

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*One Hundred and Seventh
Legislature*

OF THE

STATE OF MAINE

1975

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Friday, April 18, 1975

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

Prayer by Father Robert Brennan of Saco.

The journal of yesterday was read and approved.

(Off Record Remarks)

Papers from the Senate

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04330

April 17, 1975

Mr. Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine
Dear Mr. Pert:

The Senate voted today to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Bill, "An Act Concerning Employment in the Department of Mental Health and Corrections" (H. P. 476) (L. D. 596)

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate:

Bill "An Act to Create a Commission to Revise the Laws Relating to Medical and Hospital Malpractice Insurance" (S. P. 494) (L. D. 1825) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule No. 10)

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

In the House, the Bill was referred to the Committee on Health and Institutional Services in concurrence.

Reports of Committees

Ought Not to Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Disqualification for Benefits under Employment Security Law" (S. P. 239) (L. D. 791)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Discharge for Misconduct as Disqualification for Benefits under Employment Security Law" (S. P. 240) (L. D. 792)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Definition of Public Place in the Statute Prohibiting Drinking of Alcoholic Beverages in Public Places not Licensed for the Sale" (S. P. 360) (L. D. 1164)

Were placed in the Legislative Files without further action, pursuant to Joint Rule 17-A, in concurrence.

Leave to Withdraw

Committee on Labor reporting Leave to Withdraw on Bill "An Act to Provide that Experience Ratings be used to Determine Workmen's Compensation Insurance Premiums for Small Employers" (S. P. 425) (L. D. 1391)

Came from the Senate with the Report read and accepted.

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

Referred to Committee on

Judiciary

Committee on Legal Affairs on Bill "An Act Providing for Rehabilitation Program Contract Completion as a Condition Precedent to Hearing before the State Parole Board" (S. P. 315) (L. D. 1092) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

In the House, the Report was read and accepted in concurrence and the Bill was referred to the Committee on Judiciary in concurrence.

Non-Concurrent Matter

Bill "An Act to Permit Furloughs for Prisoners of County Jails" (H. P. 427) (L. D. 521) which was indefinitely postponed in the House on April 9.

Came from the Senate with the Bill passed to be engrossed as amended by Committee Amendment "A" (H-102) as amended by Senate Amendment "A" (S-71) thereto, in non-concurrence.

In the House: On motion of Mr. LaPointe of Portland, the House voted to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I am not certain of the procedure, but I would like to kill this amendment.

The SPEAKER: The Chair would inform the gentleman from Lincoln, Mr. MacEachern, that the House has now receded and concurred with the other body. The gentleman may move to reconsider.

Mr. MacEACHERN: Mr. Speaker, I so move.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House reconsider its action whereby it voted to recede and concur.

Thereupon, Mr. LaPointe of Portland requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House reconsider its action whereby it voted to recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 16 in the negative, the motion did prevail.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Portland, that the House recede and concur.

Thereupon, Mr. LaPointe of Portland requested a division.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Men and Women of the House: I note that Chairman Gauthier of the Judiciary Committee is not here, so I would take it upon myself simply to ask that you refer to the amendment in question, which is Senate Amendment "A" and this would limit what was originally a broad furlough program to two very specific instances — one would be for medical treatment and the other is to visit a dying relative. So what was originally conceived as a furlough program is no longer such.

It seemed to us, as we heard this bill before the Judiciary Committee, that the best arguments for it was that at present when a prisoner — and remember that these are for minor crimes, being in a county jail — but when a prisoner needs

medical care, there now is a cost to the county involved to provide 24 hour around the clock guards to that prisoner while he is in a hospital bed. That is three shifts a day. That is tying up three deputies to guard somebody who is in jail for a very minor, non-violent kind of crime. The other occasion was that when prisoners are let out to visit dying relatives, again they have to be guarded for that event. So we wanted to provide some flexibility in these two events for the sheriffs to allow furloughs for that very particular period.

I am in sympathy with the thought that a broad furlough program in county jails is not necessary, given the short stay of most prisoners in county jails. But I think these two specific things will save our counties some money, allow deputy sheriffs to do more useful things than to stand outside of hospital rooms, and I would urge you to support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker and Members of the House: I think the key to this whole thing was said by the previous gentleman. These are prisoners and they are in there to do time, and if we have to guard them, I think it is a necessary expense. They are in there to be punished.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker and Members of the House: The thinking behind this bill is that in the county jail at the present time there is a work release program where prisoners who are employed outside of the county jail are able to go and work at a job eight hours a day and come back to the jail at night.

They are not guarded when they go out to work on these jobs. The sheriff has discretion as to who will be permitted to go out on work release. What this bill does, it allows the sheriff, it doesn't require him, it allows him to permit a prisoner to be committed to a hospital, for example, without a 24-hour guard. This may be the same prisoner who goes off on work release every day during the week. As the law stands now, if the prisoner who goes off on work release every day during the week and comes back to the jail at night gets appendicitis, while he is in the hospital, he has to have a 24-hour guard, and it seems entirely inconsistent to require that in a situation where these prisoners are already out on work release.

I would also point out that the people who are confined to county jail by and large are people who have committed fairly minor offenses and who can't come up with the fine. Anybody who has committed a felony will be sentenced to State Prison.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this bill. At the present time in Cumberland County, we have several prisoners that have been sentenced to Thomaston. After they are there, and in my experience we had one that was only there three days in Thomaston, transferred back to Portland, put them on the work release program, these people are trusted to go out into the community and return on their own. I think this is a very humane bill, to let somebody go and visit their dying mother, their dying sister, and as the gentleman said, going into the hospital. I support this.

The SPEAKER: A vote has been requested. The pending question is on the

motion of the gentleman from Portland, Mr. LaPointe, that the House recede and concur with the Senate. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. MacEachern of Lincoln requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. LaPointe, that the House recede and concur with the Senate. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bennett, Birt, Boudreau, Bowie, Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curtis, Davies, DeVane, Doak, Drigotas, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hennessey, Hewes, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jensen, Joyce, Kany, Kennedy, LaPointe, LeBlanc, Littlefield, Lynch, Mackel, Mahany, Martin, R.; Maxwell, McKernan, McMahon, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Tarr, Teague, Tierney, Torrey, Tyndale, Wilfong, Winship, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Blodgett, Byers, Call, Carpenter, Carter, Churchill, Connors, Curran, R.; Dam, Dow, Dudley, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Gould, Gray, Greenlaw, Jacques, Kauffman, Kelleher, Kelley, Laverty, Lewin, Lewis, Lovell, Lunt, MacEachern, MacLeod, Martin, A.; McBrearty, Mills, Morin, Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Shute, Stubbs, Susi, Theriault, Tozier, Truman, Twitchell, Usher, Walker.

ABSENT — Farnham, Fraser, Gauthier, Higgins, Hinds, Immonen, Jackson, Jalbert, Laffin, Leonard, Lizotte, Strout, Talbot, Wagner, Webber.

Yes, 81; No, 54; Absent, 15.

The SPEAKER: Eighty-one having voted in the affirmative and fifty-four in the negative, with fifteen being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act Amending Certain Laws Relating to Games of Chance" (Emergency) (H. P. 1486) (L. D. 1678) which was passed to be engrossed in the House on April 14.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Legal Affairs in non-concurrence.

In the House: On motion of Mr. Faucher of Solon, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning the Potato Tax and the Maine Potato Commission" (H. P. 1390) (L. D. 1798) which was referred to the

Committee on Taxation in the House on April 7.

Committee on Taxation in the House on April 7.

Came from the Senate referred to the Committee on Agriculture in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish an Alternative Method of Support Enforcement" (H. P. 1468) (L. D. 1793) which was referred to the Committee on Performance Audit in the House on April 8.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

In the House: On motion of Mrs. Berube of Lewiston, the House voted to insist.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolve were received and, upon recommendations of the Committee on Reference of Bills, were referred to the following Committees:

Legal Affairs

Resolve, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs (H. P. 1508) (Presented by Mr. Tyndale of Kennebunkport) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Validate Certain Acts of the Town Clerk of the Town of Brunswick" (Emergency) (H. P. 1507) (Presented by Mrs. Martin of Brunswick) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Bill "An Act to Amend Certain Procedures for Issuing Bonds under the Charter of the York Beach Village Corporation" (H. P. 1515) (Presented by Mr. Rolde of York) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Woodlands Utilities District" (Emergency) (H. P. 1509) (Presented by Mr. Silverman of Calais) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

(Ordered Printed)

Sent up for concurrence.

Orders

Mr. Birt of East Millinocket presented the following Joint Resolution and moved its adoption: (H. P. 1505) (Approved for introduction by a Majority of the Committee on Reference of Bills)

Joint Resolution Recognizing the Significance of National Bicentennial Observances in Maine; Acknowledging Preparations Being Made by Maine's People; and Designating the Start of Maine's Official Observance of America's Revolutionary Bicentennial

WHEREAS, the State of Maine is richly endowed with the proud history and

heritage of the American Revolutionary Period; and

WHEREAS, the State of Maine offers many opportunities for the appropriate commemoration and celebration of both historic and present day accomplishments; and

WHEREAS, the State of Maine looks forward on this eve of the National Bicentennial observances to a bright and promising future built on the principles of our founding fathers and mothers; and

WHEREAS, the People of Maine, in communities throughout the State, now stand ready to honor that history and heritage, celebrate those accomplishments, and inaugurate that future; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature on behalf of the people of Maine, proclaim the official observances of the American Revolution Bicentennial shall begin in the State of Maine on Patriot's Day, April 19, 1975, the 200th anniversary of the day when

"By the rude bridge that arched the flood

Their flags to April's breeze unfurled
Here once the embattled farmers stood
And fired the shot heard round the world"

and, be it further

RESOLVED: That suitable copies of this Resolution be prepared and transmitted forthwith by the Secretary of State to the National and State Bicentennial Commissions and to all departments and agencies of this State calling this important objective to their attention.

The Resolution was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In the evening, two hundred years ago, April 18, 1775, which would be 200 years ago this evening, a British expedition was dispatched to seize stores in the town of Concord. The signal lantern was lit in the belfry of the Old North Church. Paul Revere rode toward Lexington and William Dawes toward Concord with the cry to arouse the men of Massachusetts. On the morning of April 19, the British column met 75 men of the Lexington Militia. A shot, whose origin is still unknown, was answered by a volley from the British troops which killed eight of the Americans. Later in the day, unaware of the deaths at Lexington, the Concord Militia met the British troops at North Bridge. It was here that the "embattled farmers stood and fired the shot heard 'round the world".

On the long retreat to Charleston, the British regulars experienced the full weight of the American resistance. By noon the road was lined with growing bands of Militia coming from miles away and angered by the bloody news from Lexington. The British march became a rout. As the regulars retreated into Boston, the siege of that city began. When the delegates to the Second Continental Congress met in Philadelphia on May 10, 1775, they found themselves conducting a war against the greatest military power in the world.

Maine, then a part of Massachusetts, played its own role in the turbulent months of 1775. In June, before the battle of Bunker Hill was fought, the men of Machias, under the leadership of Jeremiah O'Brien, boarded the small unarmed sloop "Unity" and sailed to attack the British schooner "Margaretta." They faced a formidable opponent. The Americans were armed largely with pitchforks and axes, while on

board the *Margaretta* were 40 men armed with muskets, four cannons and 14 swivel guns. In the battle, 25 Maine men, more than a fourth of those engaged, were killed or wounded. This battle, fought off Machias, was the first Naval engagement of the American Revolution. For a group of farmers, almost without firearms, to capture a British ship was an outstanding achievement. News of the victory traveled rapidly and boosted the morale of Americans challenging the naval power of Britain.

In the Fall and Winter of 1775, Colonel Benedict Arnold led his daring expedition to capture Quebec. Fort Western, here in Augusta, the only Revolutionary fort in the nation still standing, marked the jumping off place for the ill fated march through the trackless wilderness to Canada. Over a ten-day period this fall Arnold's historic march will be re-enacted by hundreds of men of the Arnold Expedition Historical Society and other organizations from states all along the east coast. This re-enactment will draw national attention to Maine and to what Kenneth Roberts once called, "... the most dramatic road in America".

In its forts, homes, churches, graveyards and its history, Maine has a rich legacy of the Revolution. Many Maine men fought and died in the American Revolution. A native of Kittery, William Whipple, whose home still stands, was one of the signers of the Declaration of Independence.

The resolution I have just presented officially starts Maine's observance of the Bicentennial. On your desks is a report of the most significant aspects of the Bicentennial observance to date and a list of the more than 50 official Bicentennial communities in Maine. In addition there is a small lapel pin in blue and white with the symbol of the Maine American Revolution Bicentennial, which I hope you will wear today.

As a member of the Maine Bicentennial Commission, I would like to thank the Legislature for its past support of the Bicentennial effort and urge that all of us work closely with the communities in our own districts to help them celebrate the Bicentennial in a meaningful way. There is room in the Bicentennial celebration for parades and displays. There is room for the recognition of our historic past. Even more importantly, there is room for projects which will focus on the horizon of a better future. In 1875, to commemorate the nation's 100th anniversary, many trees were planted in Wiscasset. Today these huge elms add dignity and grace to the entire town. This town and many others in Maine are currently planning Bicentennial projects such as parks, nature trails and recreation facilities that will improve the community for generations to come.

There is no way we can fully assess the sacrifice, the desires, the patriotism of 200 years ago but we do know it was the beginning of a battle for dignity, freedom and the rights of the individual which is not yet won. It is fitting now and in the months ahead that we reflect on what we have accomplished as a nation over the last two centuries and that we rededicate ourselves and our institutions to the principles and the hopes which were so aptly expressed 200 years ago.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to please escort the Executive Director of the Maine Bicentennial Commission, Donna Thibodeau, to the rostrum. (Applause)

DONNA THIBODEAU: On behalf of the

Maine Bicentennial Commission, I would like to present to Mr. Speaker a flag with a symbol of the Maine Bicentennial Legislature and also note that you are a Bicentennial Legislature for the State of Maine. A hundred years from now, when somebody has my task, is researching the records, they will put the speech that was just repeated in the records.

Thank you very much for supporting our program and I do hope that you will be participating in your local communities throughout the next year and a half. Thank you. (Applause)

Thereupon, Donna Thibodeau was escorted from the Hall by the Sergeant-at-Arms, amid the applause of the House.

The SPEAKER: The Chair would thank Donna very much for having given us the flag and we will find a suitable place for it, I am sure.

Thereupon, the Joint Resolution was adopted and by unanimous consent, sent forthwith to the Senate.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think it might be interesting to put into the record two more little notes. One of them says: "Hi Walt, didn't know that you were going to speak about Machiasport — my mother was a descendant of the O'Briens and proud she was of it. Signed, Ted Lewin." Here is a second one. "Walter: My mother's great-great grandfather was killed at Concord bridge. His name was Abner Housner." Signed by James Wilfong. So there are other people who are involved.

Mr. Finemore of Bridgewater presented the following Joint Order and moved its passage: (H. P. 1516)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Electa A. Carpenter of Houlton Retired after 33 Years of Government Service, Including Register of Deeds for the Last Decade

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.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will forgive me this morning if I seem a little less than objective in speaking to the order presented by the gentleman from Bridgewater, Mr. Finemore. The lady in question recently completed, as it says in the order, 33 years of very dedicated public service, covering a period of a total of 43 years, ten years out to have a family and help run a farm.

In this day of questioning government employees and state employees and county employees about their workload, are they earning their money, the lady mentioned in this order was a very dedicated employee who, for example, I can remember it well, many of the times that I stood in the Court House at the

County Seat in Houlton, one minute to five, and tried to get her to leave, so I could go home and get something to eat. Not until the clock struck could we walk out that door. I just wanted to express my opinion. As much as I would like to say that this lady was a campaign worker of mine, being an elected official in the opposite party, it put her in a rather awkward position back in November. However, I do feel deep down in my heart that if it hadn't been for her, I probably wouldn't be here. (Applause)

Thereupon, the Joint Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith.

Mrs. Miskavage of Augusta presented the following Joint Order and moved its passage: (H. P. 1517)

WHEREAS, the Members of the One Hundred and Seventh Legislature assembled on April 16, 1975 for an evening of gracious hospitality, courtesy of the City of Augusta; and

WHEREAS, this joining in good fellowship of Augusta officials and the Legislature in the magnificent beauty of the Augusta Civic Center was a warm and memorable occasion; and

WHEREAS, an expression of our thanks is in order for this delightful evening extended by our hosts on behalf of the Capital City; now, therefore, be it

ORDERED, the Senate concurring, that the sincere appreciation of the Members of the 107th Legislature be extended to Mayor David N. Elvin and to the Honorable Members of the Augusta City Council for the gracious hospitality extended to them at the legislative reception given in behalf of the Legislature at the Augusta Civic Center on the evening of April 16th; and be it further

ORDERED, that a suitable copy of this Order be transmitted forthwith to the Honorable David N. Elvin, Mayor of Augusta, in token of the sentiments expressed herein.

Thereupon, the Order was read and passed and sent up for concurrence.

House Reports of Committees Ought Not to Pass

Mr. Cooney from the Committee on State Government on Bill "An Act to Change the Name of the Maine Boxing Commission to Maine Athletic Commission" (H. P. 310) (L. D. 373) reporting "Ought Not to Pass"

Mr. Farnham from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for Appointment of the Attorney General by the Governor (H. P. 1097) (L. D. 1379) reporting "Ought Not to Pass"

Mr. Leonard from the Committee on Veterans and Retirement on Bill "An Act Relating to Credit for Military Service under State Retirement Law" (H. P. 743) (L. D. 915) reporting "Ought Not to Pass"

Mr. Theriault from the Committee on Veterans and Retirement on Resolve, Providing a Minimum Service Retirement Allowance under the State Retirement Law for John B. Cottrell, Jr. (Emergency) (H. P. 775) (L. D. 946) reporting "Ought Not to Pass"

Mr. Curtis from the Committee on Veterans and Retirement on Bill "An Act Concerning Burial in the Maine Veterans Memorial Cemetery" (H. P. 791) (L. D. 964) reporting "Ought Not to Pass"

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act to Provide Retirement Credit to Forester's

Spouse under the Maine State Retirement System" (H. P. 921) (L. D. 1136) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 17-A.

Leave to Withdraw

Mr. Perkins from the Committee on Judiciary on Bill "An Act to Increase the Size of Claim Allowable under the Jurisdiction of the Small Claims Court" (H. P. 770) (L. D. 941) reporting Leave to Withdraw

Mr. Carpenter from the Committee on State Government on Bill "An Act to Limit the State Agencies which May own Automobiles" (H. P. 976) (L. D. 1223) reporting same.

Mr. Drigotas from the Committee on Taxation on Bill "An Act to Lower the Age Limitation for Claims under the Elderly Household Tax and Rent Refund Act" (H. P. 309) (L. D. 372) reporting same.

Mr. Finemore from the Committee on Taxation on Bill "An Act to Provide an Additional Exemption from the Maine Income Tax for any Maine Resident of 62 Years of Age or Older" (H. P. 454) (L. D. 560) reporting same.

Mr. Dam from the Committee on Taxation on Bill "An Act to Reimburse Municipalities for Loss of Taxes Due to Veterans' Exemptions Authorized by the State" (H. P. 690) (L. D. 852) reporting same.

Mr. Dam from the Committee on Taxation on Bill "An Act to Provide Additional Income Tax Exemptions for Elderly Persons" (H. P. 327) (L. D. 399) reporting same.

Mr. Churchill from the Committee on Natural Resources on Bill "An Act to Establish the Maine Flood Hazard Area Management Act" (H. P. 536) (L. D. 653) reporting same.

Mr. Morton from the Committee on Veterans and Retirement on Bill "An Act Pertaining to the Granting of Extensions in State Service to State Employees of 70 Years of Age or Older by the Retirement Board of Trustees" (H. P. 963) (L. D. 1216) reporting same.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Lunt from the Committee on Transportation on Bill "An Act Relating to the Lease or Acquisition of Certain Railroad Lines by the Department of Transportation" (H. P. 809) (L. D. 982) reporting "Ought to Pass" in New Draft under same title (H. P. 1514) (L. D. 1831)

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act Relating to the State Police Retirement System" (H. P. 802) (L. D. 978) reporting "Ought to Pass" in New Draft under same title (H. P. 1513) (L. D. 1830)

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

Divided Report

Majority Report of the Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature (H. P. 724) (L. D. 904) reporting "Ought to Pass" in New Draft under New Title Resolution, Proposing an Amendment to the Constitution to Provide for Annual Sessions of the Legislature and to Change

the Date of Convening of the Legislature (H. P. 1510) (L. D. 1827)

Report was signed by the following members:

Messrs. GRAHAM of Cumberland
CURTIS of Penobscot
— of the Senate.

Mrs. KANY of Waterville
Mrs. SNOWE of Auburn
Messrs. STUBBS of Hallowell
LEWIN of Augusta
QUINN of Gorham
PELOSI of Portland
COONEY of Sabattus
CARPENTER of Houlton
WAGNER of Orono
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. WYMAN of Washington
— of the Senate.

Mr. FARNHAM of Hampden
— of the House.

Reports were read.

On motion of Mr. Cooney of Sabattus, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Tabled and Assigned

Seven Members of the Committee on Judiciary on Bill "An Act Regulating Handguns" (H. P. 18) (L. D. 26) report in Report "A" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. COLLINS of Knox
MERRILL of Cumberland
— of the Senate.

Mrs. MISKAVAGE of Augusta
Messrs. HEWES of Cape Elizabeth

GAUTHIER of Sanford
BENNETT of Caribou
SPENCER of Standish
— of the House.

Four members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass" in New Draft "A" under New Title Bill "An Act Regulating the Sale of Handguns" (H. P. 1511) (L. D. 1828)

Report was signed by the following members:

Mr. CLIFFORD of Androscoggin
— of the Senate.

Messrs. HENDERSON of Bangor
HOBBINS of Saco
HUGHES of Auburn
— of the House.

Two Members of the same Committee on the same Bill report in Report "C" that the same "Ought to Pass" in New Draft "B" under New Title Bill "An Act Regulating the Sale of Handguns" (H. P. 1512) (L. D. 1829)

Report was signed by the following members:

Mr. McMAHON of Kennebunk
PERKINS of South Portland
— of the House

In the House:

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

Mr. ROLDE: Mr. Speaker and Members of the House: I have been informed that the gentleman who is the sponsor of this bill is not here today, and I would ask to have this tabled for two days, please.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending acceptance of

any Report and specially assigned for Tuesday, April 22.

Consent Calendar

First Day

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

Bill "An Act Relating to Fees of Bail Commissioners" — Committee on Judiciary reporting "Ought to Pass" (Senator Clifford abstained) (H. P. 814) (L. D. 757)

Bill "An Act Relating to the Payments of Retirement Pay of State Police Officers" — Committee on Veterans and Retirement reporting "Ought to Pass" (H. P. 962) (L. D. 1208)

Bill "An Act Increasing the Maximum State Payment for Grade Sheep Killed by Dogs or Wild Animals" — Committee on Agriculture reporting "Ought to Pass" (H. P. 786) (L. D. 957)

Bill "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1976 and June 30, 1977" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (S. P. 230) (L. D. 774)

Bill "An Act to Increase the Amount of Employee Life Insurance" — Committee on Business Legislation reporting "Ought to Pass" (S. P. 377) (L. D. 1228)

Bill "An Act to Increase the Amount of Dependent's Coverage for Group Life Insurance" — Committee on Business Legislation reporting "Ought to Pass" (S. P. 378) (L. D. 1229)

Bill "An Act Relating to the Shipment of Dogs and Cats and Prohibiting the Use of Dogs or Cats in Commercial Promotions" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-176)

Bill "An Act Concerning School Entrance Age Requirements" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-172) (H. P. 993) (L. D. 1257)

Bill "An Act to Establish a Cooperative Education Support Program" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-171) (H. P. 640) (L. D. 795)

Bill "An Act to Allow the Board of Environmental Protection to Grant Variances to Statutory Time Schedules" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-174) (H. P. 566) (L. D. 702)

Resolve, Authorizing Conveyance of State Land and Easements to City of Calais for Drainage and Road Construction Regarding the High School Project — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175) (H. P. 917) (L. D. 1131)

Bill "An Act Relating to School Buses" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-170) (H. P. 481) (L. D. 600)

Bill "An Act Relating to Service Retirement for the Chief and Deputy Chief of State Police and Payment of Benefits to State Police Retirees" — Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (H-173) (H. P. 572) (L. D. 707)

No objections being noted, the above items were ordered to appear on the

Consent Calendar of April 21, under listing of the 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 Relating to the Employment of Veterinarians by the Commissioner of Agriculture to Ensure Compliance with the Harness Racing Statutes" (H. P. 616) (L. D. 761)

Bill "An Act Relating to Minimum Group Life Insurance Premiums." (H. P. 983) (L. D. 1246)

Bill "An Act Relating to Construction Requirements for Sanitary Facilities in School Buildings" (H. P. 942) (L. D. 1181)

No objections having been noted, were passed to be engrossed and sent to the Senate.

Tabled and Assigned

Bill "An Act Relating to Access to Written Records Concerning Elementary and Secondary School Pupils." (H. P. 975) (L. D. 1269)

Objection having been noted was removed from the Consent Calendar.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of the Committee Report and specially assigned for Monday, April 21.

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339)

Bill "An Act Concerning the Qualification of Persons Allowed to Vote at District Budget Meetings of School Administrative Districts" (H. P. 1108) (L. D. 1385)

Bill "An Act Converting Mount Chase Plantation into the Town of Mount Chase" (C. "A" H-168) (H. P. 59) (L. D. 71)

Bill "An Act Converting Dallas Plantation into the Town of Dallas" (C. "A" H-167) (H. P. 578) (L. D. 713)

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

Passed to be Engrossed

Bill "An Act Relating to a Close Corporation Under the Unemployment Compensation Laws" (S. P. 493) (L. D. 1822)

Bill "An Act to Clarify the Definition of Employee in the Workmen's Compensation Act" (S. P. 492) (L. D. 1821)

Bill "An Act to Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments" (H. P. 1500) (L. D. 1823)

Were 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 to Extend the Back Bay Sanctuary, Portland" (H. P. 1501) (L. D. 1824)

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

(On motion of Mr. Snow of Falmouth, tabled pending passage to be engrossed and specially assigned for Tuesday, April 22.)

Amended Bill

Bill "An Act Relating to Filing

Requirements for Perfecting a Security Interest in Mobile Homes under the Uniform Commercial Code" (S. P. 297) (L. D. 1023) (S. "A" S-65)

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

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to make any motion on this bill, but I do want to say a few words.

This has gone through rather fast and it has been pretty easy sailing for this bill, but I feel that coming from a small town I must register my objections to the bill so at least it is on record and I would hope that some of the other members in this House would have the same feeling that I do.

I have sat here on many tax exemption bills and have heard how we are taking money away from the municipalities when we grant tax exemptions and this is true. We are also passing bills that take money away directly, the cash right from the municipality, when we pass bills such as this.

I didn't object to the filing of the new cars with the Secretary of State under the UCC rules, but I do think that somewhere along the line we have got to call a halt to taking money away from municipalities. I think this is only another step in the direction of taking away as much power from the communities and centralizing it here in Augusta. I realize too that the clerks that are employed by the cities are not really concerned with this bill because they work on salary and the less work a clerk can do, some of them in the cities, the better they like it. But it is taking money away from your cities, it is taking money away from your towns and across this state in many of the small towns, there are many municipal clerks who work just for fees. When you take a bill like this and you have everything recorded in Augusta, you are taking away the fees from that clerk. Sooner or later, it is going to come to the time when we will have to face up to whether we are going to eliminate the town clerk entirely or the municipal clerk, or whether we are going to set a minimum wage or a minimum salary for the municipalities to pay their clerks. Today on our desks my good seatmate has had a paper distributed by the selectmen, and it says the organized Home Rule Committee at Shapleigh, but they also say here, pertaining to another subject but I would like to use their words pertaining to this one, that if we lose any more, there won't be anything left to lose. That is why today I stand here to speak on this bill. I think somewhere we have got to call a halt to centralizing everything in Augusta. I think our municipal clerks across this state have done an excellent job but when we take their fees away, we take the very means away that they obtain their pay. We are going to put a burden on the community. We are taking money away from the community for those communities that pay their clerks a salary. This money would go into the general revenue account of the community. When we take this money away, there is only one other place to look for money, that is on the property tax.

We had a bill that went through here a little while back, maybe five weeks, I'll say, that took away the requirement for the assessors to keep a true list of dogs and turn them over to the town clerks. As it is now, we have no mechanism for the control of dogs in the state and the clerks

again will lose money because they won't have the list to go by. I think somewhere along the line we have got to give consideration to this.

I would hope that if there is anyone in the House that has the same feeling that I do, that they would like to go back and check with their clerks over the weekend to see how much money this is taking out of their municipalities, that they would table this bill for a couple of days so they can get the information from their clerks so they will know what we are doing here today.

On motion of Mr. McMahon of Kennebunk, tabled pending passage to be engrossed and specially assigned for Tuesday, April 22, 1975.

Passed to Be Enacted Emergency Measure

An Act Relating to Mandatory Reporting of Child Abuse or Neglect (H. P. 1488) (L. D. 1680)

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. 113 voted in favor of same and 8 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Passed to Be Enacted

An Act Relating to the State Soil and Water Conservation Commission (S. P. 135) (L. D. 474)

An Act to Change Limits under Small Claims Actions (S. P. 207) (L. D. 697)

An Act Relating to Borrowing by Hospital Administrative District No. 1 in Penobscot County (H. P. 887) (L. D. 1062)

An Act Making Supplemental Appropriations for the Maine Human Services Council (H. P. 626) (L. D. 772)

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.

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

Mr. BERRY: Mr. Speaker, I move reconsideration whereby Bill "An Act to Authorize the Board of Environmental Protection to Solicit and Receive Testimony on the Economic Effects of Proposed Developments" (House Paper 1500, L. D. 1823, was passed to be engrossed.

Thereupon, on motion of Mr. Peterson of Windham, tabled pending the motion of Mr. Berry of Buxton to reconsider and specially assigned for Monday, April 21.

Orders of the Day

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

Bill "An Act Relating to Amount of Annual Excise Tax on Railroads" (H. P. 1494) (L. D. 1740)

Tabled — April 16, by Mr. Spencer of Standish.

Pending — Motion of Mr. Maxwell of Jay to Indefinitely Postpone House Amendment "B" (H-165).

On motion of Mr. Finemore of Bridgewater, retabled pending the motion of Mr. Maxwell of Jay to indefinitely postpone House Amendment "B" and specially assigned for Tuesday, April 22.

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

An Act to Fund Public School Education (H. P. 1437) (L. D. 1452)

Tabled — April 17, by Mr. Rolde of York.
Pending — Passage to be Enacted.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Since yesterday, when I tabled this bill, following the explanation of the gentleman from Livermore Falls, Mr. Lynch, that the Legislative Finance Office had found a budgetary problem with it, there has been a good deal of public discussion as to what is happening. I would like to put matters into better perspective, if I can, although at this point there is still some additional information that we are seeking.

At first glance yesterday, the problem seemed merely to concern itself with this bill, L. D. 1452, and that, in the computation of figures because of the 20 percent limitation that it placed on valuation, there was insufficient revenue included, even by upping the mill rate to 14 mills to make up for the loss of pay-in.

As L. D. 1452 stands now, there would be a short fall of about \$1.6 million, according to the figures I received yesterday, although it may be something less than that. However, this problem can be resolved by an adjustment of the formula, and we are working now on developing figures so that an amendment can be presented to you, and for that reason the bill will need to be tabled today, and I will later ask someone to go on and table this for one day.

However, I must give some further explanations of what has developed. In investigating the financial aspects of L. D. 1452, a far deeper problem has been uncovered, and that is a lack of adequate funding for education in the Governor's budget itself.

The Education Committee, in the tremendous work that it did on 1452, assumed that the Governor's budget was a balanced budget. In fact, we have all been operating under the assumption that the Governor's budget was balanced. And, in fact, again, the Constitution requires that the Governor present a balanced budget.

From the preliminary investigation that was made yesterday, it appears that there are not sufficient funds in the Governor's budget for education and that the short fall for this year of the biennium is in the neighborhood of \$6 million. These figures are now being checked out.

I believe it is imperative that we separate the two problems here. There will be those who will use this problem to try to attack and defeat L. D. 1452, despite the tremendous effort that has been made by the Education Committee and others to present us with an education bill that will help us out of our current difficulties. I firmly believe that the problem with L. D. 1452 can be corrected with some appropriate adjustments, and I hope we can do this at the earliest possible moment, perhaps even on Monday.

As for the larger financial crisis of the Governor's budget, I would hope that he would move quickly to rectify the error that was made and to assume the responsibility for rebalancing his budget to take care of meeting the state's full share of the cost of education.

The towns and cities in this state are waiting to decide on their educational budgets, and it is frustrating that after we have worked so hard to perfect a good education bill, we must be stymied at the last minute. I believe that early next week we can correct the problem in L. D. 1452,

and I am hopeful that the Governor will move as quickly to resolve his budgetary problems so that the school units of our state can function.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like the record to indicate that not all of us thought the Governor's budget was balanced.

On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be enacted and specially assigned for Monday, April 21.

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

Bill "An Act to Create the Commission on Governmental Ethics and Election Practices" (S. P. 487) (L. D. 1778) — Committee on Reference of Bills suggested Committee on State Government — In Senate, referred to the Committee on State Government and Election Laws jointly.

Tabled — April 17, by Mr. Birt of Millinocket.

Pending — Reference.

On motion of Mr. Birt of East Millinocket, referred to the Committee on Election Laws in non-concurrence and sent up for concurrence.

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

An Act Relating to Pulmonary and Cardiac Diseases under the Workmen's Compensation Act (H. P. 230) (L. D. 286)

Tabled — April 17, by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

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

Mr. McKERNAN: Mr. Speaker and Members of the House: I would thank you for allowing us to table this yesterday. I have talked with both the House and Senate Chairmen of the Labor Committee, and as I said yesterday, I had only given a cursory glance at the statutes involved. After a little bit more examination and discussion with the two chairmen of the Labor Committee, we decided that we could accomplish what my objection was yesterday by taking care of this in the Errors and Inconsistencies Bill, which is going to be coming out of the Labor Committee, and they will, in fact, be taking the burden of persuasion off the employer and just creating a rebuttable presumption for the employee. That is what is done in the other part of the statute and therefore the statutes will continue to be consistent. So I would hope that this would go under the hammer today and be enacted.

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

(Off Record Remarks)

On motion of Mr. DeVane of Ellsworth, Adjourned until Monday, April 21, at five o'clock in the afternoon.