Commission under Maine Medical Laboratory Act" (H. P. 361) (Presented by Mr. Talbot of Portland)

Bill "An Act to Require Proficiency Testing of Services Provided by Hospital Laboratories" (H. P. 362) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Relating to the Provision of Aftercare Services to Entrusted Juveniles" (H. P. 376) (Presented by Mr. Curran of South Portland)

The Committee on Reference of Bills

suggested the Committee on Health and Institutional Services.

On motion of Mr. Perkins of South Portland, tabled pending reference and tomorrow assigned.

Judiciary

Bill "An Act Relating to the Liability of Physicians and Surgeons Rendering Emergency Care" (H. P. 336) (Presented by Mr. Curran of South Portland) (Cosponsor: Mrs. Post of Owl's Head)

Bill "An Act Relating to the Liability of Registered and Licensed Practical Nurses" (H. P. 340) (Presented by Mr. Curran of South Portland) (Cosponsor: Mrs. Post of Owl's Head)

Bill "An Act Relating to Evidence of Stolen Property" (H. P. 341) (Presented by Mr. Rolde of York)

Bill "An Act to Remove District Court Jurisdiction over Noncriminal Acts Committed by a Juvenile" (H. P. 350) (Presented by Mr. Mulkern of Portland)

Bill "An Act Reducing the Maximum Age of a Juvenile Offender to 16" (H. P. 368) (Presented by Mr. Faucher of Solon) (Cosponsor: Mr. Carey of Waterville) (Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Extend Standard Coverage under the Minimum Wage Statutes to Employees of Nursing Homes and Hospitals" (H. P. 339) (Presented by Mr. Curran of South Portland)

Bill "An Act to Repeal the Seasonality Provision of the Employment Security Law" (H. P. 351) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mr. Finemore of Bridgewater)

Bill "An Act to Protect Minimum Wage Standards from Inflation" (H. P. 357) (Presented by Mr. Henderson of Bangor)

Bill "An Act Concerning Appeals from a Determination that an Employing Unit is an Employer Subject to the Employment Security Law" (H. P. 374) (Presented by Mr. Snow of Falmouth)

Bill "An Act to Include Salaries, Pensions and Insurance for Binding Arbitration under the Municipal Public Employees Labor Relations Law" (H. P. 375) (Presented by Mr. Jalbert of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Resolve, to Reimburse A.L. Stewart and Sons of Cherryfield for Loss of Beehives by Bear. (H. P. 335) (Presented by Mr. MacLeod of Bar Harbor.)

Resolve, to Reimburse Alton M. Dixon of Orrington for Property Damage Caused by Beaver. (H. P. 353) (Presented by Mr. Cox of Brewer)

Resolve, to Reimburse David P. Mayo of Deer Isle for Fine Erroneously Paid to the State. (H. P. 360) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

Liquor Control

Bill "An Act to Allow Municipalities to Permit the Sale of Malt Liquor in All Restaurants, Class A Taverns and Taverns on Sunday" (H. P. 338) (Presented by Mr. Jensen of Portland)

(Ordered Printed)

Sent up for concurrence.

Performance Audit

Bill "An Act Relating to Revenue

Sharing and Financial Relief to Counties for Expenses of the Superior and Supreme Judicial Courts" (H. P. 354) (Presented by Mr. Kelleher of Bangor)

The Committee on Reference of Bills suggested the Committee on Local and County Government.

On motion of Mr. Kelleher of Bangor, referred to the Committee on Performance Audit, ordered printed and sent up for concurrence.

Local and County Government

Bill "An Act to Increase Salaries of County Officers for the County of Somerset" (H. P. 377) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Increasing the Annual Payment to the Washington County Law Library" (H. P. 380) (Presented by Mr. Fenlason of Danforth)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Creating the New Portland Water District" (H. P. 359) (Emergency) (Presented by Mr. Faucher of Solon)

Bill "An Act to Amend the Charter of the Sanford Water District" (H. P. 352) (Emergency) (Presented by Mr. Nadeau of Sanford)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Authorize the Executive Council to Approve or Disapprove Certain Claims Against the State" (H. P. 366) (Presented by Mr. Mulkern of Portland) (Cosponsor: Mr. Silverman of Calais)

Bill "An Act to Reorganize the State Personnel Board" (H. P. 370) (Emergency) (Presented by Mr. Farnham of Hampden)

Bill "An Act Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission" (H. P. 363) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning Excise Tax Credits on Motor Vehicles" (H. P. 348) (Presented by Mr. Dyer of South Portland)

Bill "An Act to Increase Exemptions for the Inheritance Tax and to Increase the Inheritance Tax Rate" (H. P. 367) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Provide Excise Tax Refund for Construction and Operation of Breweries within the State" (H. P. 369) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Reduce the Annual District Tax on Maine Forestry District Property Due to Increased Valuation" (H. P. 373) (Presented by Mr. Finemore of Bridgewater)

Bill "An Act to Eliminate Certain Sales Taxes to Patients in Hospitals" (H. P. 378) (Presented by Mr. Dam of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Learner's Permits" (H. P. 365) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Clarify the Use of Initial Plates" (H. P. 342) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Amend the Law Relating to the Registration of Automobiles" (H. P.

343) (Emergency) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Veterans and Retirement

Bill "An Act Relating to Administration of the State Retirement System" (H. P. 364) (Presented by Mr. Powell of Wallagrass Pt.)

Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for Bertha Cargill Rogers (H. P. 379) (Emergency) (Presented by Mrs. Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

Consent Calendar

First Day

(H. P. 139) (L. D. 171) Bill "An Act Eliminating Waiting Period Under the Employment Security Law" (Emergency) Committee on Labor reporting "Ought to pass"

No objection being noted, the above item was ordered to appear on the Consent Calendar of January 30, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the second day:

(H. P. 40) (L. D. 51) Bill "An Act Establishing Special License Plates for the Handicapped"

(H. P. 75) (L. D. 87) Bill "An Act Relating to the Erection of a Sign on Maine Turnpike for Pleasant Mountain Recreational Area"

No objections having been noted at the end of the second legislative day, were passed to be engrossed and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Taking of Alewives in the Town of Whiting, Washington County (H. P. 12) (L. D. 17)

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 to Repeal Requirements for an Atlantic Salmon Stamp under the Fish and Game Law" (H. P. 11) (L. D. 16) In House - Majority "Ought to pass" Report accepted and Bill Passed to be engrossed. In Senate - Minority "Ought not to pass" Report accepted.

Tabled - January 28, by Mr. MacLeod of Bar Harbor.

Pending - Further Consideration.

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

Mr. MILLS: Mr. Speaker, I now move that we insist on our previous action on this bill.

The SPEAKER: The gentleman from Eastport, Mr. Mills, moves that the House insist.

The Chair recognizes the gentleman from Bar Harbor, Mr. MacLeod.

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

The SPEAKER: The gentleman from Bar Harbor, Mr. MacLeod, moves that the House recede and concur with the Senate.

The gentleman may proceed.

Mr. MacLEOD: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of some of the new legislators, and just to cast a little light on this bill, it was passed in the 106th Legislature. It was a conservation measure, and there has been some testimony made pertaining to this bill that it was to try to find out certain statistics around the salmon fishing. This is partially true, but it was also put in as a conservation measure. We have a very priceless item in this state or natural resource, in my mind, in Atlantic salmon, which several clubs and organizations have tried over the years to upgrade the rivers and make conditions and build dams in order to improve the run of the Atlantic salmon.

I had sponsored the bill. The bill had had a good hearing in the Fish and Game Committee and it had gotten a real good report out and it passed in the last session. Originally it was for a dollar tax stamp for the residents of the state and a \$10 stamp for the non-residents. However, in the committee it was changed and raised to a \$15 stamp for the non-resident. There is some objection to this amount.

However, I do feel at this time, although it has not been a big money maker, we did not plan for it to be a big money maker, the figures that it did bring in is a total revenue of \$3,743.25. Granted, this is not a huge amount of money in today's bureaucracy or today's governmental procedures, however, it is a small amount of money which has been able to be used by the Atlantic salmon people on the river in their endeavor to improve the conditions around this.

I realize there is some objection to the bill from certain quarters. However, before it got its vote and passed along, I felt that some of these facts should be brought out. Bear in mind that it is a conservation measure and is acceptable by many, although the department feels it is not enforceable, that it is very difficult to enforce which I will to a certain degree agree upon. However, we passed a pheasant tax stamp here in a previous legislature which if a man was hunting pheasant or partridge he still had to go out and check his stamp to find out which he was hunting for.

I think, although this may be partially unenforceable, there are not enough fishermen involved in it that it has not reached that degree. As you all know, the out-of-state fishermen and our own fishermen will go fish the Canadian waters for this same fish and pay far more than they ever would in our state. Therefore, I move that we recede and concur.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: There are those in this state who would like to impose their will on the fishing waters of Washington County and that is what this bill originally was all about — to enact the stamp thing. It was for the purpose of getting statistics to find out where the salmon fishermen were coming from. There are also those who would like to impose their will on this matter also.

Now, the fishing clubs down in Washington County have put considerable time and money of their own, and in pretty good sizeable hunks, into establishing the salmon in the waters of Washington County are totally opposed to this thing. It is cutting down on their membership through some kind of thinking, which I

can't explain to you, because they resent the fact that the stamp is in effect after putting these huge sums of money into removing the dams and clarifying the waters and getting the stocking done down there, which they did on their own before the federal programs came in.

I want to have this House vote to insist on our previous action and repeal this so we can improve the economy in Washington County in the fishing element and sporting element to some degree.

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

57 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon, on the motion of Mr. Mills of Eastport, the House voted to insist.

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

Bill "An Act to Require the Owners of Foster Homes and of Nursing Institutions to Account for Funds Belonging to Persons Entrusted to their Care" (S. P. 81) (L. D. 254) (In Senate, referred to Committee on Legal Affairs")

Tabled — January 28, by Mr. Goodwin of So. Berwick.

Pending — Reference.

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

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

Bill "An Act to Prohibit Corporal Punishment of Pupils" (H. P. 275) (Committee on Reference of Bills suggested Committee on Education.

Tabled — January 23, by Mr. Henderson of Bangor.

Pending — Motion of Mr. Talbot of Portland to refer to Committee on Human Resources.

Mr. Talbot of Portland withdrew his motion to refer this Bill to the Committee on Human Resources.

On motion of the same gentleman, the Bill referred to the Committee on Education, ordered printed and sent up for concurrence.

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

Bill "An Act Relating to the Composition and Duties of the Maine Real Estate Commission" (H. P. 277) (Committee on Reference of Bills suggested Committee on State Government).

Tabled — January 28, by Mr. Rolde of York.

Pending — Reference.

Thereupon, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

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