

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

Friday, February 28, 1975

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

Prayer by Father Armand Neault of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Prohibit the Use of Abbreviations of the State's Name" (H. P. 3) (L. D. 8) which was passed to be engrossed in the House on February 26.

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

In the House: On motion of Mr. Faucher of Solon, tabled pending further consideration and specially assigned for Wednesday, March 5.

From the Senate: The following Joint Order: (S. P. 259)

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn until Tuesday, March 4, at ten o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 253)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Dover-Foxcroft Academy Ponies Eastern Maine Class B Basketball Champions for the Academic Year 1975

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 252)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mexico High School Pintos Western Maine Class B Runnerup Basketball Champions for the Academic Year 1975

We the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

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

Bill "An Act to Authorize the University

of Maine to Proceed with the Development of a School of Medicine as Part of the Teaching Program of the University System" (S. P. 224) (L. D. 773)

Came from the Senate referred to the Committee on Education.

In the House: On motion of Mr. Lynch of Livermore Falls, tabled pending reference in concurrence and specially assigned for Tuesday, March 4.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require Eye Protection for Motorcycle Riders" (S. P. 132) (L. D. 437)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Prohibit Swimming or Diving from a Bridge on a Public Highway" (S. P. 99) (L. D. 355)

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

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Establish a Committee of Problems of Corrections" (S. P. 6) (L. D. 18)

Came from the Senate read and accepted.

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

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Confer Jurisdiction upon the District Court over Suits to Clear Title to Municipal Real Estate" (S. P. 85) (L. D. 256) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify and Extend the Equitable Jurisdiction of the District Court in Certain Civil Actions Involving Title to Real Estate" (S. P. 245) (L. D. 762)

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

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading the next legislative day.

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
HOUSE OF REPRESENTATIVES
OFFICE OF THE CLERK
AUGUSTA

February 27, 1975

Representative John L. Martin
Speaker of the House
107th Maine Legislature
State House
Augusta, Maine 04330

Dear Mr. Speaker:

This is to bring to your attention an error for which I accept responsibility in the preparation of the 1975 Senate and House Registers.

Representative Stephen T. Hughes is indicated as being an attorney. He is not and I regret this error.

Signed: Sincerely yours,

EDWIN H. PERT

The Communication was read and ordered placed on file.

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and,

upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act to Abolish the Maine Milk Commission, the Maine Dairy Council, and the Maine Milk Tax Committee, to Transfer Certain Functions of the Maine Milk Commission to the Commissioner of Agriculture, to Provide for the Monitoring of Butterfat and Bacteria Tests of Dairy Products, to Establish Unit Pricing of Consumer Commodities and to Establish Open Dating of Food" (H. P. 700) (Presented by Mr. Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Definition of a Real Estate Broker" (H. P. 685) (Presented by Mrs. Boudreau of Portland)

Bill "An Act Relating to Reserve Valuation Standards for Life Insurance and Annuity Contracts and Nonforfeiture Benefits of Life Insurance Policies" (H. P. 693) (Presented by Mr. MacLeod of Bar Harbor)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Payments to Providers of Health Care Services by the Department of Health and Welfare" (H. P. 697) (Presented by Mr. MacEachern of Lincoln) (Cosponsor: Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Concerning the Powers of Counties" (H. P. 688) (Presented by Mr. Martin of St. Agatha) (Cosponsor: Mr. Carpenter of Houlton)

Bill "An Act Relating to Municipal Participation in Civil Emergency Preparedness Agencies" (H. P. 691) (Presented by Mr. Stubbs of Hallowell)

Bill "An Act to Require Notification of Assistance to Indigent Persons" (H. P. 699) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act to Eliminate Set Back Standards for Seasonal Homes in the Unorganized and Deorganized Townships of the State" (H. P. 689) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Amend the Protection and Improvement of Air Statutes" (H. P. 694) (Presented by Mr. Willfong of Stow) (Cosponsor: Mr. Curran of Bangor)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Establish the Monarch Butterfly as the State Insect" (H. P. 698) (Presented by Mr. Burns of Anson)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Reimburse Municipalities for Loss of Taxes Due to Veterans' Exemptions Authorized by the State" (H. P. 690) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Tax the Personal Property of Domestic Life Insurance Companies" (H. P. 695) (Presented by Mrs. Najarian of Portland)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act Relating to Town Ways" (H. P. 687) (Presented by Mr. Kauffman of Kitterly)

Bill "An Act to Require Certain Safety Equipment on Bicycles" (H. P. 692) (Presented by Mr. Snow of Falmouth)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act to Permit Certain Persons to be Exempt from the Participation of a Local District in the State Retirement System" (H. P. 686) (Presented by Mr. Snow of Falmouth)

(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Pierce of Waterville presented the following Joint Resolution and moved its adoption: (H. P. 701)

IN MEMORIAM

Having Learned of the Death of
DR. JOSEPH J. DEVITT
OF WATERVILLE

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 Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Binnette of Old Town, it was

ORDERED, that Frank Drigotas of Auburn be excused March 6 and 7 for personal reasons.

Tabled and Assigned

Mr. Kelleher of Bangor presented the following Joint Order and moved its passage: (H. P. 696)

WHEREAS, administrative procedures have been established for bids, awards and contracts by Title 5, chapter 155, to regulate such practices; and

WHEREAS, it is important to the citizens of the State of Maine that all bids, whether for goods or services, awarded by the State Bureau of Purchases, be awarded in the fairest possible manner; and

WHEREAS, it is also important that the bid specifications as drawn by the various departments and issued through the Bureau of Purchases be set forth in a realistic and honest manner which would allow a maximum number of bidders while at the same time protecting the interests of the taxpayers; now, therefore, be it

ORDERED, the Senate concurring, that a special committee to consist of 2 Senators to be appointed by the President of the Senate and 3 Representatives to be appointed by the Speaker of the House, be authorized to study the bidding process of the State Bureau of Purchases and the various department specifications to determine whether or not discrimination might exist: and be it further

ORDERED, that this committee report its findings, including any necessary legislation, to the 107th Legislature prior to May 1, 1975.

The Order was read.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: This order I had distributed yesterday for you members of this House to consider, and it involves the bidding process of the Bureau of State Purchases.

I have been somewhat concerned about the processes that they use down there, just how this bidding program that they have functions, whether there are any discriminatory practices involved and whether it is true or not that the departments themselves set up the specifications and send out the bids, and then they are accepted by the Bureau of Purchases without further consideration.

One other reason that I put this in was because of the work that was done through leadership in this House, they were to negotiate printing that we have had here in the past from various printing agencies in this state and have reduced the amount of costs in these inflationary times very substantially. One thing was the printing by the K.J. of certain material with somewhat of a hundred thousand dollar reduction, and I have yet to hear the real explanation of such a high and hideous cost to the state, how we could spend a hundred and some odd thousand dollars for certain printing, and then here we are in 1975 receiving the same amount of printing in this inflationary time at a substantially reduced rate. This is something that we all should consider, and I believe in my order, as presented, we could have a joint committee. We could report back within reason in 60 days to the legislature the reasons for this practice and the possibility of other mispractices in the Bureau of Purchases. I am not saying that they really exist, but there have been rumors. I would like to ease my conscience, and I am sure you would like to rest yours. We could give either a complete and absolute blessing to the Bureau of Purchases, or we could come in with some reasonable recommendations.

Mrs. Berube of Lewiston moved the Order be tabled for two legislative days.

Mr. Kelleher of Bangor requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this Joint Order be tabled pending passage and specially assigned for Wednesday, March 5. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.
62 having voted in the affirmative and 55 having voted in the negative, the motion did prevail.

House Reports of Committees Ought Not to Pass

Mr. Burns from the Committee on Legal Affairs on Resolve, to Reimburse Alton M. Dixon of Orrington for Property Damage Caused by Beaver (H. P. 353) (L. D. 446) reporting "Ought Not to Pass"

Mr. Burns from the Committee on same on Bill "An Act to Include Rodent Infestation in the Definition of Nuisances" (H. P. 281) (L. D. 333) reporting same

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

Leave to Withdraw

Mr. Hunter from the Committee on Legal Affairs on Resolve, to Reimburse David P. Mayo of Deer Isle for Fine Erroneously Paid to the State (H. P. 360) (L. D. 451) reporting Leave to Withdraw.

Mr. Burns from the Committee on same on Bill "An Act to Terminate Use of Identifying Numbers on Scrapped or Junked Cars" (H. P. 389) (L. D. 481) reporting same

Mr. Cox from the Committee on Taxation on Bill "An Act to Increase the Inheritance Tax Exemption and to Amend the Tax Rates" (H. P. 385) (L. D. 478) reporting same.

Mr. Winship from the Committee on Transportation on Bill "An Act to Clarify the Use of Initial Plates" (H. P. 342) (L. D. 426) reporting same.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mrs. Lavery from the Committee on Health and Institutional Services on Bill "An Act to Require the Licensing of Alcoholic Treatment Facilities" (H. P. 141) (L. D. 167) reporting same in New Draft (H. P. 683) (L. D. 806) under same title, and that it "Ought to Pass"

Mr. Curran from the Committee on Health and Institutional Services on Bill "An Act to Require Reports of Certain Communicable and Notifiable Diseases to be made to the Director of Health of the Department of Health and Welfare" (H. P. 250) (L. D. 301) reported same in new draft (H. P. 684) (L. D. 807) under same title and that it "Ought to Pass"

Reports were read and accepted, the New Drafts read once, and assigned for second reading the next legislative day.

Consent Calendar First Day

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

Resolve, Authorizing the Exchange of Certain Public Reserved Lands — Committee on Public Lands reporting "Ought to Pass" (H. P. 97) (L. D. 177)

Bill "An Act to Repeal the Requirement for Railroads Operating in Maine to File Annual Reports of Capital Expenditures with the Department of Commerce and Industry" Committee on Public Utilities reporting "Ought to Pass" (H. P. 10) (L. D. 15)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 4 under listing of Second Day.

Bill "An Act to Clarify the Powers of Kitterly Water District" (Emergency) Committee on same reporting same. (H. P. 164) (L. D. 210)

Objection having been noted, was removed from the Consent Calendar's first day list.

Thereupon, the Report was accepted 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.

Bill "An Act to Amend the Charter of the Freeport Sewer District" — (Emergency) Committee on same reporting same. (H. P. 441) (L. D. 515)

Bill "An Act to Amend the Law Relating to the Registration of Automobiles" (Emergency) — Committee on

Transportation reporting "Ought to Pass" (H. P. 343) (L. D. 427)

Bill "An Act to Allow Juveniles at the Training Centers and Inmates at the County Jails to Participate in Halfway House Programs" — Committee on Judiciary reporting "Ought to Pass" (S. P. 91) (L. D. 262)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 4, under listing of Second Day.

Consent Calendar Second Day

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

Bill "An Act to Change the Name of the Bureau of Labor and Industry to the Bureau of Labor" (S. P. 140) (L. D. 443)

Bill "An Act to Clarify the Exemption of Hairdressers Holding Booth Licenses from Eligibility for Unemployment Compensation" (H. P. 202) (L. D. 247)

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

Resolution, Proposing an Amendment to the Constitution Prohibiting Anyone under Sentence for a Felony from Seeking or Holding a Constitutional Office (S. P. 43) (L. D. 95)

Bill "An Act to Provide Continuing Jurisdiction over Juvenile Offenses" (H. P. 321) (L. D. 393)

Bill "An Act to Abolish the Statewide Central Tumor Registry of the Department of Health and Welfare" (H. P. 283) (L. D. 335)

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

Bill "An Act to Change the Name of Department of Inland Fisheries and Game to Department of Fisheries and Wildlife" (H. P. 413) (L. D. 588)

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

Mr. Greenlaw of Stonington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-41) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: All this amendment does is put back into the title of the department the word 'Inland.' The department would now be known as the Department of Inland Fisheries and Wildlife. I think the Statement of Fact explains the reason for it. It is simply to distinguish between the Inland and Fisheries Coastal Department.

I have touched base with the sponsor of the bill, the members of the Fisheries and Wildlife Committee, the Chairman of the State Government Committee, and all seem to be in agreement. I now move for the adoption of this amendment, Mr. Speaker.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent to the Senate.

Bill "An Act to Permit Archery Hunting

Without a License in Certain Cases" (H. P. 255) (L. D. 323)

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

Amended Bills

Bill "An Act to Increase Funds Allowed by Court Order to a Minor without a Guardian" (S. P. 76) (L. D. 216) (S. "A" S-9)

Bill "An Act to Extend the Life of the Commission Preparing a Revision of the Probate Laws" (Emergency) (H. P. 235) (L. D. 291) (C. "A" H-38)

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

An Act Relating to Hearings for Applications for Liquor Licenses (S. P. 101) (L. D. 356)

An Act Relating to Suspension of Sale of Certain Bedding and Upholstered Furniture (H. P. 143) (L. D. 165)

An Act Relating to Licenses Issued by the Harness Racing Commission and to the Rule-making Authority of that Commission (H. P. 363) (L. D. 457)

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.

Enactor

Tabled and Assigned

An Act Relating to Fines, Suspensions and Revocations Levied by the Harness Racing Commission (H. P. 431) (L. D. 525)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and specially assigned for Wednesday, March 5.)

Finally Passed

Resolve, to Reimburse G. Gordon Gilman of Stow for Loss of Bee Hives by Bear (H. P. 291) (L. D. 343)

Resolve, to Reimburse Marcia S. Webster of Auburn for Loss by Fire Caused by State Ward (H. P. 268) (L. D. 316)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Resolves finally passed, signed by the Speaker and sent to the Senate.

Orders of the Day

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Judiciary has placed a proposed schedule of hearings on your desks with reference to L. D. 314, Maine Criminal Code. I would like to briefly explain to you the schedule.

This will start on March 11, and the general principle from section 1 through 108 will be taken care of on that day. March 13, which is on a Thursday, we will take up sections 151 through 404. March 18, another Tuesday, will be sections 451 through 757. On Wednesday, we will have sections 801 through 854, and on that day we will have one of the top professors in criminal law that will attend this hearing, and his name is Professor Sanford J. Fox. On March 20, we will answer questions on the entire code at that time, and the professor will also be with us on that day to answer all the questions you might have to

ask him. March 25 will be sections 901 through 1115, and on March 27, we will have sections 1151 through 1305, and I hope everyone here who are interested, who knows anyone in their own towns, like their police departments or anyone else that might be interested in some of these laws, that they ask them to attend the hearing. We will be very pleased to have you all.

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

"An Act Exempting Trucks Purchased by Nonresidents from Sales Tax" (H. P. 205) (L. D. 250)

Tabled — February 26, by Mr. Finemore of Bridgewater.

Pending — Passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker and Members of the House: This bill has been on the table for several days, and I believe at this time I won't table it again. The reason has been the cost of this bill, and we can't seem to find out a natural cost. They have given us \$9,000, but we can't find out for sure if that is it.

We have done a lot of work, Mr. Smith and I, and I believe he is continuing to work on it. But at this time, I move it be passed to be enacted.

Thereupon, on motion of Mr. Finemore of Bridgewater, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act Relating to the Priority of Mechanics' Liens." (H. P. 593) (L. D. 740)

In House, referred to Committee on Business Legislation. In Senate, referred to Committee on Judiciary.

Tabled — February 27, by Mr. Rolde of York.

Pending — Further consideration.

On motion of Mr. Tierney of Durham, the House voted to insist.

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

House Order Amending House Rule 10. Tabled — February 27, by Mr. Jalbert of Lewiston. (Pursuant to House Rule 54):

Pending — Passage.

On motion of Mr. Cooney of Sabattus, tabled pending passage and specially assigned for Tuesday, March 4.

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

Resolve, Reimbursing Certain Municipalities on Account of Property Tax Exemptions of Veterans (H. P. 293) (L. D. 346)

Tabled — February 27, by Mr. Palmer of Nobleboro.

Pending — Passage to be engrossed.

On motion of Mr. Palmer of Nobleboro, the Resolve was passed to be engrossed and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Rolde of York, Adjourned until Tuesday, March 4, at ten o'clock in the morning.