

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, March 4, 1975

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

Prayer by the Rev. E. Richard Wrentzel of Auburn.

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

The journal of the previous session was read and approved.

**Papers from the Senate
Tabled and Assigned**

From the Senate: The following Joint Order: (S. P. 180)

Whereas, the Legislature believes that quality social services should be fairly and equitably available to improve the well-being of Maine citizens; and

Whereas, services in the areas of alcoholism and drug abuse prevention, mental health, rehabilitation, mental retardation, senior citizens and priority social services often provide similar or overlapping benefits to individuals; and

Whereas, the organization of state government agencies and the state financial assistance for such community based services is uncoordinated; now, therefore, be it

Ordered, the House concurring, that the Legislative Council study the distribution of social service funds, including the organization of state agencies responsible for administration of such services, state financial assistance of such community based services, the organizational and functional interrelationships of community agencies receiving state financial assistance and such related matters as the Committee may deem appropriate and present its findings and recommendations, including any necessary legislation, to the next special or regular session of the Legislature; and be it further

Ordered, that the state departments and state agencies responsible for administration of such services are respectfully directed to cooperate with the Committee and to provide such technical and other assistance as the Committee deems necessary or desirable to carry out the purposes of this Order, including, but not limited to, personnel and staff as a part of their regular employment without additional appropriation; and be it further

Ordered, upon final passage, that copies of this Order be transmitted forthwith to state departments and agencies as notice of this directive.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-14)

In the House, the Order was read. Senate Amendment "A" (S-14) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Mulhern.

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: The Senate Order that we have before us today deals with a possible study to be given to the special session of the legislature in order to coordinate all efforts in social service programs. There has been some overlapping and duplication in these areas, and this order is trying to do that.

However, my problem is that I am the sponsor of a bill that is going to be coming in later on there are several cosponsors — L. D. 771, which provides for a

comprehensive plan to deal with all social service programs. I am wondering if this particular order might be a duplication of effort, so I am going to ask that someone table this order.

Thereupon, on motion of Mr. Rolde of York, tabled pending the adoption of Senate Amendment "A" in concurrence and specially assigned for Thursday, March 6.

From the Senate:

Bill "An Act Making Current Service Appropriations from the General Fund for Expenditures of State Government for the Fiscal Year Ending June 30, 1976 and June 30, 1977 (Emergency) (S. P. 232) (L. D. 805)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs. In the House, the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

Non-Concurrent Matter

Joint Order relative to Investigation by Committee on Performance Audit of the Department of Health and Welfare's Medicaid Programs (H. P. 543) which was read and passed in the House on February 13.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-12) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from York, Mr. Rolde, moves that the House recede and concur.

The gentleman may proceed.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would draw your attention not only to item 3, but to the next 2 items, which are non-concurrent matters on orders that we passed here in the House. They came back to us with amendments from the Senate.

What the amendments do, they set up a form, this was the form that we used last year in authorizing studies, and it would authorize the Legislative Council to direct committees to perform these studies.

In the case of the first two orders, there is absolutely no change, because the Performance Audit Committee was directed to make these studies in the original orders. In the case of the third matter, the original order called for a subcommittee of the Natural Resources Committee. It was felt that this could then be referred to the entire committee, and then they could organize themselves as they saw fit. So on item 3, I would move that we recede and concur with the Senate.

Thereupon, on motion of Mr. Rolde of York, the House voted to recede and concur.

Non-Concurrent Matter

Joint Order relative to Performance Audit Committee's Review of Health and Welfare Policies (H. P. 512) which was read and passed in the House on February 11.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-11) in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to recede and concur.

Non-Concurrent Matter

Joint Order relative to Study on Solid Waste Disposal (H. P. 527) which was read and passed in the House on February 12.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-13) in non-concurrence.

In the House: On motion of Mr. Rolde of York, the House voted to recede and concur.

Reports of Committees

Leave to Withdraw

Report of the Committee on Liquor Control reporting "Leave to Withdraw" on Bill "An Act Relating to Transfer of Licenses under the Statutes Regulating Alcoholic Beverages" (S. P. 103) (L. D. 358)

Came from the Senate read and accepted.

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

**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:

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to the Attorney General for the Purpose of Participating in Proceedings before the Public Utilities Commission" (Emergency) (H. P. 702) (Presented by Mr. Martin of Eagle Lake) (Cosponsors: Mr. Kelleher of Bangor, Mr. Finemore of Bridgewater)

Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (Emergency) (H. P. 706) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act to Allocate Monies for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (Emergency) (H. P. 709) (Presented by Mr. Smith of Dover-Foxcroft)

Bill "An Act to Allocate Monies for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (Emergency) (H. P. 710) (Presented by Mr. Smith of Dover-Foxcroft)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Make Assault on a Police Officer a Felony" (H. P. 705) (Presented by Mr. Goodwin of So. Berwick)

Bill "An Act to Permit Officials of the Town of South Berwick to Initiate District Court Criminal Prosecutions in Either the District Court at Kittery or the District Court at Sanford" (H. P. 707) (Presented by Mr. Goodwin of So. Berwick)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Concerning Replacement of Eye-glasses and Certain Other Prosthetic Devices under the Workmen's Compensation Statutes" (H. P. 708) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)

Sent-up for concurrence.

Public Lands

Bill "An Act to Improve the Management of the Public Lands" (H. P. 703) (Presented by Mr. Rolde of York) (Cosponsors: Mr. Martin of Eagle Lake, Mr. Palmer of Nobleboro)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Make Allocations from the General Highway Fund to Increase Funds for State Aid Construction and Reconstruction in Hardship Cases" (H. P. 704) (Presented by Mr. Farnham of Hampden)
(Ordered Printed)
Sent up for concurrence.

Orders

Mr. Morton of Farmington presented the following Joint Order and moved its passage: (H. P. 713)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of
**MT. BLUE HIGH SCHOOL OF
FARMINGTON, MAINE
KENNEBEC VALLEY CONFERENCE
GIRLS BASKETBALL CHAMPIONS
FOR THE YEAR 1975**

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement 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.

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

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

ORDERED, that Richard J. Carey of Waterville be excused for March 4, 5 and 6 to attend a Conference on Community Development.

(Off Record Remarks)

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

ORDERED, that James Henderson of Bangor be excused for March 4, 5 and 6 for personal reasons.

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

ORDERED, that Michael Carpenter of Houlton be excused for March 4 and 5 for personal reasons.

House Reports of Committees**Ought Not to Pass**

Mr. Bowie from the Committee on Business Legislation on Bill "An Act to Prohibit the Sale of Illegal Plumbing Fixtures" (H. P. 254) (L. D. 303) reporting "Ought Not to Pass"

Mr. Carroll from the Committee on Education on Bill "An Act Changing the Formula for State Subsidy of Education" (H. P. 347) (L. D. 431) reporting same.

Mrs. Lewis from same Committee on Bill "An Act Providing for Additional Local Expenditures under the School Subsidy Law" (Emergency) (H. P. 224) (L. D. 280) reporting same.

Mr. Call from the Committee on Election Laws on Bill "An Act Prohibiting Candidates from being Present when an

Absentee Ballot is being Marked" (H. P. 94) (L. D. 105) reporting same.

Pursuant to Joint Rule 17-A, placed in Legislative Files and sent to the Senate.

Leave to Withdraw

Mr. Cooney from the Committee on State Government on RESOLUTION Proposing an Amendment to the Constitution Changing the Tenure of Office of Sheriff to Four-Year Terms (H. P. 298) (L. D. 348) reporting Leave to Withdraw.

Report was read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Drafts Printed**

Mr. Farnham from the Committee on State Government on Bill "An Act to Transfer Responsibility for Forest Management of Indian Township to the Commissioner of Indian Affairs" (H. P. 393) (L. D. 485) reported same in New Draft (H. P. 711) (L. D. 818) under same title and that it "Ought to Pass"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act to Abolish the Board of Visitors to State Correctional Institutions and to Create the Maine Correctional Advisory Commission" (H. P. 290) (L. D. 342) reporting "Ought to Pass" in New Draft under new title, Bill "An Act to Create the Maine Correctional Advisory Commission" (H. P. 712) (L. D. 819)

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

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. 242) (L. D. 319) Bill "An Act Increasing the Amount of Real and Personal Property which may be Held by Knox Agricultural Society" — Committee on Agriculture reporting "Ought to Pass"

(H. P. 315) (L. D. 391) Bill "An Act Relating to Application for Insurance License under the Maine Insurance Code" — Committee on Business Legislation reporting same.

(H. P. 475) (L. D. 595) Bill "An Act Increasing Indebtedness of Calais School District" — Committee on Education reporting same.

(H. P. 200) (L. D. 245) Bill "An Act to Incorporate the Town of Benedicta School District" — Committee on Education reporting same.

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 5 under listing of Second Day.

(S. P. 109) (L. D. 363) Bill "An Act Relating to Experimental Signs at Railroad Crossings" — Committee on Public Utilities reporting "Ought to pass."

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

(On motion of Mrs. Kany of Waterville, tabled pending acceptance of the Committee Report and tomorrow assigned.)

Consent Calendar**Second Day**

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

(H. P. 97) (L. D. 177) RESOLVE,

Authorizing the Exchange of Certain Public Reserved Lands.

(H. P. 10) (L. D. 15) 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"

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

(H. P. 343) (L. D. 427) Bill "An Act to Amend the Law Relating to the Registration of Automobiles" (Emergency)

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

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

Passed to Be Engrossed

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)

Bill "An Act to Require the Licensing of Alcoholic Treatment Facilities" (H. P. 683) (L. D. 806)

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. 684) (L. D. 807) (Later Reconsidered)

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

Passed to Be Enacted

An Act to Provide for 6-person Juries in Civil Cases (S. P. 16) (L. D. 90)

An Act Relating to the Presentation of Budgets by School Units (S. P. 49) (L. D. 130)

An Act to Authorize the State Liquor Commission to Grant Civic Associations Licenses to Sell Alcoholic Beverages for On-Premise Consumption (S. P. 89) (L. D. 260)

An Act Increasing the Number of Official Court Reporters (S. P. 127) (L. D. 413)

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.

An Act Restricting Use of Weapons at Public Schools (H. P. 6) (L. D. 11)

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

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I would like to ask a question to anyone through the Chair. My question is, does the enactment of this legislation prohibit the teaching of the use of firearms in schools?

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, the law simply says that no loaded firearm shall be brought onto

public school grounds nor discharged by any person within 500 feet of any public school property.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, I will give you a little more detail on the question. May a qualified instructor give instructions on firearms and actually fire firearms in a school area that is properly constructed, a range or something of that nature?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed an additional question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: The bill states that excepting a supervised educational program. So this would include hunter safety instruction and programs of this sort. These are permissive under this bill.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Relating to Executive Exemption under the Minimum Wage Law (H. P. 140) (L. D. 172)

An Act Authorizing the Theater at Monmouth to be Named the Shakespearean Theater of Maine (H. P. 261) (L. D. 308)

An Act Concerning Appeals from Redetermination of Unemployment Compensation Claims (H. P. 432) (L. D. 543)

An Act to Amend the Chest X-ray Certificate Law (H. P. 595) (L. D. 693)

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:

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.

Tabled — February 28, by Mr. Lynch of Livermore Falls.

Pending — Reference.

On motion of Mr. Lynch of Livermore Falls, referred to the Committee on Education in Concurrence.

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

An Act Relating to Bonding of Gasoline Distributors and Use Fuel Dealers (H. P. 511) (L. D. 573)

Tabled — February 27, by Mr. Lizotte of Biddeford.

Pending — Passage to be enacted. (Roll Call requested)

On motion of Mr. Finemore of Bridgewater, under suspension of the rules, the House reconsidered its action of February 12 whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-42) was read by the Clerk and adopted.

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

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

HOUSE ORDER amending House Rule 10.

Tabled — February 28, by Mr. Cooney of Sabattus.

Pending — Passage.

On motion of Mr. Jalbert of Lewiston, tabled pending passage and tomorrow assigned.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I have a problem with item 3 in Bills in the Second Reading, L. D. 807, and would like to request that the House reconsider its action and table this for one day.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Bachrach, moves that the House reconsider its action of earlier in the day whereby 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. 684) (L. D. 807) was passed to be engrossed.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending the motion of Mrs. Bachrach of Waterville to reconsider and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Palmer of Nobleboro, Adjourned until nine-thirty tomorrow morning.