

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

Tuesday, February 4, 1975

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

Prayer by the Rev. John Wild of Brunswick.

The members stood at attention during the playing of the National Anthem by the Hermon High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Resolution: (S. P. 139)

IN MEMORIAM

Having Learned Of The Death Of
Mrs. Florence Stevens Lawrence

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.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

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

Reports of Committees**Ought Not to Pass**

Report of the Committee on Legal Affairs reporting "Ought not to pass" on Bill "An Act Prohibiting the Payment of Public Aid or Assistance to any Person Winning Prize Money from the Maine State Lottery" (S. P. 47) (L. D. 99)

Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act to Make the Showing of Pornographic Films a Nuisance and to Provide for the Abatement of that Nuisance" (S. P. 54) (L. D. 135)

Report of same Committee reporting "Ought not to pass" on Bill "An Act Relating to Bylines for Editorials in Maine Newspapers" (S. P. 53) (L. D. 134)

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

Leave to Withdraw

Report of the Committee on Legal Affairs on Bill, "An Act to Reduce Registration Fee for Snow Traveling Vehicles" (S. P. 80) (L. D. 220) reported Leave to Withdraw.

Came from the Senate read and accepted.

In the House, the Report was read and accepted in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Repeal Requirements for an Atlantic Salmon Stamp under the Fish and Game Law" (H. P. 11) (L. D. 16) on which the House insisted on January 29 on its former action whereby the Majority "Ought to pass" Report of the Committee on Fisheries and Wildlife was accepted and the Bill passed to be engrossed.

Came from the Senate with that body voting to insist on its former action

whereby the Minority "Ought not to pass" Report was accepted and asked for a Committee of Conference, with the following Conferees appointed on its part: Messrs. McNally of Hancock, Graham of Cumberland, Pray of Penobscot.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Thursday, February 6.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act Relating to the Taking of Alewives in the Town of Whiting, Washington County" (H. P. 12) (L. D. 17) which was passed to be enacted in the House on January 21.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and specially assigned for Thursday, February 6.

**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 Appropriating Funds for the Payment of Overtime in State Employment at the Rate of One and One-half Times the Employee's Hourly Rate of Pay" (H. P. 445) (Presented by Mr. Birt of E. Millinocket)

Bill "An Act Making Supplemental Appropriations for Child Welfare Services" (H. P. 442) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mr. Rollins of Dixfield)

Resolve, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Maine Tree Growth Tax Law. (H. P. 436) (Presented by Mr. Drigotas of Auburn)

Bill "An Act to Provide Automatic Cost-of-living Wage Supplements for State, Maine Maritime Academy and Classified University of Maine Employees" (H. P. 434) (Presented by Mr. Bustin of Augusta) (Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Definition of Motor Vehicle Dealers" (H. P. 439) (Presented by Mr. Binnette of Old Town)

Bill "An Act Relating to Education and Training under the Laws of Barbering" (H. P. 437) (Presented by Mr. LeBlanc of Van Buren)

Bill "An Act to Provide for a Booth License under the State Barber Laws" (H. P. 438) (Presented by Mr. LeBlanc of Van Buren)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Place the University of Maine under the Administrative Control of the Department of Educational and Cultural Services" (H. P. 426) (Presented by Mr. Tyndale of Kennebunkport) (Cosponsor: Mr. Faucher of Solon)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Limit the Prohibition against Issuing Trappers' Licenses to Persons Convicted of Certain Offenses"

(H. P. 428) (Presented by Mr. Usher of Westbrook)

Bill "An Act Relating to License Requirements and Fees for Trapping" (H. P. 440) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

Human Resources

Bill "An Act Establishing a Symbol to Indicate Buildings and Facilities Accessible to Handicapped and Elderly Persons" (H. P. 435) (Presented by Mr. Lewin of Augusta)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Permit Furloughs for Prisoners of County Jails" (H. P. 427) (Presented by Mr. LaPointe of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to State Board of Arbitration and Conciliation" (H. P. 424) (Presented by Mr. Snow of Falmouth)

Bill "An Act to Amend the Employment Security Law as it Applies to Disqualifications for Benefits" (H. P. 430) (Presented by Mr. Cote of Lewiston)

Bill "An Act Concerning Appeals from Redetermination of Unemployment Compensation Claims" (H. P. 432) (Presented by Mr. Martin of St. Agatha)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to Fines, Suspensions and Revocations Levied by the Harness Racing Commission" (H. P. 431) (Presented by Mr. Kelleher of Bangor)

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

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I had a similar bill to this last week that was referred to the Committee on State Government, and I respectfully ask the House to refer this to the Committee on State Government.

Thereupon, on motion of Mr. Kelleher of Bangor, referred to the Committee on State Government, ordered printed and sent up for concurrence.

Local and County Government

Resolve, Providing for Purchase of Copies of History of Limington, Maine (H. P. 446) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Authorize the Cumberland County Commissioners to Borrow in Anticipation of Taxes" (H. P. 444) (Emergency) (Presented by Mrs. Boudreau of Portland)

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

On motion of Mrs. Boudreau of Portland, under suspension of the rules, the Bill was given its first reading without reference to any committee.

Under further suspension of the rules, the Bill was read the second time, passed to be engrossed and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Public Utilities

Bill "An Act to Amend the Charter of the Freeport Sewer District" (Emergency) (H. P. 441) (Presented by Mrs. Clark of Freeport)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

State Government

Bill "An Act to Provide Consumer Representation on the Board of Commissioners of the Profession of Pharmacy" (H. P. 429) (Presented by Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Remove the Sales Tax Exemption for Fuels for Burning Blueberry Lands" (H. P. 425) (Presented by Mr. Hughes of Auburn) (Cosponsors: Mr. Wilfong of Stow — Mr. McMahon of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Use of Studded Tires on Motor Vehicles" (H. P. 433) (Presented by Mr. Morton of Farmington)

Bill "An Act Relating to The Expenditures of the Town Road Improvement Fund" (H. P. 443) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Lunt of Presque Isle presented the following Joint Resolution and moved its adoption: (H. P. 447)

IN MEMORIAM

Having Learned Of The Death Of
M. MILTON MACBRIDE, SR.

of

PRESQUE ISLE

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.

The Joint Resolution was read and adopted and sent up for concurrence.

Tabled and Assigned

Mr. LaPointe of Portland presented the following Joint Order and moved its passage: (H. P. 448)

Ordered, the Senate concurring, that the State Controller supply for the use of the Legislature 200 copies of a list of state employees, including a list of officers and employees of the University of Maine to be obtained by the State Controller from the University of Maine, with their salaries paid as of January 1, 1975, 160 of the said copies to be deposited in the Office of the Clerk of the House and 40 of the said copies to be deposited in the Office of the Secretary of the Senate; and be it further

ORDERED, that said list be distributed

one to each Member of the House of Representatives and Senate and the balance to the Clerk of the House and Secretary of the Senate for such distribution as they may see fit.

The Joint Order was read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have long opposed this order; I have for several sessions. I haven't been too successful, but I fundamentally disagree with the philosophy of having a pamphlet or booklet circulated which has the salaries of every employee in the State, including members of the University of Maine.

I have supported and I do agree with the idea that the information should be available, a pamphlet of this type, a single copy, or a couple of copies in the Legislative Finance Office so that the information can be obtained if anybody wants it, I think it is proper. But to have a booklet of this type circulated, I basically am not in favor of it.

I move the indefinite postponement of the order.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that this Joint Order be indefinitely postponed.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I did want to speak on this order, too. For the benefit of the new members, let me say this is a recurring and often a very controversial matter, which is the ordering the printing of the so-called "snoop book" that sets forth the salaries of state employees. This order has always occasioned a great deal of debate on whether or not this is a proper action to take.

This year, we would like to view this from a slightly different angle and see just what it costs us to have this book published. We are undertaking some research right now to see in this year of economic difficulty whether the "snoop book" is a luxury or it is something we can afford and must have. And until we do have the exact figures, I would appreciate it if somebody would table this item for me.

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

Mr. KELLEHER: Mr. Speaker, I move this lie on the table one legislative day.

Whereupon, on motion of Mr. Farnham of Hampden, tabled pending the motion of Mr. Birt of East Millinocket to indefinitely postpone and specially assigned for Thursday, February 6.

Mr. Rolde of York presented the following Joint Resolution and moved its adoption: (H. P. 449)

IN MEMORIAM

Having Learned Of The Death Of
MRS. IRENE M. MILLS

of

Eastport

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.

The Joint Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Binnette of Old Town it was

ORDERED, that Kenneth A. Mills of Eastport be excused from February 4 to February 6 for personal reasons.

House Reports of Committees

Ought Not to Pass

Mr. Twitchell from the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Relating to Inheritance Tax Exemptions for Brothers and Sisters" (H. P. 91) (L. D. 127)

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

Leave to Withdraw

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Exempt Sewer Service Charges from the Sales Tax" (H. P. 113) (L. D. 157) reporting Leave to Withdraw.

Mr. Talbot from the Committee on Human Resources on Bill "An Act Relating to Parking Placards for Handicapped Persons" (H. P. 63) (L. D. 75) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass

Printed Bills

Mr. Garsoe from the Committee on Appropriations and Financial Affairs reporting "Ought to pass" on 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" (Emergency) (H. P. 127) (L. D. 141)

Mr. Finemore from the Committee on Taxation reporting "Ought to pass" on Resolve to Reimburse Ernest F. Murphy of Old Orchard for a Claim Concerning a Tax Refund for Retail Gasoline Shrinkage (H. P. 68) (L. D. 80)

Reports were read and accepted, the Bill and Resolve read once and assigned for second reading tomorrow.

Ought to Pass with

Committee Amendment

Mr. Hunter from the Committee on Legal Affairs on Resolve to Reimburse Paul R. Nyberg of Mechanic Falls for Motor Vehicle Damage Caused by State Ward (H. P. 45) (L. D. 57) reporting "Ought to pass" as amended by Committee Amendment "A" (H-9) submitted therewith.

Report was read and accepted and the Resolve read once. Committee Amendment "A" (H-9) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Consent Calendar

First Day

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

Bill "An Act to Clarify Provisions in the Motor Fuel Tax Law" — Committee on Taxation reporting "Ought to pass" (H. P. 131) (L. D. 161)

Bill "An Act Relating to Use Fuel Tax Audits" — Committee on Taxation

reporting "Ought to pass" (H. P. 124) (L. D. 160)

Bill "An Act to Increase the Penalty for Premeditated Animal Fights" — Committee on Legal Affairs reporting "Ought to pass" as amended by Committee Amendments "A" (H-11) and "B" (H-10) (H. P. 162) (L. D. 205)

No objection being noted, the above items were ordered to appear on the Consent Calendar of February 5, under listing of the Second Day.

Second Day

In accordance with House Rule 49-A, the following items appeared on the Consent Calendar for the Second Day.

Bill "An Act to Amend the Charter of the Bangor Children's Home" (H. P. 155) (L. D. 206)

Bill "An Act to Extend Collective Bargaining Rights to Maine Turnpike Authority Employees" (H. P. 61) (L. D. 73)

Bill "An Act to Change the Statutory Term 'Workmen's Compensation' to 'Workers' Compensation'" (H. P. 100) (L. D. 110)

No objections having been noted at the end of the Second Legislative Day, House Papers were passed to be engrossed and sent to the Senate for concurrence.

Orders of the Day

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

Senate Divided Report — Majority (11) "Ought to Pass" — Minority (2) "Ought Not to Pass" — Committee on State Government 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) In Senate, Majority Report accepted and Resolution passed to be engrossed as amended by Senate Amendment "A" (S-2)

Tabled — January 29, by Mr. Smith of Dover-Foxcroft.

Pending — Motion of Mr. Cooney of Sabattus to accept Majority Report in concurrence.

On motion of Mr. Smith of Dover-Foxcroft, retabled pending the motion of Mr. Cooney of Sabattus to accept the Majority "Ought to pass" Report in concurrence and specially assigned for Thursday, February 6.

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

Bill "An Act to Authorize the Director of the Bureau of Parks and Recreation to Prohibit the Use of Canoes with Motors on Part of the Allagash Wilderness Waterway" (H. P. 387) (Committee on Reference of Bills suggested Committee on Natural Resources).

Tabled — January 30, by Mr. Rolde of York.

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

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Mills of Eastport to refer to the Committee on Fisheries and Wildlife and specially assigned for Thursday, February 6.

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

Bill "An Act to Extend the Back Bay Sanctuary, Portland" (H. P. 417) (Committee on Reference of Bills suggested Committee on Natural Resources).

Tabled — January 30, by Mr. Rolde of York.

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

On motion of Mr. Rolde of York, retabled pending the motion of Mr. Mills of Eastport to refer to the Committee on Fisheries and Wildlife and specially assigned for Thursday, February 6.

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

Bill "An Act to Change the Name of Department of Inland Fisheries and Game to Department of Fisheries and Wildlife" (H. P. 413) (Committee on Reference of Bills suggested Committee on State Government).

Tabled — January 30, by Mr. Palmer of Nobleboro.

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

On motion of Mr. Palmer of Nobleboro, retabled pending the motion of Mr. Mills of Eastport to refer to the Committee on Fisheries and Wildlife and specially assigned for Thursday, February 6.

Off Record Remarks

On motion of Mr. Dam of Skowhegan, Adjourned until nine-thirty tomorrow morning.