

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 18, 1975

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

Prayer by Father Thomas J. Joyce of Augusta.

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

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, with the following exception:

Bill "An Act to Authorize Bond Issue in the Amount of \$1,050,000 for Acquisition and Construction of Facilities for the Care and Treatment of the Severely and Profoundly Mentally Retarded" (S. P. 172) (L. D. 623)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House: On motion of Mr. Rolde of York, tabled pending reference in concurrence and tomorrow assigned.

Reports of Committees**Ought Not to Pass**

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to a Close Corporation Under the Unemployment Compensation Laws" (S. P. 11) (L. D. 43)

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

Ought to Pass with Committee Amendment

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-3) on Bill "An Act to Provide for 6-person Juries in Civil Cases" (S. P. 16) (L. D. 90)

Came from the Senate with Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-3) as amended by Senate Amendment "A" (S-6).

In the House, the Report was read by the Clerk and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-3) was read by the Clerk. Senate Amendment "A" (S-6) to Committee Amendment "A" (S-3) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence, and the Bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act Establishing a Seal for Official Use of the Legislature" (H. P. 58) (L. D. 70) on which the House accepted the Minority "Ought to Pass" Report of the Committee on State Government and passed the Bill to be engrossed on February 11.

Came from the Senate with the Majority "Ought Not to Pass" Report accepted in non-concurrence.

In the House:

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think we are always in the process of learning, no matter how long we have been here. This

seemed to me to be probably the most simple bill that I have ever introduced, and it ran into the most flak. I think I see the handwriting on the wall now, and I move we recede and concur with the Senate.

Thereupon, on motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Change the Statutory Term "Workmen's Compensation" to "Workers' Compensation" (H. P. 100) (L. D. 110) which was passed to be enacted in the House on February 12 and passed to be engrossed as amended by Committee Amendment "A" (H-8) on February 4.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I move we insist and will speak briefly to my motion.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the House insist.

Mr. HOBBS: Mr. Speaker and Members of the House: I was somewhat amazed with the happenings that occurred last Thursday in the other body. This unmentionable body, without discussion, indefinitely postponed this important bill that I have sponsored which would change the statutory term "workmen's compensation" to "worker's compensation."

I agree with the arguments that this bill is not one of the top priorities of this session, unlike bills to reimburse Mable of Chester for loss of beehives because of bear or deer or whatever, but I do feel and I do believe that it is a sound gesture in the spirit of equality to the job markets for the people of Maine.

This bill was heard before the distinguished Committee on Labor and was reported out unanimously with committee amendment "A" attached to it. This committee amendment answers the cost factor criticism which many people have brought to my attention. The amendment to L. D. 110 calls for an effective date of January 1, 1977. This will allow sufficient time to print new documents containing the term "worker's compensation," while still using the previous documents containing the term "workman's compensation."

Many of you must wonder where I got the idea for changing this reference. Many of you probably think and believe that it was instigated by some women's liberation movement or some NOW chapter. Well, to tell you the truth, ladies and gentlemen of the House, my father first mentioned this bill to me after reading an article about proposed changes that will occur in the future at the federal government level. He is by no means a women's lib advocate. In fact, he used to grimace when he addressed my sister's letters while she was at college with the term "Ms." before her name.

In all seriousness, Mr. Speaker and members of the House, I do hope this liberated body will accept my motion to insist.

Thereupon, on motion of Mr. Hobbins of Saco, the House voted to insist.

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

RESOLVE, Appropriating Funds for Little Brothers Association of Greater Portland, Inc. (H. P. 555) (Presented by Mr. Curran of So. Portland) (Cosponsor: Mr. LaPointe of Portland)

(Ordered Printed)

Sent up for concurrence

Bill "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control" (Emergency) (H. P. 560) (Presented by Mr. McBreairty of Perham)

(Cosponsors: Mr. Garsoe of Cumberland, Mr. Powell of Wallagrass Pl.)

The Committee on Reference of Bills suggested the Committee on Appropriations and Financial Affairs.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Peterson:

Mr. PETERSON: Mr. Speaker and Members of the House: On page 1 of the Senate papers, we referred Bill "An Act Appropriating Funds for Spruce Budworm Control Program" to the Appropriations Committee, and this bill is also going that way.

I just want to bring it to the attention of members of the House that there has been an informal agreement, it is not binding, but there will be participation by members of the Natural Resources Financial Affairs Committee concerning the spruce budworm problem.

I also would like to call your attention to a study, one of the many that was passed out last week done by the Natural Resources Committee, on the spruce budworm problem. This is a multi-million dollar item that we are going to be asked to be spending on spruce budworm. This study, I think, is very informative, and I hope that you can find time to read it.

Mr. Speaker, I now move that item 2 be referred to the Committee on Appropriations and Financial Affairs.

Thereupon, on motion of Mr. Peterson of Windham, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Bill "An Act Appropriating Funds to the Attorney General for Salary Adjustments" (Emergency) (H. P. 563) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Require Apprentice Hairdressers to Practice Hairdressing under the Supervision of a Registered Instructor" (H. P. 547) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Limit Maine Licenses for Real Estate Brokers and Salesmen to Residents" (H. P. 556) (Presented by Mrs. Kany of Waterville)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act Relating to Absentee Balloting in Municipal Elections" (H. P. 562) (Presented by Mr. LeBlanc of Van

Buren) (Cosponsors: Mr. Bustin of Augusta, Mr. Carey of Waterville, Mrs. Goodwin of Bath) (Later reconsidered) (Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Require Optometrists to Refer Patients to Ophthalmologists in Certain Situations" (H. P. 551) (Presented by Mr. Goodwin of So. Berwick)

Bill "An Act Relating to Reallocation of Existing Institutional Resources of the Bureau of Corrections" (H. P. 559) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Farley of Biddeford) (Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Repeal Obsolete Statutes Concerning Certain Crimes" (H. P. 546) (Presented by Mr. Hunter of Benton)

RESOLVE, Authorizing Peggy Lanpher of South China or her Legal Representative to Bring Civil Action Against the State of Maine (H. P. 549) (Presented by Mr. Hunter of Benton by request)

RESOLVE, Authorizing Priscilla Blodgett of Augusta or her Legal Representatives to bring an Action against the State of Maine (H. P. 553) (Presented by Mrs. Miskavage of Augusta) (Ordered Printed)
Sent up for concurrence.

(Item 12) Bill "An Act to Provide for the Protection of Fringe Benefits as Wages" (H. P. 558) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Rolde of York, Mr. McKernan of Bangor)

Labor

Bill "An Act to Provide for the Protection of Fringe Benefits as Wages" (H. P. 558) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Rolde of York, Mr. McKernan of Bangor) (Ordered Printed)
Sent up for concurrence.

Legal Affairs

Resolve, to Reimburse Edward S. and Dorothy P. Crockett for Property Damages Caused by Escapee of Augusta Mental Health Institute (H. P. 545) (Presented by Mrs. Clark of Freeport) (Cosponsor: Mr. Leonard of Woolwich)

Bill "An Act to Prohibit Smoking in All State Offices" (H. P. 554) (Presented by Mr. Quinn of Gorham) (Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Increase the Salary of the Sheriff of Washington County" (H. P. 548) (Presented by Mrs. Kelley of Machias)

Bill "An Act to Provide for County Commissioner Districts in Cumberland County and to Provide Four-Year Terms for Cumberland County Commissioners" (H. P. 552) (Presented by Mr. Jensen of Portland) (Cosponsor: Mrs. Clark of Freeport) (Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Authorize Special Rates by Public Utilities for Older Citizens" (H. P. 561) (Presented by Mr. Peterson of Windham) (Cosponsors: Mrs. Goodwin of Bath, Mr. Hobbins of Saco, Mr. Wilfong of Stow)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Relating to Definition of Retail Sale under Sales and Use Tax Law" (Emergency) (H. P. 537) (Presented by Mr. Cox of Brewer) (Cosponsor: Mr. Norris of Brewer)

Bill "An Act Relating to the Valuation of Farmland" (H. P. 550) (Presented by Mr. Churchill of Orland)

Bill "An Act to Remove the Inheritance Tax Exemption for Life Insurance Proceeds in Excess of \$50,000 and to Increase the Inheritance Tax Exemption for Husbands and Wives" (H. P. 557) (Presented by Mr. Sprowl of Hope) (Ordered Printed)
Sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker and Members of the House: I would move that we reconsider our action on item 6, Bill "An Act Relating to Absentee Balloting in Municipal Elections," House Paper 562, and then I would hope that if we did reconsider that someone would table it for one day. The reason for doing this is, I realize as far as the elections are concerned, they are governed by Title I. But as far as municipal elections are concerned, it is spelled out quite well under the municipal sections of the revised statutes, which is in Title 30. I would like to have a chance to confer with the sponsors of the bill, and this is why I am asking for reconsideration. If we did reconsider, we could table it for one day.

Thereupon, on motion of Mr. Rolde of York, tabled pending the motion of Mr. Dam of Skowhegan to reconsider and tomorrow assigned.

House Reports of Committees

Ought Not to Pass

Mr. Finemore from the Committee on Taxation reporting "Ought not to Pass" on Bill "An Act Providing for a Retirement Income Tax Credit" (H. P. 264) (L. D. 311)

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

Leave to Withdraw

Mrs. Berube from the Committee on Performance Audit on Bill "An Act Providing that the Department of Health and Welfare Increase Payments to Flat Rate Nursing Homes" (Emergency) (H. P. 119) (L. D. 155) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Faucher from the Committee on Legal Affairs reporting "Ought to Pass" on Resolve, to Reimburse Virginia A. Brann of Windsor for Motor Vehicle Damage Due to State Construction (H. P. 196) (L. D. 240)

Mr. Cote from same Committee reporting same on RESOLVE, to Reimburse Gordon Wiley of Littleton for Loss of Poultry by Fox (H. P. 265) (L. D. 312)

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

Ought to Pass with Committee Amendment

Mr. Faucher from the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-20) on RESOLVE, to Reimburse Evelyn Bass of Bucksport for Loss of Beehives by Bear (H. P. 192) (L. D. 228)

Mr. Carter from the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-22) on Bill "An Act Appropriating Funds to Reimburse Municipalities for Business Inventory Taxes" (Emergency) (H. P. 82) (L. D. 100)

Mr. LeBlanc from Same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-23) on Bill "An Act Relating to Grants-in-Aid for Construction and Maintenance of Public Facilities for Boats" (H. P. 145) (L. D. 163)

Mr. Binnette from the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-21) on Bill "An Act Relating to Fees for the Inspection of School Buses" (H. P. 229) (L. D. 285)

Reports were read and accepted and the Bills and Resolve read once. Committee Amendment "A" to each was read by the Clerk and adopted and the Bills and Resolve assigned for second reading tomorrow.

Ought to Pass in New Draft New Draft Printed

Mr. Drigotas from the Committee on Taxation on Bill "An Act Relating to Contraband Cigarettes" (H. P. 123) (L. D. 179) reported same in New Draft (H. P. 564) (L. D. 631) under same title and that it "Ought to Pass"

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

Consent Calendar First Day

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

(H. P. 261) (L. D. 308) Bill "An Act Authorizing the Theater at Monmouth to be Named the Shakespearean Theater of Maine" — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 231) (L. D. 287) Bill "An Act to Clarify Directional Signs Indicating Coastal Route at Exit 9 on the Maine Turnpike" — Committee on Transportation reporting "Ought to Pass"

No objections having been noted the above items were ordered to appear on the Consent Calendar of February 19, under listing of the Second Day.

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

(S. P. 73) (L. D. 213) Bill "An Act Relating to Record of Sales of Used Merchandise of Auctioneers"

(S. P. 92) (L. D. 263) Bill "An Act to Authorize the Issue of an Additional Pair of Specially Designated License Plates to Maine Members of the United States Senate and House"

(S. P. 83) (L. D. 237) Bill "An Act Relating to Filing of Record of Locations and Changes of Highways"

(H. P. 339) (L. D. 422) Bill "An Act to Extend Standard Coverage Under the Minimum Wage Statutes to Employees of Nursing Homes and Hospitals"

(H. P. 144) (L. D. 175) Bill "An Act to Clarify the Power of County Commissioners to Authorize the Sale of Malt Liquor and Table Wine for Off-Premise Consumption on Sundays in Unincorporated Communities"

(H. P. 54) (L. D. 66) RESOLVE, Ratifying Grant of Easement on State Land to Central Maine Power Company

(H. P. 201) (L. D. 246) Bill "An Act to Authorize the Board of Cosmetology to Employ a Part-time Executive Secretary"

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

Passed to Be Engrossed

Bill "An Act Making an Additional Appropriation from the General Fund to Restore the Appropriation for Operations of the Bureau of Taxation for the Fiscal Year Ending June 30, 1975" (Emergency) (H. P. 43) (L. D. 55)

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

Passed to Be Enacted Emergency Measure

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 (H. P. 127) (L. D. 141)

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.

132 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Penalty for Premeditated Animal Fights (H. P. 162) (L. D. 205)

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.

133 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

RESOLVE, to Reimburse Paul R. Nyberg of Mechanic Falls for Motor Vehicle Damaged Caused by State Ward (H. P. 45) (L. D. 57)

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)

An Act Relating to Use Fuel Tax Audits (H. P. 124) (L. D. 160)

An Act to Clarify Provisions in the Motor Fuel Tax Law (H. P. 131) (L. D. 161)

Were 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:

AN ACT to Annex Township 4, Range 2 to

the Town of Carrabassett Valley (Emergency) (S. P. 78) (L. D. 218)

Tabled — February 12, by Mr. Faucher of Solon.

Pending — Enactment.

On motion of Mr. Doaks of Rangeley, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act Relating to the Appointment of Clerks of the Judicial Courts" (H. P. 533) (Committee on Reference of Bills suggested the Committee on Performance Audit)

Tabled — February 13, by Mr. Henderson of Bangor.

Pending — Reference.

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

On motion of Mr. Connolly of Portland, Adjourned until ten o'clock tomorrow morning.