

# 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

Thursday, January 29, 1976

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

Prayer by the Reverend Paul Pare of Augusta.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act to Clarify Certain Provisions of the Newport Water District Charter" (S. P. 667) (L. D. 2119)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, the Bill was referred to the Committee on Public Utilities in concurrence.

**Non-Concurrent Matter  
Later Today Assigned**

Bill "An Act Relating to Town Ways" (H. P. 1920) (L. D. 2108) which was referred to the Committee on Local and County Government in the House on January 27, 1976.

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

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter  
Later Today Assigned**

Bill "An Act to Amend the Definition of 'School Bus' to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children" (Emergency) (H. P. 1930) (L. D. 2117) which was referred to the Committee on Legal Affairs in the House on January 27, 1976.

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

In the House: On motion by Mr. Rolde of York, tabled pending further consideration and later today assigned.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Agriculture**

Bill "An Act Concerning the Establishment of Minimum Prices by the Maine Milk Commission" (H. P. 1942) (Presented by Mr. Torrey of Poland) (Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Repeal 'An Act to Increase Protection under the Uninsured Motorist Law'" (H. P. 1943) (Presented by Mrs. Clark of Freeport)

(Ordered Printed)  
Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River" (H. P. 1945) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Restricting the Use of Motor Driven Boats on Certain Areas of Penobscot River" (H. P. 1946) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)  
Sent up for concurrence.

**Labor**

Bill "An Act to Extend Collective Bargaining Rights to the Employees of Maine Maritime Academy" (H. P. 1944) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)  
Sent up for concurrence.

**Local and County Government**

Bill "An Act Appropriating Funds for the Purchase of Town Histories" (H. P. 1949) (Presented by Mrs. Saunders of Bethel)

(Ordered Printed)  
Sent up for concurrence.

**Natural Resources**

Bill "An Act Concerning the Protection of Inland Areas Against Damage Caused by Oil Spills" (H. P. 1947) (Presented by Mr. Dam of Skowhegan)

Bill "An Act Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites" (Emergency) (H. P. 1948) (Presented by Mrs. Bachrach of Brunswick)

Bill "An Act to Allow the Board of Environmental Protection to Grant Limited Variances to Statutory Time Schedules" (Emergency) (H. P. 1950) (Presented by Mr. Pierce of Waterville)

(Ordered Printed)  
Sent up for concurrence.

**Taxation**

Bill "An Act Relating to an Increase in the Corporate and Individual Income Tax Rates" (H. P. 1952) (Presented by Mr. Farnham of Hampden)

Bill "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of Federal Taxable Estate" (H. P. 1951) (Presented by Mr. Morton of Farmington)

(Ordered Printed)  
Sent up for concurrence.

**Transportation**

Bill "An Act to Exempt Emergency Vehicles and School Buses From the Statutory Prohibition of the Use of Studded Tires from May to October" (Emergency) (H. P. 1953) (Presented by Mr. Carpenter of Houlton)

Bill "An Act Relating to Emergency Lights for Vehicles" (H. P. 1954) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)  
Sent up for concurrence.

**Orders**

Mr. Pearson of Old Town presented the following Joint Order and moved its passage: (H. P. 1939) (Cosponsor: Mr. Gould of Old Town)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of

Herbert Sargent  
Outstanding Citizen  
and Benefactor  
of

The City of Old Town

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.

Mr. MacEachern of Lincoln presented the following Joint Order and moved its passage: (H. P. 1940)

ORDERED, the Senate concurring, that the Joint Standing Committee on Fisheries and Wildlife is directed to report out a bill to establish a controlled season on moose.

The Order was read.

The SPEAKER: Pursuant to the rules, a two-thirds vote is necessary for passage and the Chair will order a vote. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Finemore of Bridgewater 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 passage of this Joint Order, House Paper 1940. Pursuant to the rules, a two-thirds vote of those present and voting is necessary for passage. All those in favor will vote yes; those opposed will vote no.

**ROLLCALL**

YEA—Albert, Berube, Blodgett, Byers, Carpenter, Chonko, Clark, Connors, Cote, Davies, DeVane, Doak, Dow, Farley, Farnham, Fenlason, Finemore, Flanagan, Goodwin, H.; Gould, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Immonen, Jacques, Jalbert, Jensen, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, LeBlanc, Lewin, Littlefield, Lizotte, Lunt, MacEachern, Mahany, Martin, R.; Maxwell, McBreairey, Mills, Morin, Morton, Mulkern, Nadeau, Peakes, Pearson, Peterson, P.; Post, Quinn, Raymond, Rideout, Rolde, Rollins, Silverman, Smith, Snow, Stubbs, Talbot, Tarr, Teague, Torrey, Tozier, Twitchell, Usher, Wilfong and the Speaker.

NAY — Bachrach, Berry, G.W.; Berry, P.P.; Burns, Call, Cox, Curran, R.; Drigotas, Durgin, Dyer, Fraser, Garsoe, Goodwin, K.; Henderson, Higgins, Ingegneri, Kany, Leonard, Lovell, MacLeod, McKernan, McMahon, Mitchell, Najarian, Palmer, Pelosi, Perkins, S.; Peterson, T.; Shute, Snowe, Sprowl, Theriault, Truman, Tyndale, Wagner and Winship.

ABSENT — Ault, Bagley, Bennett, Birt, Boudreau, Bowie, Bustin, Carey, Carroll, Carter, Churchill, Connolly, Cooney, Curran, T.; Curtis, Dam, Dudley, Faucher, Gauthier, Gray, Hewes, Hinds, Hughes, Hutchings, Jackson, Joyce, Laverty, Lewis, Lynch, Mackel, Martin, A.; Miskavage, Norris, Perkins, T.; Pierce, Powell, Saunders, Spencer, Strout, Susi, Tierney, Walker and Webber.

Yes, 72; No, 36; Absent, 43.  
The SPEAKER: Seventy-two having voted in the affirmative and thirty-six in the negative, with forty-three being absent, the motion does prevail.

The Joint Order received passage and was sent up for concurrence.

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

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: Paul Conant Eaton was born December 18, 1905. He graduated from Phillips Exeter Academy

in 1923, from M.I.T. in 1927. He received his Masters Degree at Harvard in English Literature. He deeply loved the State of Maine where he was born and spent his childhood. He was a man devoted to every cause that would benefit the State of Maine.

He taught at M.I.T. He was the dean of students at California Tech, retired in 1967. He served on nine boards of directors in various institutions and civic societies in the State of Maine. He is one of the founders of the Historical Society; he was also a member of the Bath Museum, surely a distinguished citizen of this State of Maine and in memoriam I am presenting this resolution and urge its adoption.

#### In Memoriam

Having Learned Of The Death Of Paul Conant Eaton of Kennebunkport Who Taught at M.I.T. and Was Dean of Students at California Technical Insitute

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

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

Mrs. Post of Owl's Head presented the following Joint Resolution and moved its adoption: (H. P. 1955) (Cosponsors: Messrs. Gray of Rockland, Sprowl of Hope)

#### In Memoriam

Having Learned of the Death of Ralph E. Cline of Spruce Head Fondly Known as "The Patriot"

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Ralph Cline, who died on Monday at the age of 81, will most likely be remembered by history as the man portrayed by Andrew Wyeth in his famous painting of the Patriot. However, his neighbors in Knox County and his friends around the state will remember him as much more.

Some will remember the man who loved, respected and worked with his wife, Marion, his family, his community, his land and his country, one who was a true patriot long before the painting was done, a conservationist who planted a tree for each one he cut for his saw mill. Others will remember the man who had an excellent sense of humor and often used it to convey his philosophy of life. Reportedly when he was asked by one of the traveling

journalists, who often came to talk to Ralph, whether he had in fact worked all his life, Ralph answered, "Not yet." But he did intend to and he did, and many will remember him for that, a fiercely independent, self-reliant businessman who took pride in his product and his ability, even into his seventies, to turn out that product.

I grew up with two memories of Ralph Cline; one was watching him march at the head of countless parades — 4th of July, the Seafood Festival. The other is more personal and I think expresses the essence of the man. Ralph was ill in bed when a lifelong friend and comrade died on Christmas Eve. He and his wife wanted to send flowers to the widow, but rather than trust them to an impersonal delivery boy, he got out of his sick bed to take them to her himself. Two days later, he performed the final act of love for a fallen comrade, that of folding the flag which covered his coffin and presenting it to his widow. His pride, loyalty, love, and his deep compassion were expressed so eloquently in that act. I shall never forget it, and that is how I, and I think everyone who attended that service, shall remember Ralph Cline.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

The following papers from the Senate were taken up out of order by unanimous consent:

From the Senate: The following Joint Order: (S. P. 642)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of The Bangor High School Rams State Class A Football Champions for 1975

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 Joint Order was read and passed in concurrence.

From the Senate: The following Joint Order: (S. P. 657)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishments of Thomas Michael Edwards Winner of The 1975 Fitzpatrick Trophy For the Outstanding High School Football Player In the State of Maine

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 Joint Order was read and passed in concurrence.

### Consent Calendar

#### First Day

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

(S. P. 621) (L. D. 1953) Bill "An Act Converting Plantation 21 into the Town of Osborn" — Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-392)

(H. P. 1850) (L. D. 2019) Bill "An Act to Abolish the Credit and Collection Board" — Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 30, under listing of the Second Day.

#### Orders of the Day

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

Bill "An Act Relating to Town Ways" (H. P. 1920) (L. D. 2108) which was referred to the Committee on Local and County Government in the House on January 27, 1976. In the Senate referred to the Committee on Transportation in non-concurrence.

Tabled — by Mr. Rolde of York

Pending — Further consideration

On motion of Mr. Kauffman of Kittery, the House voted to insist.

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

Bill "An Act to Amend the Definition of 'School Bus' to Include School Buses Rented from School Administrative Units by Nonprofit Organizations in Order to Transport Children" (Emergency) (H. P. 1930) (L. D. 2117) which was referred to the Committee on Legal Affairs in the House on January 27, 1976. In Senate referred to the Committee on Transportation in non-concurrence.

Tabled — by Mr. Rolde of York

Pending — Further consideration

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following Resolve, held at the request of Mr. Connolly of Portland:

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) — In the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-856) January 27, 1976 in concurrence. — In House, Passed to be Enacted January 28, 1976.

Mr. Connolly of Portland Requested the Resolve be held further.

Mr. Theriault of Rumford was granted unanimous consent to address the House.

Mr. THERIAULT: Mr. Speaker and Members of the House: I would like to have you join with me today in celebrating one of our younger members birthday. It is Mr. Emile Fraser's birthday today. I would further like to state that his fair lady is sitting in the balcony, Mr. Fraser's wife. (Applause)

The following Communication:

State of Maine  
Office of the Governor  
Augusta, Maine

January 28, 1976

Honorable Emile J. Fraser  
State Representative  
State House  
Augusta, Maine  
Dear Emile:

Governors must constantly analyze their relationship with the Legislature. As you know, the Governor and the Legislature had a few ups and downs in the regular session last year.

In reflecting on some of those events, I remembered the occasion when I invited you to have coffee with me at a local restaurant during the early morning hours. As you know, I had no money to fulfill that commitment. It was also one of those cases where the Legislature did not have any money either.

We were both guilty of fiscal irresponsibility.

On my last birthday, my staff gave me a book of coupons, entitling me to free coffee at this establishment. Members of my staff reasoned that they did not want to suffer further embarrassment of a Governor who could not pay his bills.

Since today is your birthday and since your colleagues in the Legislature undoubtedly suffered the same embarrassment by your inability to pay, enclosed is a book of coupons for your future use.

Very truly yours,

(Signed)

JIM LONGLEY  
Governor

The Communication was read.

At this point, the Sergeant-at-Arms presented the MacDonald coupons to Mr. Fraser.

Mr. Davies of Orono was granted unanimous consent to address the House.

Mr. DAVIES: Mr. Speaker and Members of the House: I realize that is a very tough act to follow, but I do have a few words that I jotted down on the spur of the moment for the good gentleman from Mexico, and I would like to present them to him now.

On this day back in time when the century was young,

A certain Mrs. Fraser gave birth to a baby son

A strapping lad, tall and true,

He didn't stop growing until he reached six foot two.

Down the years they have travelled, the century and he,

And he has arrived at 75, a specimen to see.

As quick as a cat and sharp as a razor,  
Happy Birthday, Emile Fraser.

Mr. Fraser of Mexico was granted unanimous consent to address the House.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: It must be that the 75th birthday is something unusual, because I have never seen anything like this before. (Applause)

(Off Record Remarks)

On motion by Mr. Jalbert of Lewiston,  
Adjourned until twelve o'clock noon tomorrow.