

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 11, 1975

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

Prayer by the Rev. Kenneth Caldbeck of Cherryfield.

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

The journal of the previous session was read and approved.

Papers from the Senate

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

The following two papers were taken up out of order by unanimous consent.

Bill "An Act to Permit Counties to Borrow Money in Anticipation of Taxes" (H. P. 507) (Presented by Mr. Dam of Skowhegan)

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

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.

Bill "An Act Authorizing Additional Indebtedness for School Administrative Districts Nos. 25 and 42" (Emergency) (H. P. 57) (L. D. 69)

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

By unanimous consent, ordered sent forthwith.

Messages and Documents

The following Communication:

State of Maine
Office of the Governor
Augusta

February 5, 1975

The Honorable John Martin
Speaker of The Maine House
House of Representatives
State House
Augusta

Dear Speaker Martin:

I respectfully request a joint convention of the House and Senate at 10:00 a.m., Thursday, February 13th so I may address that joint body on my legislative proposals for the 107th Session of the Maine Legislature.

With Best Wishes,
/s/ JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
One Hundred and Seventh Legislature
House of Representatives
Office of The Clerk

February 5, 1975

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04330

Sir:

Acting under authority of House Order passed January 1, 1975, I hereby appoint as Administrative Assistant to the Clerk,

Mrs. Ida Willis, and the following secretaries and clerks:

Miss Deborah Bedard
Mrs. Lucille Cloutier
Mrs. Ann Elwell
Miss Alicia Hanley
Mrs. Mary Hawes

Sincerely,
/s/ EDWIN H. PERT
Clerk of the House

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE
One Hundred and Seventh Legislature
House of Representatives
Office of The Clerk
Augusta

February 5, 1975

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
Augusta, Maine 04330

Sir:
Pursuant to the House Order of January 9 authorizing the selection of clerk stenographers to provide stenographic and clerical assistance to the members of the House, I shall include in my payroll of House officers the following:

As selected by the Minority Leader:

Mrs. Eda Weeks, and
Mrs. Patricia Woolston

As selected by the Speaker of the House:

Miss Joan Bouffard
Mrs. Debra Perkins

Sincerely,
/s/ EDWIN H. PERT
Clerk of the House

The Communication was read and ordered placed on file.

From the Senate: The following Communication: (S. P. 176)

February 6, 1975

TO THE GOVERNOR AND MEMBERS
OF THE 107TH LEGISLATURE
OF THE STATE OF MAINE

A Task Force was established as a result of Chapter 210, Private and Special Laws of 1973 to evaluate the financing of transportation programs in the State of Maine.

Pursuant thereto, I hereby present the report of the Task Force, which includes progressive recommendations in regard to financing future transportation programs under the Maine Department of Transportation.

The conclusions and recommendations included herein represent a consensus of the members of the Task Force.

The Task Force wishes to acknowledge its appreciation of the cooperation and service rendered by the Department of Transportation and the assistance and suggestions offered by various business and industrial organizations.

Respectfully submitted,

/s/ EDWIN H. GREELEY, Chairman

Transportation Financing Task Force
Came from the Senate read and with accompanying papers ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file in concurrence.

**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 Making A Supplemental Appropriation for the Supplemental Security Income Programs for the Purpose of Increasing the Base Rate for Boarding Home Care" (H. P. 477) (Presented by Mrs. Berry of Madison)

Bill "An Act to Provide Night Pay Differential for State Employees" (H. P. 485) (Presented by Mr. Davies of Orono)

Bill "An Act Appropriating Funds to the Department of Health and Welfare for Emergency Medical Training of Ambulance and Rescue Personnel" (H. P. 498) (Presented by Mr. Rolde of York)

Bill "An Act to Establish Salaries for Full-Time District Attorneys Equal to the Salaries of Superior Court Justices" (H. P. 506) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair Other Such Ferry Facilities" (Emergency) (H. P. 508) (Presented by Mr. LaPointe of Portland) (Cosponsor: Mr. Mulkern of Portland)

Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act Relating to Required Information on Packages under the Weights and Measures Law" (H. P. 488) (Presented by Mr. Mahany of Easton)

Bill "An Act Relating to the Indemnification Provisions of the Maine Business Corporation Act" (H. P. 492) (Presented by Mr. Lynch of Livermore Falls) (Cosponsor: Mr. Rollins of Dixfield)

Bill "An Act to Increase Certain Fees Paid to the State Board of Nursing" (H. P. 496) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act Increasing Indebtedness of Calais School District" (Emergency) (H. P. 475) (Presented by Mr. Silverman of Calais)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning the Carrying of Firearms Suitable for Hunting in a Motor Vehicle" (H. P. 497) (Presented by Mr. Hall of Sangerville)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to State-wide Correctional Program Improvement" (H. P. 473) (Presented by Mr. Goodwin of So. Berwick)

Bill "An Act Amending the Lead Poisoning Control Act" (H. P. 474) (Presented by Mr. Goodwin of So. Berwick) (Cosponsor: Mr. Connolly of Portland)

Bill "An Act Concerning Employment in the Department of Mental Health and Corrections" (H. P. 476) (Presented by Mrs. Berry of Madison)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Relating to School Buses" (H. P. 481) (Presented by Mr. LaPointe of Portland)

The SPEAKER: The Chair recognizes

the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I move this Bill be referred to the Committee on Transportation.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, could I ask, what is the substance of this bill?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Portland, Mr. LaPointe.

Mr. LaPOINTE: Mr. Speaker and Members of the House: In response to the gentleman's question, it relates to the School Bus Safety Act that was passed in the special session of the legislature that was handled by the Transportation Committee. The bill attempts to suggest an amendment to that legislation that we passed and is being held sort of on the sidelines as a mechanism to deal with a potential problem that might exist in the City of Portland after February 24.

I would hope that this would be referred to the Committee on Transportation from whence it came.

Thereupon, on motion of Mr. Goodwin of South Berwick, referred to the Committee on Transportation, ordered printed and sent up for concurrence.

Health and Institutional Services cont'd.

Bill "An Act Creating the Maine Health Maintenance Organization Act" (H. P. 494) (Presented by Mr. Morton of Farmington) (Cosponsor: Mr. LaPointe of Portland)

Bill "An Act to Provide for Continuity of Treatment of Ambulance Personnel" (H. P. 495) (Presented by Mr. Rolde of York)

Bill "An Act Relating to the Use of Correctional Institutional Appropriations for Academic and Vocational Training" (H. P. 497) (Presented by Mr. Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Prohibit the Carrying of Firearms by Officers of the Liquor Statutes Enforcement Division of the Department of Public Safety" (H. P. 482) (Presented by Mr. Jensen of Portland)

Bill "An Act to Place Certain Safeguards on the Proceedings of Medical Review Committees" (H. P. 490) (Presented by Mr. McKernan of Bangor) (Cosponsors: Mrs. Snowe of Auburn, Mr. Carey of Waterville)

Bill "An Act to Specify Grounds for Filing Forcible Entry and Detainer" (H. P. 503) (Presented by Mr. Henderson of Bangor)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to Occupational Safety and Health in Public Employment" (H. P. 478) (Presented by Mrs. Martin of Brunswick)

Bill "An Act Relating to Interest on Awards in Workmen's Compensation Cases" (H. P. 487) (Presented by Mrs. Post of Owl's Head)

Bill "An Act to Limit the Minimum Wage Exemption for Summer Camp Employees" (H. P. 504) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Suspend Certain

Requirements of the Employment Security Law During Periods of Emergency" (Emergency) (H. P. 509) (Presented by Mr. Garsoe of Cumberland) (Cosponsor: Mr. Hobbins of Saco)

Bill "An Act to Revise Certain Requirements of the Employment Security Law During Periods of Emergency" (Emergency) (H. P. 510) (Presented by Mr. Garsoe of Cumberland)

(Cosponsor: Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Amending Certain Laws Relating to Games of Chance" (H. P. 483) (Presented by Mr. Curran of So. Portland)

Resolve to Reimburse Edgar Tupper of Madison for Loss of Beehives by Bear" (H. P. 493) (Presented by Mrs. Berry of Madison)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Clarify and Make Uniform the Definition of Mobile Home" (H. P. 491) (Presented by Mrs. Boudreau of Portland)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mrs. Clark of Freeport, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Bill "An Act Relating to Dealers in Used Personal Property" (H. P. 502) (Presented by Mr. Hobbins of Saco)

The Committee on Reference of Bills suggested the Committee on Legal Affairs.

On motion of Mrs. Clark of Freeport, referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Local and County Government

Bill "An Act to Annex Hibberts Gore to the Town of Somerville, County of Lincoln" (H. P. 489) (Presented by Mr. Palmer of Nobleboro)

Bill "An Act to Increase the Salary of the Register of Probate of Cumberland County" (H. P. 501) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act to Repeal Provisions for Assistant Chief of the Division of Inspection for Sardines" (H. P. 486) (Presented by Mr. Mahany of Easton)

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

On motion of Mr. Mahany of Easton, referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

State Government

Bill "An Act Relating to Accrued Sick Leave of State Employees" (H. P. 505) (Presented by Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Providing for the Use of Income Averaging as a Method of Filing Maine Income Tax Returns" (H. P. 513) (Presented by Mr. Susi of Pittsfield)

Bill "An Act Granting a Property Tax Exemption for Property Leased by

Community Mental Health Centers" (H. P. 480) (Presented by Mrs. Bachrach of Brunswick)

Bill "An Act Imposing an Inheritance Tax on Life Insurance Proceeds" (H. P. 484) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. LeBlanc of Van Buren, the following Joint Resolution: (H. P. 500) (Approved for introduction by a majority of the Committee on Reference of Bills)

Joint Resolution Memorializing the Congress of the United States to Support the Reenactment of the General Revenue Sharing Program

WE, your Memorialists, the Senate and House of Representatives of the State of Maine of the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition your Honorable Body, as follows:

WHEREAS, the State of Maine, her 16 counties and her 496 municipalities have received \$124,000,000 of vitally needed fiscal assistance through the allocation of federal dollars under the General Revenue Sharing Program; and

WHEREAS, these Revenue Sharing dollars are received directly from the Federal Government by the State, the counties and the municipalities with a minimum of federal paperwork, enabling the citizens to use the funds to meet their self-determined priorities; and

WHEREAS, the citizens of Maine view state, county and local officials as being accountable for the expenditure of Revenue Sharing funds, and citizens as having ultimate control of their priorities through the governmental processes; and

WHEREAS, the taxpayers of Maine are being severely affected by the spiraling and unprecedented rate of inflation in costs of government as well as in their private lives; and

WHEREAS, the current inflationary rate is undermining the ability of government to provide essential services to their citizens within reasonable levels of taxation; and

WHEREAS, the General Revenue Sharing Program, which began in 1972, will terminate in 1976 unless the 94th Congress authorizes an extension of the State and Local Fiscal Assistance Act of 1972; and

WHEREAS, the 107th Maine Legislature endorses the continuation of the General Revenue Sharing Program in order to insure that vitally needed federal assistance will be provided to Maine; now, therefore, be it

RESOLVED: That we, your Memorialists, respectfully request and urge that each Member of the United States Congress from the State of Maine publicly state his support for the reenactment of the General Revenue Sharing Program in order that citizens of Maine may be informed of their commitment to continuing their flow of resources back to the People of the State of Maine; and be it further

RESOLVED: That a copy of this Resolution, duly authenticated by the Secretary of State, be forthwith forwarded to each Member of the United States Congress from the State of Maine.

The Joint Resolution was read.

The SPEAKER: The Chair recognizes

the gentleman from Van Buren, Mr. LeBlanc.

Mr. LeBLANC: Mr. Speaker, Ladies and Gentlemen of the House: The act creating the general revenue sharing program expires December 31, 1976. The future of the program will, therefore, be decided during the 94th Congress. We must immediately begin our efforts to insure that the 94th Congress will be committed to the continuation of the general revenue sharing program.

The original critics of the program have not abandoned their opposition. In fact, there are strong indications that their influence and numbers are growing. They have been able to command the attention of the national media by arguing that the revenue sharing is not benefiting to the urban poor, but the funds are being used to reduce taxes and the revenue sharing decisions are being made without adequate citizen participation.

To date, \$240 million has been distributed to this state and its local communities. Unlike the narrowly defined categorical grants, general revenue sharing is a unique and innovative form of federal assistance. The funds are allocated on a formula basis and with a minimum of federal bureaucratic red tape. We must spell out in no uncertain terms the dire economic and social consequences that will result if the revenue sharing program is terminated.

I would like to quote Senator Muskie's remarks made at the revenue sharing hearings last summer. "It is incumbent upon the supporters of revenue sharing, of whom I am one, to begin focusing now on the steps we must take to insure the continuation of the program. We must insist that the revenue sharing become a lever, not only for reducing regressive local property taxes, but also for encouraging reform of state and local tax systems."

In closing, I would like to urge your support in our effort to insure the continuation and expansion of the federal revenue sharing program.

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

Mrs. Berry of Madison presented the following Joint Order and moved its passage: (H. P. 512)

WHEREAS, numerous boarding homes in this State are licensed for 5 patients or less; and

WHEREAS, the Department of Health and Welfare has, by placing patients in certain of these homes, increased their actual resident patient level to 6 patients; and

WHEREAS, boarding homes licensed for 6 patients receive higher per patient payments than the smaller boarding homes; and

WHEREAS, the Department of Health and Welfare has failed to increase the per patient payments to these smaller homes now housing 6 patients; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Performance Audit Committee shall immediately review and study the policies and practices of the Department of Health and Welfare relating to these payment differences and report its findings and recommendations, including all implementing legislation, for eliminating these differences to the Regular Session of the 107th Legislature; and be it further

ORDERED, that in its

recommendations, the committee shall consider retroactive payments to boarding homes that have incurred losses due to existing policies; and be it further

ORDERED, that the Department of Health and Welfare shall cooperate with the committee and provide such assistance as the committee finds necessary to carry out the purposes of this order; and be it further

ORDERED, upon final passage, that copies of this Order shall be transmitted forthwith to the Department of Health and Welfare as notice of the directive.

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

The SPEAKER: The Chair is pleased to recognize in the rear of the Hall of the House a former Governor of Maine and a former President of the Senate, Bob Haskell. Would he please be escorted by the gentleman from Lewiston, Mr. Jalbert, to the rostrum for the purpose of giving us a few kind words.

Thereupon, Mr. Jalbert of Lewiston escorted Mr. Haskell to the rostrum amid the applause of the House, the members rising.

Ex-Governor HASKELL: Thank you, Mr. Speaker. I have been warned by the Speaker that I may make no reference to any current legislative problem and he wants me out of here in two minutes. I will comply with both of those requests.

Last week, I was privileged to sit in the gallery and listen to two subjects. One was the debate on the snoop book and the other was Governor Longley's budget address. The debate on the snoop book was very interesting to me, because in 1945, the 92nd Legislature, I cut my legislative teeth in a debate on that same subject and, as this year — no, quite different, back there I think there were only 11 others who voted for the indefinite postponement. But to me, the most interesting thing, and I think if I had heard it in 1942 I would have voted the other way, was the remark of the gentleman from Enfield, Mr. Dudley, a good friend of mine for many years, who, as I understood it, said, "I value the thing because I take it home with me every two years and weigh it, and every time it goes up a quarter of an ounce in weight, I can tell my supporters from the Plantation of Mattamiscontis that I helped create 500 new jobs in the State of Maine."

My impressions of the Governor's budget were favorable. I think it was received well. The only change I think I would have made was in the reference in which he compared President Ford with Governor Longley. I think if I had been writing that for him or reading it over after he had written it, I would have put it this way, that the President has promised, subject to the approval of the Congress, that he will return a few dollars to us. That's nice, because now the government takes about 40 percent of all the dollars we get. But I think Governor Longley hit it real close. I interpreted his remarks to mean, I am going to let you keep it and spend it any way you want. You see the difference? I did.

I am hesitant to break into the decorum of this House, but I just can't pass up the opportunity to tell you of my appreciation of my association with this same Louie. Louie has his moments, but basically, in all of the years that Louie served with me, I would never know where he was when the fur flying, but when things settled down, Louie was probably in the right position.

So with those three brief comments, I

will express my appreciation, the appreciation of a real old man, for the honor that has been given me today. It rates either first or second — if it is second, it is the honor that I had 16 years ago when very late in December Ed Muskie and the Council made a Dedimus Justice out of Ex-governor Baxter, and on that Saturday morning that I took my constitutional office as Chief Executive of the State, it was Governor Baxter who administered it. Those two certainly are the high spots in my legislative career, and I am deeply appreciative of the legislature that let me have those honors, and I am particularly appreciative of the presiding officers of the two branches permitting me to meet with you this morning. Mr. Speaker, thank you very much.

Thereupon, Mr. Jalbert of Lewiston escorted Mr. Haskell from the Hall, amid the applause of the House, the members rising.

House Reports of Committees Ought Not to Pass

Mr. Lunt from the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 25) (L. D. 33)

Mr. Strout from Same Committee reporting same on Bill "An Act Relating to Operating a Motor Vehicle Without a Current Certificate of Inspection" (H. P. 87) (L. D. 122)

Mr. Binnette from Same Committee reporting same on Bill "An Act Concerning the Motor Vehicle Inspection Laws" (H. P. 163) (L. D. 189)

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

Ought to Pass Printed Bills

Mr. Twitchell from Committee on Taxation on Bill "An Act Exempting Trucks Purchased by Nonresidents from Sales Tax" (H. P. 205) (L. D. 250) reporting "Ought to Pass"

Mr. Dam from Same Committee reporting same, on Bill "An Act to Exempt Incorporated Fire Fighters Association from the Sales Tax" (H. P. 156) (L. D. 191)

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

Ought to Pass in New Draft New Draft Printed

Mr. Maxwell from Same Committee on Bill "An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers" (H. P. 122) (L. D. 142) reported same in new draft (H. P. 511) (L. D. 573) under same title and that it "Ought to Pass in New Draft."

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Transportation reporting "Ought not to Pass" on Bill "An Act to Prohibit Dumping of Poultry on Highways" (H. P. 98) (L. D. 123)

Report was signed by the following members:

Messrs. GREELEY of Waldo, McNALLY of Hancock, CYR of Aroostook of the Senate.

Messrs.

FRASER of Mexico,
WEBBER of Belfast,

JACQUES of Lewiston,
BINNETTE of Old Town,
WINSHIP of Milo,
Mrs. BERRY of Madison,

Messrs,

STROUT of Corinth,
KAUFFMAN of Kittery,

LUNT of Presque Isle—of the House.

Minority Report of same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:

Mr. JENSEN of Portland — of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I move we accept the "ought not to pass" report.

The SPEAKER: The gentleman from Belfast, Mr. Webber, moves the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, I move this Bill be tabled for two legislative days.

Thereupon, Mr. Webber of Belfast requested a vote on the motion.

The SPEAKER: The gentleman from Portland, Mr. Jensen, moves that this Bill be tabled for two legislative days pending the motion of Mr. Webber of Belfast to accept the Majority "Ought not to pass" Report. All in favor of this matter being tabled for two legislative days will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Belfast, Mr. Webber, that the House accept the Majority "Ought not to pass" Report.

The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, and Members of the House: I moved this bill be tabled so as to allow more time for the sponsor. He didn't realize it was coming up this soon.

However, the bill, as presented, basically would have just included the word "poultry" under the definition of litter on highways. What it would do, it would require the truckers to be a little bit more careful when they pack their trucks so as to make sure the poultry, chickens, whatever, are not falling out.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think that probably the committee report is indicative of what ought to happen to this bill. This does affect a good many people who grow poultry and also a good many people who transport poultry. I question just how many chickens are running down the highway anyway.

While most of us come here, I am sure, with the best intentions and dedication to best serve the interests of the people of Maine, I think sometimes we get sidetracked and caught up in issues such as bears, beehives and chickens running down the highway.

Now as I read the bill, it first seemed inconceivable that a poultry grower would go to all the time and trouble to raise poultry and then allow them to be spread out on the highway. So I decided to contact a number of growers to see how many chickens are on the highway and how come

they are there. I was told — I already knew it anyway, but I was told that chickens are transported in wooden crates and during the loading process oftentimes a pin gets broken in the crate, and to prevent the chickens from getting out of the crate, the people that load these birds would have to take off a substantial number of crates, change the crate, and so forth. So what they do is wire up the broken pin.

Now on the way to Belfast to the processing plant, or wherever it might be, sometimes an enterprising chicken jumps out, and I think maybe if I were a chicken, I would want to jump out too if I knew where I was going. But I think the problem eventually is going to take care of itself, because poultry farmers are going away from wooden crates. They are changing to a plastic-type, indestructible crate, so I don't see any need for the bill.

The bill would put a hardship on the people that transport chickens. So in behalf of the growers and behalf of the occasional free-spirited chicken, I hope you will vote to support the majority "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Call.

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am the sponsor of this bill. I was not prepared this morning, but I am going to do my utmost to try to go against this "ought not to pass" report that the gentleman from Belfast is attempting to have accepted.

I have been told on good authority just how these slats in the crates get broken. It is done at night when they are getting ready to put them on the truck. I understand they are heaved on the truck, and that is where the slats break. Let me say right now, and I will probably be repeating, this bill, if passed, is not going to do any harm. No truck driver or anybody else affiliated with the processing plant is going to be tied up in chains. There is going to be no harsh punishment. The bill will be there and the penalty will be if necessary, but I see no harm in passing this bill which would really have the effect mainly as a deterrent.

The gentleman from Buxton, Mr. Berry, is correct in stating that there are safeguards coming all the time in this industry, it is true. We were told that at the hearing. But just the same, I repeat, it isn't going to do any harm.

I can tell you truthfully, although it looks like this is made to order, this morning on Route 201 I saw another dead chicken in the road, there is certainly no harm in having this bill on the books.

I have had mailed to me two copies of an editorial that surprised me greatly. In fact, when I received the first one, seeing that it came from what is called "chicken territory," the Belfast Republican Journal, I was afraid to read it. But I will read it now with your indulgence, Mr. Speaker and members of this House, because over the years, 25 years of public office, unfortunately I have had more written about me that is con than is pro.

The editorial has stated, "Why not? Sometimes it takes a freshman lawmaker, who is an independent thinker, to point out the obvious to veteran colleagues and sometimes those veterans haven't really been as blind as they have been mute. Whatever the case in this instance, Representative George Call's proposed legislation, which would include chickens as items of litter prohibited from being discharged onto the public highway from

automotive traffic, is certainly directed at a problem which deserves attention, attention which until now has been sorely lacking.

"Chickens falling from trucks which are bound to the slaughterhouse are particularly noticeable here in Belfast, the home of two of the big five poultry processing plants in the state. Surely the chickens which do fall from the trucks on the way to market represent only a minute fraction of the total of tens even hundreds of thousands of birds which are transported through our community each day, but their numbers are sufficient so that it is a rare day that an inspection of the access routes to this city's business district would not turn up one or more scampering, flopping, squashed off frozen chicken in the public ways. As we have remarked in this column recently, that it is one heck of a first impression for a visitor to Belfast to receive. It is ironic to think that it might take the classification of a living animal as a piece of trash in order to afford that animal more humane treatment.

"Under how many statutes pertaining to motor vehicle operation and humane treatment of animals would a person be subject to prosecution if he habitually allowed pigs, calves, horses or dogs to fall off the back of his truck while traveling public highways without even an effort to return to retrieve the unfortunate animal? Plenty, we will bet, without even checking. No doubt the local constabulary would be making firm efforts to prosecute such villains at least. It could be, in fact, that Representative Call's proposed legislation is not even necessary to accomplish a solution to the problem of the scattered, battered chickens. It could be that the answer is one of acceptance of responsibility for enforcement of the existing law on the part of the local police. Even if it is really unnecessary in a legal sense, Representative Call's proposed legislation does serve the important function of focusing attention where it is needed and all the protestations of less courageous lawmakers who live closer to the broiler capital of the world, of the drivers of the trucks and the owners of the plants of the supposed keepers of the laws be damned. We say that this inhumane, disgusting slaughter of animals in our public ways can be put to an end. We firmly believe that the means for more secure loading and transportation of chickens would speedily be found if the loss of a bird meant not the mere loss of a dollar bill to the owners but a possible fine of up to \$100."

Mr. Speaker, I would say that this is a case of an ounce of prevention being worth a pound of cure. You have heard this editorial; I can't state it any better. It is there; it is truthful. Everyone here has seen these chickens in front of them as he has been traveling along various highways.

I certainly want to urge the majority of this House to vote against the acceptance of the majority "ought not to pass" report. Let me say this very seriously and very sincerely, that the person who wrote this editorial is absolutely right when he tells of the committee members and others living in so-called "chicken territory" or the broiler capital of the world. Again I say that this bill, if passed, will hurt nobody. We all know today that the name of the game in law circles is leniency and I will say, as I said when asked by a committee member as to punishment, nobody is going

to be punished with this without proof, and I say that this will act as a deterrent if it is passed. It won't do any harm and we are going to see less chickens in all states of life and death in the road. That is all I have to say for right now.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can't speak about the bill, because all I know about chickens is eating them and they are lovely. If the gentleman from Lewiston, Mr. Call, wasn't prepared today, I would hate to see him around when he is prepared.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Binnette.

Mr. BINNETTE: Mr. Speaker, Ladies and Gentlemen of the House: I was on that committee and I listened to my good friend Representative Call from Lewiston. He made quite a statement down there before us. We also heard from the opposition and the processors brought out the fact that they were making every supreme effort within their command to see that these chickens were properly housed and properly taken care of. And as far as litter going onto the highways, I don't know what we would do for the crows if we didn't have any litter. Crows have to get something to eat somewhere you know.

Now, if my friend Mr. Call wasn't prepared this morning, I will say like Representative Jalbert, I wouldn't know what in heavens would have happened if he had been prepared, but I would like to ask Representative Call, who wrote that editorial?

The SPEAKER: The pending question is on the motion of the gentleman from Belfast, Mr. Webber, that the House accept the Majority "Ought not to pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

102 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar First Day

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

(S.P. 58) (L. D. 138) Bill "An Act to Change the Name of Department of Military, Civil Emergency Preparedness and Veterans Services to the Department of Defense and Veterans Services" Committee on State Government reporting "Ought to Pass"

(S. P. 50) (L. D. 131) Bill "An Act Designating Head of Tide on the Union River Under the Atlantic Sea Run Salmon Commission" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-4)

(H. P. 133) (L. D. 180) Bill "An Act Relating to Reinstatement of Suspended Corporations under the Business Corporation Act" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 193) (L. D. 234) Bill "An Act to Clarify the Laws Relating to the Bureau of Property Taxation" — Committee on Taxation reporting "Ought to Pass"

(H. P. 209) (L. D. 253) Bill "An Act to Set off Burying Island in Taunton Bay to the Town of Franklin" Committee on Local and County Government reporting "Ought to Pass"

No objection being noted, the above items were ordered to appear on the Consent Calendar of February 12, under listing of the Second Day.

Passed to Be Engrossed

Bill "An Act Establishing a Seal for Official Use of the Legislature" (H. P. 58) (L. D. 70)

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

Second Reader Tabled and Assigned

Bill "An Act Relating to Compatibility of State Income Tax Law with Federal Law" (S. P. 59) (L. D. 139)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mr. Drigotas of Auburn, tabled pending passage to be engrossed and specially assigned for Thursday, February 13.

Passed to Be Enacted Emergency Measure

An Act Eliminating Waiting Period under the Employment Security Law (H. P. 139) (L. D. 171)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary a total was taken.

138 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Reconsidered

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

On motion of Mr. Silverman of Calais, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-12) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 51 is a bill to allow handicapped people in the State of Maine to have a special license plate, and also to put a logo on it showing they are handicapped. It is similar to this one which I am showing you from the State of Vermont.

We have found it in error through education and through the business world. We are trying to bring handicapped people out to where they can take an active part in their community. A license plate showing an international symbol for the handicapped by this logo could help them have a place to park near this building and public buildings such as our university system or this state building. Also if they have a problem on the turnpike or on the road, people could recognize that they are handicapped. State officials could also help them, law enforcement officials.

I think it is a very important bill at this time. The reason for the amendment, the

original bill which I wrote up did not have the exact legal terms and so forth for the Bureau of Motor Vehicles, and they asked me to put this in, so therefore I did. I hope for the passage of this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, I would ask a question through the Chair to anyone who would care to answer it. With reference to House Amendment "A" to L. D. 51, I would ask the reasoning behind the requirement that the Certificate of Handicap, if you will, be attested to by two physician rather than one, acknowledging that there are many areas within our state that are somewhat isolated geographically and in addition this would be still another handicap for those handicapped people to overcome.

The SPEAKER: The gentlewoman from Freeport, Mrs. Clark, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker and Members of the House: I don't know if I am so well versed in the field that I should answer that question, but I had it written up by the Department of Motor Vehicles. I also had this bill sent to Mr. William Portwine of the Southern Maine Association of Handicapped Persons, also to Stan Jones of the Governor's Committee on Handicapped, and they both approved of this measure. Evidently it is a measure just to protect the handicapped, that no one who might be taking advantage of this bill would be put on these special license plates.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Passed to Be Engrossed

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

An Act Designating a Commemorative Day in Remembrance of Martin Luther King, Jr. (H. P. 271) (L. D. 242)

Were reported to 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 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 — February 6, by Mr. Rolde of York.

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

Thereupon, Mr. Mills of Eastport withdrew his motion.

The Bill was referred to the Committee on Natural Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the second 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 — February 6, 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 Natural Resources, ordered printed and sent up for concurrence.

The Chair laid before the House the third 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 — February 6, by Mr. Palmer of Nobleboro.

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 State Government, ordered printed and sent up for concurrence.

The Chair laid before the House the fourth 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, insisted on passage to be engrossed. - In Senate, insisted on acceptance of Minority "Ought not to Pass" Report and asked for a Committee of Conference.

Tabled — February 6, by Mr. Rolde of York.

Pending — Further Consideration.

Thereupon, on motion of Mr. Mills of Eastport, the House voted to further insist and join in the Committee of Conference.

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

Bill "An Act Relating to the Taking of Alewives in the Town of Whiting, Washington County" (H. P. 12) (L. D. 17) — In House, passed to be enacted. — In Senate, indefinitely postponed.

Tabled — February 6, by Mr. Rolde of York.

Pending — Further Consideration.

On motion of Mr. Mills of Eastport, the House voted to recede and concur.

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

Bill "An Act to Require Industrial Accident Insurers to Maintain Agents within the State of Maine" (H. P. 456) (Committee on Reference of Bills suggested Committee on Labor).

Tabled — February 6, by Mrs. Clark of Freeport.

Pending — Reference.

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

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

Bill "An Act Requiring Auctioneers to Keep Records of Purchases and Sales" (H. P. 469) (Committee on Reference of Bills suggested Committee on Legal Affairs).

Tabled — February 6, by Mrs. Clark of Freeport.

Pending — Reference.

Thereupon, on motion of Mr. Faucher of

Solon, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act Requiring Licensing of Antique and Used Furniture Dealers and Their Keeping of Records" (H. P. 470) (Committee on Reference of Bills suggested Committee on Legal Affairs).

Tabled — February 6, by Mrs. Clark of Freeport.

Pending — Reference.

On motion of Mr. Faucher of Solon, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

RESOLUTION, Proposing an Amendment to the Constitution to Require that the Governor be Elected by Majority Vote (H. P. 455) (Committee on Reference of Bills suggested Committee on State Government).

Tabled — February 6, by Mr. Talbot of Portland.

Pending — Reference.

On motion of Mrs. Najarian of Portland, retabled pending reference and tomorrow assigned.

The following paper from the Senate was taken out of order by unanimous consent:

Report of the Committee on Local and County Government reporting "Ought to Pass" on Bill "An Act to Annex Township 4 Range 2 to the Town of Carrabassett Valley" (S. P. 78) (L. D. 218)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed.

In the House, the Report was read and accepted in concurrence, and the Bill read once. Under suspension of the rules the Bill was read the second time, passed to be engrossed and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Rolde of York, Adjourned until nine-thirty tomorrow morning.