

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, May 9, 1975

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

Prayer by the Rev. Harold Nicknair of Bingham.

The journal of yesterday was read and approved.

(Off Record Remarks)

Papers from the Senate

From the Senate: The following Communication:

May 8, 1975

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
Augusta, Maine

Dear Mr. Pert:

The Senate voted to Adhere to its action whereby it accepted the Majority Ought Not to Pass report on Resolve, to Adjust the Retirement Allowance under the State Retirement Law for Donald A. Yeaton of Winthrop (S. P. 450) (L. D. 1509).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 516)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mrs. Nina E. Boston upon Retirement After 34 Years of Dedicated Public Service to the Municipality of Athens

We the Members of the Senate and House of Representatives 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.

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. 517)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mr. Wallace Jones upon Retirement Following 47 Years of Dedicated Public Service to the Municipality of Athens

We the Members of the Senate and House of Representatives 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.

Came from the Senate read and passed.

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

**Reports of Committees
Divided Report**

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Grant Liquor Enforcement Inspectors the Same Powers of Arrest as Sheriffs" (S. P. 359) (L. D. 1163)

Report was signed by the following members:

Messrs. CLIFFORD of Androscoggin
MERRILL of Cumberland
— of the Senate.

Messrs. HENDERSON of Bangor
HOBBS of Saco
PERKINS of South Portland
HEWES of Cape Elizabeth
SPENCER of Standish
MCMAHON of Kennebunk
BENNETT of Caribou
GAUTHIER of Sanford
HUGHES of Auburn

Mrs. MISKAVAGE of Augusta
— of the House.

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

Report was signed by the following member:

Mr. COLLINS of Knox
— of the Senate.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.
On motion of Mr. Gauthier of Sanford, the Majority "Ought not to pass" Report was accepted in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Increase the Minimum Wage to \$2.50 an Hour" (H. P. 148) (L. D. 173) on which the House insisted on its former action whereby Report "A" of the Committee on Labor was accepted and a New Draft (H. P. 1520) (L. D. 1833) passed to be engrossed on April 23.

Came from the Senate with that Body having adhered to its former action whereby Report "B" of the Committee on Labor was accepted and a New Draft under New Title (H. P. 1521) (L. D. 1834) passed to be engrossed in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Site Location of Development Statute" (H. P. 619) (L. D. 765) which was passed to be engrossed as amended by Committee Amendment "A" (H-225) in the House on May 1.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-121) in non-concurrence.

In the House: The House voted to recede and concur.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Extend the Hours for Sale of Liquor During the Tourist Season" (H. P. 1358) (L. D. 1660) which was passed to be engrossed as amended by Committee Amendment "A" (H-242) in the House on May 6.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: Mr. Dyer of South Portland moved the House recede and concur.

(On motion of Mr. Jensen of Portland, tabled pending the motion of Mr. Dyer of

South Portland to recede and concur and specially assigned for Tuesday, May 13.)

Non-Concurrent Matter

Bill "An Act to Increase the Veteran's Property Tax Exemption" (H. P. 1174) (L. D. 1172) which was passed to be engrossed as amended by House Amendment "D" (H-224) in the House on April 29.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-122) in non-concurrence.

In the House:
(On motion of Mr. Maxwell of Jay, tabled pending further consideration and specially assigned for Monday, May 12.)

The following Communication:

State of Maine
One Hundred and Seventh Legislature
Committee on Legal Affairs

May 8, 1975

Honorable John L. Martin
Speaker of the House
House of Representatives
Augusta, Maine 04333

Dear Representative Martin,
It is with pleasure that I report to you that the Committee on Legal Affairs has completed all actions necessary on the business placed before it by the 107th Legislature.

Total Number of Bills Presented	122
Unanimous Reports	101
Leave to Withdraw	37
Ought Not to Pass	21
Ought to Pass	27
Ought to Pass as Amended	22
Ought to Pass in New Draft	2
Referrals	2
Divided Reports	21
Total Number of Amendments	34
Total Number of New Drafts	3

Signed:
RAYMOND FAUCHER
Solon
Chairman

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I move this communication be placed on file and I would speak to my motion.

A number of months ago, I stood here and issued some small words of praise for the first of our Joint Committees to report a bill to the floor. That committee, if any of you remember, was the Legal Affairs Committee. Today it is really no surprise that the first committee to report that it has finished its work is the Legal Affairs Committee. I should add that it is the first committee with a significant number of bills, because the temptation is great to give a pat on the back to the Public Lands Committee, which has also finished its work, especially seeing that I am the House Chairman of the Public Lands Committee, but also, being truthful, I have to admit that we only had five bills to handle. The Legal Affairs Committee had 122 bills, many of them extremely complex and controversial matters.

Therefore, I want to pay special tribute, on the record, to the members of this committee for the fantastic job they did, to the House members, the Chairman, Mr. Faucher of Solon; Mr. Cote of Lewiston; Mr. Dudley of Enfield; Mr. Carey of Waterville; Mr. Burns of North Anson; Mr. Joyce of Portland; Mr. Shute of Stockton Springs; Mr. Hunter of Benton;

Mr. Perkins of Blue Hill; Mr. Gould of Old Town; and in the unmentionable other body, the Senate Chairman, Mr. Corson of Somerset; Mr. Cianchette of Somerset; Mr. Danton of York.

What I am reminded of is a sign that I once noted on an apartment complex along Storrow Drive in Boston. It says, "If you lived here you would be home now." Transposing that to this situation, I would like to say, if we were all on the Legal Affairs Committee, we would be home now. (Applause)

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

Mr. CAREY: Mr. Speaker and Members of the House: Speaking for the lower members of the committee, we want to thank leadership for their very kind words, and I would only point out if it were not for the jokes of the gentleman from Old Town, Mr. Gould, we might have been done by the first of April.

Thereupon, the Communication was ordered placed on file.

Orders

Mr. Carpenter of Houlton presented the following Joint Order and moved its passage: (H. P. 1572)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Anne Curry of Houlton State of Maine Spelling Champion for 1974

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 Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Carpenter was called away this noon and asked me to say that Anne Curry is the daughter of Mr. and Mrs. Curry of Houlton. Mr. Curry is a druggist.

Miss Curry is 13 years old, a seventh grader in St. Mary's School. She won the Aroostook championship for 1974 and 1975, the State Championship for 1974, the State runner-up for 1975, and I think that is a pretty good record.

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

Mr. Wagner of Orono presented the following Joint Order and moved its passage: (H. P. 1574)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of University of Maine Woodsmen's A and B Team 1st and 3rd Place Winners at the 28th Annual New England Intercollegiate Woodsmen's Meet at University of Maine at Orono on May 2 and 3, 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.

Mrs. Mitchell of Vassalboro, presented the following Joint Resolution and moved its adoption: (H. P. 1575) (Approved for introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Rule 10)

Joint Resolution Memorializing the President and Congress of the United States to Aid and Assist Vietnamese Refugees

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Seventh Legislative Session assembled, most respectfully present and petition the President and Congress of the United States as follows:

WHEREAS, the Governor of this State, with whom We, your Memorialists concur, has offered to do all within the capacity of this State to assist in the resettlement of Vietnamese refugees; and

WHEREAS, it is in the best, most noble and strongest tradition of the American people to provide succor and shelter to those who, for whatever reason, are forced to flee their homeland; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully request that the United States Government live up to its most noble traditions by providing sufficient financial aid to resettle Vietnamese refugees in peace and dignity; and be it further

RESOLVED: That We, your Memorialists, request guidance as to how the State of Maine can best support the efforts of the United States Government in resettling Vietnamese refugees, knowing that our citizens will offer their time, their homes and other means, to assist these refugees in their time of need; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the Honorable Gerald R. Ford, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to each member of the Maine Congressional Delegation and to such organizations in this State as may be assembled to aid and assist in the resettlement of Vietnamese refugees.

The Resolution was read and adopted and sent up for concurrence.

(Off Record Remarks)

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: My remarks, casting absolutely no aspersions on the House Chairman of the Education Committee nor any members of the Education Committee, however, for myself, and naturally I can only speak for myself, I have no titles, but I have a constituency in Lewiston and as far as I am concerned, I am serving notice for myself here and now that any continued flim-flamming by the Department of Education will not be looked upon too well by me, because I can well remember being somewhat laughed at by that department when I tried to kill 1994 for the very

purpose that it was not funded for the second year of the biennium.

I know certain communities that did go hog-wild independently from what we are in the budgetary programs, such as separate programs and school financing.

I know that it is a matter of record and I have stated so in caucuses and at meetings, here in joint caucus and also during the session, that even after we adjourn, I kept pursuing my thinking into the then Chairman of the Committee on Appropriations and I think those of you who were on the Appropriations Committee then will well remember that I pounded away on this until we finally got another memo, another letter from Asa Gordon of the Department of Education telling us we need have no fear, we will be all right; there will be enough money to fund the second year of the biennium.

I don't want to bother you, but I can get that letter very easily and read you that paragraph with his signature underneath it. And all at once, bam, 9.5 in hock for the first year, then 14.5, then 20 million and then Lord knows what, to a point that again — I think that about the worst thing that could have happened, as far as I am concerned, is returning to my desk and seeing not one but two of these things.

I wouldn't believe these printouts if you told me it was Friday. As far as I am concerned, the Department of Education in this State has lost all of its credibility with me and there will be some heads that will roll. If I were to have done, in my private work, what was done with this thing here, I would long be drawing Social Security. I want to serve notice now that as far as I am concerned, before I believe anybody, somebody is almost going to have to cut their finger and sign it in blood.

I am not going back to my people with another loser. If I have to stand here three days to keep pounding away, I shall do it.

I think the membership of this House has been insulted, has been trampled upon, has been ridiculed. The members of the Education Committee have been put in a position where they wouldn't even know themselves where to turn, and I particularly must put some emphasis on the Chairman, because the chairman is the chairman and if it is good, he should take the credit for it; if it is bad, he has got to assume the responsibility to a degree. I know the sincerity and I know the hours and days and evenings that our Chairman of the Education Committee has put in on this.

I also know this, and this is unbelievable, even after the Superior Court motioned him down last week, one of the amendments that was drafted through the Department of Education still had the forgiveness clause in it.

On that basis, Mr. Chairman, I am sorry to take the time, but I think it is important, I want it clearly understood that now I really am from Missouri.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think there have some quite serious charges made here and I, like the gentleman who has just spoken to you, have been involved in this whole process and I feel that I have been a witness too. I feel right now that the inference has been made that we are suffering a deficit in our budget right now due to some conspiracy on the part of the Education Department, and having been closely acquainted with all of the

developments in this situation, I see no basis to believe that at all.

We knew, when we went into this action that we have taken on the financing of education, that we were taking a major step. We knew that we were using temporary financing when we put this bill into effect. We knew that come this session we were going to need substantial amounts of money. We knew that involved in this whole process, there was a major shift in the cost of government from the property tax to a broader base tax. We knew as a practical thing that it would mean the income tax. I believe that we have a large percentage of this legislature that stands ready today to support an income tax.

There has been a new element added, a person who campaigned pledging no increase in a major tax which has upset this timetable, but it has nothing to do with misrepresentation on the part of the Education Department. I feel that they are people of honor and I stand here today to defend them, I feel that the attack was unwarranted.

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston is correct in some respects. Two years ago, there were some obvious failures to close two doors. It wasn't recognized that they were unlocked but it didn't take the school superintendents very long throughout the State to find that they had access to what they thought was 100 percent funding of school construction and busing and they sold their communities on that basis.

I think the gentleman from Lewiston and many people in this House are going to get complaints from another direction, not on the overspending, but the inability of school communities to be able to spend the money that they would like to spend. We have spent a great deal of time closing doors and locking doors and we are continuing to monitor two areas of Special Education and Vocational Education. We are monitoring the school construction costs.

The gentleman from Waterville, Mr. Carey, had a bill in, we have been working with BPI, and the Department of Education and many communities going in for construction of school units are going to find that they can't do with State dollars what has been done in the past. I am quite sure that, as far as it is humanly possible, we have closed and locked the doors to reckless spending.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Over the years, I have enjoyed nothing but pleasant relations with the gentleman from Pittsfield, Mr. Susi, mostly opposing one another. I think if he went along with me, the shock would kill me. I want this clearly understood. I did not make the comment and did not use the word conspiracy, but let me put it this way here, when I was sent a memo, and I will read it to him, I don't have it here, even in October of 1963, five months after we had adjourned, signed by Asa Gordon, assuring me that we had enough money to fund the second year of 1994, that was not a conspiracy, that was not telling the truth. I am saying it quite mildly.

As far as I am concerned, the gentleman

from Pittsfield, Mr. Susi, has got a long, long, road to hoe before he can make me swallow any of these baubles (holding up papers). All I am doing, and I have a right to say it, one member of this House was attacked by the Mayor of the City of Auburn, who I think bought enough buses out of the \$2 million extra they got to practically lug every school student in the school. They went crazy spending that money.

I am just merely stating my position and I am doing it very mildly, as usual. Nobody is going to sell me a bill of goods until I am positive that the situation is right for my community.

Now, the gentleman from Pittsfield, Mr. Susi, has a plug just like I have, he can vote as usual, opposite me, and we will all be happy.

House Reports of Committees

Ought Not to Pass

Mr. Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Require Mandatory Training for Certain Persons Hunting with Firearms" (H. P. 1203) (L. D. 1498) reporting "Ought Not to Pass"

Mr. LaPointe from the Committee on Health and Institutional Services on Bill "An Act Concerning the Sale of Certain Drugs" (H. P. 986) (L. D. 1251) reporting same.

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

Leave to Withdraw

Mr. Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Increase the Fee for Nonresident Big Game Hunting Licenses" (H. P. 147) (L. D. 166) reporting Leave to Withdraw.

Mr. Peterson from the Committee on Fisheries and Wildlife on Bill "An Act Establishing a Controlled Open Season on Moose" (H. P. 168) (L. D. 198) reporting same.

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to the Furnishing of Family Planning Services to Minors" (H. P. 218) (L. D. 273) reporting same.

Mr. Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Increase Archery Hunting License Fees for Nonresidents" (H. P. 522) (L. D. 639) reporting same.

Mr. Walker from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for a Hunting Stamp in Order to Hunt Bear" (H. P. 661) (L. D. 835) reporting same.

Mr. Maxwell from the Committee on Taxation on Bill "An Act Providing for Payment of Sales Tax on Motor Vehicles at Time of Registrations" (H. P. 243) (L. D. 297) reporting same.

Mr. Twitchell from the Committee on Taxation on Bill "An Act Providing for a Change in Standard Deductions in the Maine Income Tax Law" (H. P. 1363) (L. D. 1665) reporting same.

Mr. Susi from the Committee on Taxation on Bill "An Act to Increase the Special Tax on Fire Insurance Premiums and Provide Payment of Part of it to Municipalities for Fire Protection Purposes" (H. P. 1439) (L. D. 1748) reporting same.

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. LaPointe from the Committee on Health and Institutional Services on Bill "An Act Authorizing and Directing the Department of Health and Welfare to Propose Certificate of Need Legislation" (H. P. 1212) (L. D. 1526) reported same in New Draft (H. P. 1573) (L. D. 1878) under same title and that it "Ought to Pass"

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

Ought to Pass Printed Bill

Mr. Kauffman from the Committee on Fisheries and Wildlife on Bill "An Act Exempting Members of Maine's Indian Tribes from the Atlantic Salmon Fishing Stamp Fee" (H. P. 1376) (L. D. 1707) reporting "Ought to Pass"

Report was read and accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-279) on Bill "An Act Amending Certain Laws Relating to Games of Chance" (H. P. 483) (L. D. 602)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset
CORSON of Somerset

— of the Senate.

Messrs. GOULD of Old Town
PERKINS of Blue Hill
FAUCHER of Solon
DUDLEY of Enfield
COTE of Lewiston
CAREY of Waterville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-280) on same Bill.

Report was signed by the following members:

Messrs. BURNS of Anson
JOYCE of Portland
SHUTE of Stockton Springs
HUNTER of Benton

— of the House.

Reports were read.

On motion of Mr. Cote of Lewiston, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-279) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Hunting with Muzzle-loading Rifle" (H. P. 311) (L. D. 374)

Report was signed by the following members:

Messrs. McNALLY of Hancock
PRAY of Penobscot

— of the Senate.

Messrs. WALKER of Island Falls
KAUFFMAN of Kittery
PETERSON of Caribou
MARTIN of St. Agatha
DOW of West Gardiner
MILLS of Eastport
MacEACHERN of Lincoln

— of the House.

Minority Report of the same Committee

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-276) on same Bill.

Report was signed by the following members:

Mr. GRAFFAM of Cumberland
— of the Senate.
Messrs. TOZIER of Unity
USHER of Westbrook
CHURCHILL of Orland
— of the House.

Reports were read.

(On motion of Mr. Mills of Eastport, tabled pending acceptance of either Report and specially assigned for Tuesday, May 13.)

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283) on Bill "An Act to Establish the Maine Building Code" (H. P. 1346) (L. D. 1810)

Report was signed by the following members:

Messrs. CORSON of Somerset
DANTON of York
CIANCHETTE of Somerset
— of the Senate.

Messrs. GOULD of Old Town
JOYCE of Portland
BURNS of Anson
CAREY of Waterville
FAUCHER of Solon
— of the House.

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

Report was signed by the following members:

Messrs. COTE of Lewiston
PERKINS of Blue Hill
HUNTER of Benton
SHUTE of Stockton Springs
— of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-283) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-284) on Bill "An Act Concerning the Purchase of Tax Delinquent Land by Municipal Officials" (H. P. 941) (L. D. 1180)

Report was signed by the following members:

Messrs. CIANCHETTE of Somerset
CORSON of Somerset
DANTON of York
— of the Senate.

Messrs. GOULD of Old Town
CAREY of Waterville
BURNS of Anson
HUNTER of Benton
COTE of Lewiston
PERKINS of Blue Hill
FAUCHER of Solon
— of the House.

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

Report was signed by the following members:

Messrs. JOYCE of Portland
SHUTE of Stockton Springs
— of the House.

Reports were read.

On motion of Mrs. Hutchings of Lincolnville, the Majority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-284) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Consent Calendar First Day

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

Bill "An Act Relating to a Third Fifty-two Week Extension for Vocational Rehabilitation under the Workmen's Compensation Statutes" — Committee on Labor reporting "Ought to Pass" (S. P. 292) (L. D. 1017)

Bill "An Act to Revise Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" — Committee on Health and Institutional Services reporting "Ought to Pass" (H. P. 864) (L. D. 1073)

Bill "An Act to Increase the Fine for Molesting Traps" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-277) (H. P. 1143) (L. D. 1437)

Bill "An Act Prohibiting the Shooting of Hunting or Sporting Dogs" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275) (H. P. 1157) (L. D. 1451)

Bill "An Act to Establish the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-282) (H. P. 875) (L. D. 1049)

Bill "An Act to Establish the Uniform Disclaimer of Transfers by Will, Intestacy or Appointment Act" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-281) (H. P. 877) (L. D. 1051)

Bill "An Act Relating to Executive Sessions of Public Bodies or Agencies" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-286) (H. P. 722) (L. D. 899)

Bill "An Act to Clarify Certain Provisions of the Maine Right to Know Law" — Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-285) (H. P. 848) (L. D. 1035)

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

Consent Calendar Second Day

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

Bill "An Act Relating to Programs for Retarded Individuals in Boarding and Nursing Homes" (C. "A" H-262) (H. P. 1052) (L. D. 1326)

No objection having been noted at the end of the Second Legislative Day, was passed to be engrossed and sent to the Senate.

Tabled and Assigned

Bill "An Act to Permit Individuals to Pay Fines for Minor Traffic Violations

without having to Appear in Court" (C. "A" H-267) (H. P. 1452) (L. D. 1725)

On the request of Mr. Rolde of York, was removed from the Consent Calendar.

(On motion of Mr. Rolde of York, tabled pending acceptance of the Committee Report and specially assigned for Tuesday, May 13.)

Bill "An Act to Redefine the Political Activity Rights of Classified Employees of the State" (H. P. 1093) (L. D. 1434)

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

Passed to Be Engrossed

Bill "An Act Relating to the Osteopathic Student Loan Fund" (S. P. 342) (L. D. 1144)

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

Second Reader Tabled and Assigned

Bill "An Act Concerning Pay Toilets" (H. P. 663) (L. D. 837)

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

Mrs. Morin of Old Orchard Beach offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-131) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker and Members of the House: I don't see it on our desks yet, but what it would do is, it reads, "this section shall not apply to any municipally operated restroom facility which contains at least one free public toilet." So those municipalities who do have public toilets would not have to have them all free.

The SPEAKER: The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, Ladies and Gentlemen of the House: Believe it or not, this has become rather an emotional issue and I can believe that if you don't have the correct change it can become even more emotional. When it comes to pay toilets, it is not necessarily a subject I want to get into. I would like to study this bill and amendment a little further and I would hope that someone would table this for one legislative day.

On motion of Mr. Carey of Waterville, tabled pending adoption of House Amendment "B", and specially assigned for Tuesday, May 13.

Amended Bills

Bill "An Act to Redirect the Use of Plumbing Permit Fees" (H. P. 1092) (L. D. 1371) (C. "A" H-261)

Bill "An Act Providing Minimum Retirement Benefits for Certain Teachers" (Emergency) (H. P. 991) (L. D. 1255) (C. "A" H-265)

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

Bill "An Act Appropriating Funds for the Osteopathic Student Loan Fund" (H. P. 1037) (L. D. 1323) (C. "A" H-263)

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

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to do any more than pose a question on this. I don't have any real objections to it, but looking at the earlier bill which was passed, 1144, which is Item 1 on Second Readers today, that appears to make the student loan fund a continuing program, because that bill says that it shall be a continuing program. In 1323, the bill before us, we are appropriating, as amended, \$45,000 in each year of the biennium. I just want to point out to the members of this body that the way I read these two bills we are adding something that is not now a continuing item on our budget.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent to the Senate.

Bill "An Act to Authorize Bond Issue in the Amount of \$6,500,000 for the Construction and Renovations of Higher Education Facilities at the University of Maine" (H. P. 1061) (L. D. 1341) (C. "A" H-284)

Resolve, to Reimburse Michael Forrester of Arundel for Loss of Livestock Destroyed by Dogs (H. P. 1508) (L. D. 1839) (C. "A" H-271)

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

Passed to Be Enacted Emergency Measure

An Act Relating to Compensation of Full-time Deputies in All Counties (H. P. 1556) (L. D. 1869)

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. 116 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.

Passed to Be Enacted

An Act Relating to Maternity Benefits for Unmarried Women Health Insurance Policyholders and Minor Dependents of Health Insurance Policyholders (S. P. 121) (L. D. 407)

An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not Used for Parking (S. P. 498) (L. D. 1845)

An Act to Authorize the Governor and Executive Council to Approve or Disapprove Certain Claims Against the State (H. P. 366) (L. D. 460)

An Act to Permit the Disposal of Moose Killed in Motor Vehicle Accidents (H. P. 977) (L. D. 1224)

An Act to Provide a Uniform Filing Deadline for Candidates for State and National Office within the State of Maine (H. P. 1128) (L. D. 1404)

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 Extending Eagle Lake Water and Sewer District to the Plantation of Wallagrass (H. P. 1153) (L. D. 1447)

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

Mr. Laffin of Westbrook requested a vote on enactment.

The SPEAKER: The pending question is on passage to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

127 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

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

(Off Record Remarks)

An Act Authorizing the Use of Facsimile Signature on Certain Documents by the Secretary of State (H. P. 1270) (L. D. 1570)

An Act to Extend the Territorial Limits of the Hallowell Water District (H. P. 1311) (L. D. 1589)

An Act to Correct Technical Errors in Laws Relating to Marine Resources (H. P. 1338) (L. D. 1624)

An Act Creating the Advisory Committee on State Telecommunications (H. P. 1443) (L. D. 1744)

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 Oxford County to Raise Money for the Development of an Airport in the Northern Oxford County Area" (H. P. 1094) (L. D. 1372)

Tabled — May 7, by Mr. Fraser of Mexico.

Pending — Adoption of Committee Amendment "A" (H-257).

On motion of Mr. Fraser, retabled pending adoption of Committee Amendment "A" and specially assigned for Tuesday, May 13.

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

Resolution, Proposing an Amendment to the Constitution to Establish Filing Dates for Initiatives and Referendum Petitions; Clarify when the Effective Date of a Bill is Suspended by the Filing of a Referendum Petition; Clarify the Process of Calling a Special Election for an Initiative or Referendum Vote; Limit Legislative Amendment and Repeal of Laws Initiated or Approved by the People; Clarify the Petition Process; and Provide for Review of the Validity of Petitions (H. P. 158) (L. D. 188) (C. "A" H-241)

Tabled — May 7, by Mr. Cooney of Sabattus.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, retabled pending passage to be engrossed and specially assigned for Tuesday, May 13.

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

An Act Declaring the Lewiston-Auburn Water Pollution Authority to be a Quasi-Municipal Corporation (S. P. 316) (L. D. 1093)

Tabled — May 7, by Mr. Jacques of Lewiston.

Pending — Passage to be Enacted.

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

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

Bill "An Act Relating to Minimum Finance Charges Under the Maine Consumer Credit Code. (S. P. 219) (L. D. 718) — In Senate, Passed to be Engrossed.

Tabled — May 7, by Mr. Rolde of York.

Pending — Adoption of House Amendment "A" (H-233).

Thereupon, House Amendment "A" was adopted.

On motion of Mrs. Clark of Freeport, the House reconsidered its action whereby House Amendment "A" was adopted, and on further motion of the same gentlewoman, the Amendment was indefinitely postponed.

Mrs. Clark of Freeport offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-288) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-266), Committee on Legal Affairs on Bill "An Act Relating to Licensing and Fee Requirements for Private Detectives, Watch, Guard or Patrol Agencies." (H. P. 1299) (L. D. 1575)

Tabled — May 8, by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Gray of Rockland to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Mr. McKernan of Bangor, retabled pending the motion of Mr. Gray of Rockland to indefinitely postpone, and specially assigned for Tuesday, May 13.

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

House Report — "Ought to Pass" as amended by Committee Amendment "A" (H-259), Committee on Legal Affairs on Bill "An Act Relating to the Games of 'Beano' and 'Bingo'" (H. P. 1277) (L. D. 1755)

Tabled — May 8, by Mr. Perkins of Blue Hill.

Pending — Acceptance of Committee Report.

On motion of Mr. Perkins of Blue Hill the "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-259) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

Bill "An Act Relating to Contracts of Teachers with Municipalities" (H. P. 1033) (L. D. 1339) — In the Senate — Passed to be Engrossed. In the House — Passed to Be Enacted on April 25.

Tabled — May 8, by Mr. McKernan of Bangor.

Pending — Passage to be Engrossed as amended by House Amendment "A" (H-253).

On motion of Mr. Kelleher of Bangor, retabled pending passage to be engrossed as amended by House Amendment "A"

and specially assigned for Monday, May 12.

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps a word of explanation; I have been getting a number of requests. If you look at the pink sheet, you will see the first column is what the community has to raise on a 13¼ mill tax. The next is the net amount of state aid, and the third column is a gross allocation.

If you take SAD 71, between Kennebunk and Kennebunkport they raise \$1.5 million plus, with \$340,000-plus state aid, equals the gross allocation of \$1.89 million.

This raspberry sheet is the sum of money that is to be given to these communities twice a year, the first six months and at the end of the year. So, if you don't find your community on this sheet, you will find it on the pink one.

The House Amendment that I hope you would have with you this weekend, we are having difficulty getting enough printed, they won't be available before we get through. I was hoping you would debate the Eagle Lake bill a little longer. I think you have what you are eventually going to look at, these two printouts. I don't think the other is going to be too much of your concern.

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

Mr. INGEGNERI: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby we voted to indefinitely postpone L. D. 1593, House Paper 1312, An Act Relating to Public Rest Room Facilities in Department Stores and Supermarkets, and I urge you to vote to reconsider and I would request a division.

The SPEAKER: The gentleman from Bangor, Mr. Ingegneri, moves that the House reconsider its action whereby it voted to indefinitely postpone L. D. 1593. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

The SPEAKER: The pending question before the House is to indefinitely postpone. The Chair will order a vote. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Wagner of Orono, the Bill was substituted for the Report.

The Bill was read once and assigned for second reading the next legislative day.

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

Mr. JACQUES: Mr. Speaker, I move we reconsider our action on item 3 of enactors whereby we enacted this bill.

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, moves that the House reconsider its action whereby An Act Concerning the Power of the Lewiston Parking District to Mortgage Certain Properties and Permitting the Taxation of Real Property of the District Which is Not

Used for Parking, Senate Paper 498, L. D. 1845. The Chair will order a vote.

The Chair recognizes the gentleman from Lewiston, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: This is the bill that I had problems with the other day and I have an amendment to present on this bill and this is the reason I want it reconsidered.

The SPEAKER: The pending question is the motion of the gentleman from Lewiston, Mr. Jacques, that the House reconsider its action whereby this Bill was passed to be enacted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

On further motion of Mr. Jacques of Lewiston, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-249) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I can't seem to find House Amendment "A", possibly the gentleman could explain exactly what that amendment does.

The SPEAKER: The gentleman from Waterville, Mr. Carey, poses a question through the Chair to the gentleman from Lewiston, Mr. Jacques, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The amendment sends it to the Planning Board for anything expended over \$25,000, to the Planning Board and the Board of Alderman.

Mrs. Berube of Lewiston requested a division.

The SPEAKER: The pending question is on the motion of Mr. Jacques of Lewiston that House Amendment "A" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Jalbert of Lewiston 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.

Thereupon, on motion of Mr. Carey of Waterville, tabled pending the adoption of House Amendment "A" and specially assigned for Monday, May 12. (A roll call ordered)

(Off Record Remarks)

On the disagreeing action of the two branches of the Legislature on Bill "An Act Increasing the Number of Associate Justices of the Supreme Judicial Court, Senate Paper 147, L. D. 510, the Chair appointed the following conferees on the part of the House:

Messrs. SNOW of Falmouth
CARPENTER of Houlton

HEWES of Cape Elizabeth

On motion of Mr. Hughes of Auburn, Adjourned until Monday, May 12, at ten o'clock in the morning.