

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Wednesday, January 28, 1976

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

Prayer by the Reverend Clayton Blackstone of Friendship.

The journal of yesterday was read and approved.

Papers from the Senate

Bills from the Senate requiring reference were disposed of in concurrence.

Reports of Committees Ought Not to Pass

Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for Improvements at Northern Maine Regional Airport at Presque Isle" (S. P. 627) (L. D. 1989)

Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating Funds for Additional Construction Costs of International Arrivals Building at Bangor International Airport" (S. P. 626) (L. D. 1988)

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

Leave to Withdraw

Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Establish Legislative Control Over the Allocation of Space in the State House and to Provide for Legislative Direction Over the Bureau of Public Improvement's Supervision Over the State House" (Emergency) (S. P. 623) (L. D. 1955)

Came from the Senate with the Report read and accepted.

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

Messages and Documents

The following Communication:

January 26, 1976

The Honorable Edwin H. Pert
Clerk of the House
107th Maine Legislature
State House
Augusta, Maine 04333

Dear Mr. Pert

I am submitting herewith the Report of the Commissioner of Agriculture to the 107th Legislature as provided by Chapter 584 of the 1975 Public Laws.

Respectfully

(Signed)

JOSEPH N. WILLIAMS
Commissioner

The Communication was read and with accompanying papers ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

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

Appropriations and Financial Affairs

Bill "An Act to Provide a Pay Increase to State, Maine Maritime Academy and University of Maine Employees" (Emergency) (H. P. 1932) (Presented by Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (Presented by Mr. Mills of Eastport) (Approved for Introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Order S. P. 635 as Amended)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Redefine the Administration of Medication in the Nursing Practice Act" (H. P. 1934) (Presented by Mr. Hennessey of West Bath)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Authorizing the Department of Indian Affairs to Purchase Nicatow Island on Behalf of the Penobscot Tribe" (H. P. 1935) (Presented by Mr. Pearson of Old Town)

Committee on Reference of Bills suggested the Committee on Human Resources.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I talked to Mr. Pearson about this bill this morning, and he told me that there was a price tag on it for somewhere around \$75,000. If that is the case, I move this go to the Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

Local and County Government

Bill "An Act to Clarify Clerk Hire Procedures in County Government and to Provide for a Deputy Treasurer in York County" (H. P. 1936) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (Emergency) (H. P. 1937) (Presented by Mr. Farnham of Hampden)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Require that Fluorescent Orange Clothing be Worn by Certain Persons Working on or About Public Highways in the Nighttime" (H. P. 1938) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)

Sent up for concurrence.

House Reports of Committees**Referred to Committee on State Government**

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for More Effective Debt Management and for More Effective Administration of the State's Development Financing Ability" (H. P. 1816) (L. D. 1974) reporting that it be referred to the Committee on State Government

Report was read and accepted, the Bill referred to the Committee on State Government and sent up for concurrence.

Consent Calendar**Second Day**

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

(H. P. 1817) (L. D. 1975) Bill "An Act Authorizing Kennebec County Commissioners to Provide Fire Protection Services for Unity Township"

(H. P. 1836) (L. D. 2001) Bill "An Act to Provide Fire Protection, Other Than Forest Fire Protection, for the Unorganized Coastal Islands"

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 Enacted**Emergency Measure**

An Act Increasing the Indebtedness of the North Yarmouth Water District (S. P. 625) (L. D. 1979)

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. 120 voted in favor of the same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by Region 2, Southern Aroostook County Vocational Region (H. P. 1798) (L. D. 1957)

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. 121 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Increase the Total Authorized Indebtedness of the Kennebunk Sewer District from \$1,000,000 to \$3,000,000 (H. P. 1810) (L. D. 1969) (H. "A" H-858)

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. 123 voted in favor of same and none 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 to Permit the Development by the Secretary of State of a Numerical System of Driver License Control to be Used in Place of Social Security Numbers (H. P. 1811) (L. D. 1970)

An Act Relating to Lease or Purchase of Railroad Lines by the Department of Transportation (H. P. 1814) (L. D. 1972)

An Act to Establish a Boundary Line Between the Towns of Winslow and Albion (H. P. 1821) (L. D. 1982)

An Act to Amend the Charter of the

Searsport Water District (H. P. 1837) (L. D. 2002)

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.

Finally Passed

Resolve Authorizing and Directing the Director of the Bureau of Public Lands to Permit Great Northern Paper Company to Cut and Remove Wood from Township 6, Range 11, W.E.L.S. (H. P. 1803) (L. D. 1962) (C. "A" H-856)

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

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

Mr. CONNOLLY: Mr. Speaker, I wonder if some member of the committee or the sponsor of the bill or someone who knows about the bill might explain what it is about and what the amendment does.

The SPEAKER: The gentleman from Portland, Mr. Connolly, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: You may recall that as a result of the work of the Committee on Public Land, at the last regular session of the legislature a great deal of work was done in trying to get back from the various companies the cutting rights which had gone years and years ago. As a result of the work, some serious negotiations between the then head of the Bureau of Public Lands, Mr. Barringer, and the Great Northern Paper Company, an arrangement was made which we verified, passed here and approved in the regular session of the legislature, which was an exchange of land, a very valuable exchange, as a matter of fact, favorable to the State of Maine. You recall that Dr. Barringer, in consultation with the various agencies of government, Public Lands, Bureau of Parks, Forestry and all, arrived at this conclusion, and we approved that in regular session.

Part of that agreement — and I wish I had it on my desk this morning, I could perhaps explain it better, but part of the agreement allowed that for a period of time the Great Northern would have the right to cut stumpage off a certain area which was part of the exchange. That was part of the agreement. When the agreement was finalized and we had approved it, the Internal Revenue Service said that they would not approve the agreement if this approval of cutting stumpage for free in this particular area was included, that they could not include it. There would be some serious problems for Great Northern taxwise. So, finally, before it was approved, Great Northern dropped from it, unilaterally, that section which dealt with what Maine gave them as a right to cut on this particular area.

This now is a bill sponsored jointly by the Speaker and myself which simply goes back and helps us now to finally consummate that deal. We are saying in effect that we now are giving Great Northern the right to cut in this area, which we originally intended to give them in the first place but which could not be given because of IRS rules and regulations.

It does nothing to change the original

agreement made between Great Northern and the Bureau of Public Lands; it finalizes the entire deal.

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

Mr. CAREY: Mr. Speaker and Members of the House: As a member of that committee, we went over the arrangements that had been made with Great Northern. As the gentleman from Nobleboro, Mr. Palmer, said, the land was much more valuable than we got than we gave, so there was an \$8 per cord trade for 25,000 cord of wood out of the hundred thousand. That was acceptable to both parties.

One of the things that we did do, however, in the agreement the word 12½ inch diameter breast height had been left out on the cutting of the spruce. I was particularly concerned that they might go in and just clear cut, so we talked to the Vice President of Great Northern and he said he had no objection at that time to putting that back in, since it was in the original agreement, and the amendment covers that. They will not be able to cut spruce under 12½ inch diameter breast height, but they can cut fir of all sizes, and that was in the original agreement.

Thereupon, the Resolve was finally passed, 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 Permit Executive Sessions in Certain Labor Negotiations" (H. P. 1891) (L. D. 2071) In House, referred to the Committee on Labor January 23, 1976. In Senate, referred to the Committee on Legal Affairs in non-concurrence.

(Committee on Reference of Bills suggested Committee on Legal Affairs.)

Tabled — January 27 by Mr. Rolde of York.

Pending — Further Consideration.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: After having conferred with the sponsor of the bill and members of the Labor Committee, I now move that we recede and concur.

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

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

House Report — "Ought Not to Pass" — Committee on Local and County Government on Bill "An Act to Clarify the Laws Relating to County Budgets" (H. P. 1818) (L. D. 1976)

Tabled — (Under suspension of the rules) January 27 by Mr. Goodwin of South Berwick.

Pending — Placing in the Legislative Files.

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

Mr. DAM: Mr. Speaker, I move this be recommitted to the Committee on Local and County Government. This was reported out in error by the Committee on Local and County Government.

The SPEAKER: Pursuant to the information of the Chairman of the Committee, the Chair orders the matter recommitted to the Committee on Local and County Government without further action.

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

An Act to Clarify Certain Provisions Relating to the Establishment of Hospital District No 1 (H. P. 1835) (L. D. 2000)

Tabled — January 27 by Mr. MacEachern of Lincoln.

Pending — Passage to 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. Walker of Island Falls, Adjourned until nine-thirty tomorrow morning.