

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

Friday, January 30, 1976

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

Prayer by Father Donald Jacques of Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 670)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Bruce Roberts of Norway, Maine who has Earned the Title and Distinction of Eagle Scout in Troop 197

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.

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

Messages and Documents

The following Communication:

STATE OF MAINE

One Hundred and Seventh Legislature
Committee on Appropriations and
Financial Affairs

January 29, 1976

MEMO TO: Members of Legislative Leadership

The attached statements are in response to your directive to the Appropriations and Financial Affairs Committee to present a financial summary showing what the present financial situation is in the General Fund.

We have considered the estimated revenues and projected what we feel the shortage will be and also have projected the additional appropriations that are necessary to carry out programs set up by law. These appropriations are basically the same amounts reported to you previously by this Committee, with minor exceptions, compiled as a result of the efforts of the subcommittee studying the funding of state agencies.

The Governor's recommended cuts have been included in the report and his recommendations on the Educational Subsidy problem have been shown.

No consideration has been given to any new program, upgrading of present programs, state employees salary increases, postal increases or additional funding for the University of Maine or funds to upgrade facilities regarding right to treatment suits. This report only concerns itself with whatever is necessary to fund the balance of this biennium in order to bring our fiscal situation in order. Anything beyond this would have to be addressed as a separate issue and would require additional funding.

Signed:

DAVID HUBER
Chairman

Signed:

DOUGLAS M. SMITH
House Chairman

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 Additional Funds to Adjust the Salary Schedules of the Faculty, Administrative Staff and Classified Employees of the Maine Maritime Academy" (Emergency) (H. P. 1956) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Provide Service for the Mentally Retarded" (H. P. 1957) (Presented by Mr. Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Amend the Procedures of the Maine Labor Relations Board" (H. P. 1961) (Presented by Mr. Garsoe of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act Providing for an Investment Tax Credit and a Credit for the Creation of New Jobs" (H. P. 1958) (Presented by Mr. Palmer of Nobleboro) (Cosponsor: Mr. Rolde of York)

Committee on Reference of Bills suggested the Committee on Taxation.

On motion of Mr. Connolly of Portland, tabled pending reference and specially assigned for Monday, February 2, 1976.

Taxation

Bill "An Act Providing for Administrative Corrections in Tax Laws" (H. P. 1959) (Presented by Mr. Drigotas of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Referred to Committee on
Election Laws**

Mrs. Boudreau from the Committee on Election Laws to which was referred the study relative to the election laws, as provided in Title 21 of the Maine Revised Statutes and related Titles, pursuant to H. P. 1646 of the 107th Legislature have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to the Formation of Political Parties and to Political Designations" (H. P. 1960) (L. D. 2140) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

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

**House Reports of Committees
Leave to Withdraw**

Mr. Finemore from the Committee on Taxation on Bill "An Act to Exempt the Young Men's and Young Women's Christian Association from the Sales Tax"

(H. P. 1856) (L. D. 2024) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

**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 to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-393) (S. P. 617) (L. D. 1949)

On the request of Mr. Smith of Dover-Foxcroft, was removed from the Consent Calendar.

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (S-393) was read by the Clerk.

On motion of Mr. Smith of Dover-Foxcroft, tabled pending adoption of Committee Amendment "A" and specially assigned for Monday, February 2, 1976.

Bill "An Act Concerning the Charter of the Ocean Park Association" — Committee on Legal Affairs reporting "Ought to Pass" (S. P. 639) (L. D. 2014)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 2, 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 Converting Plantation 21 into the Town of Osborn" (C. "A" S-392) (S. P. 621) (L. D. 1953)

On the request of Mr. Perkins of Blue Hill, was removed from the Consent Calendar.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and specially assigned for Monday, February 2, 1976.

Bill "An Act to Abolish the Credit and Collection Board" (H. P. 1850) (L. D. 2019)

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

(Off Record Remarks)

Orders of the Day

The Chair laid before the House the following Joint Order held at the request of Mr. Littlefield of Hermon:

Joint Order — (H. P. 1940) Relative to Joint Standing Committee on Fisheries and Wildlife Reporting out a Bill Establishing a Controlled Season on Moose. In the House — January 29, 1976, Read and Passed Pursuant to Joint Rule 28.

Mr. Littlefield of Hermon moved the House reconsider its action of yesterday whereby the Joint Order received passage.

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

Mr. McKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Hermon, Mr. Littlefield, for moving reconsideration. I felt that our

actions were a little hasty yesterday in passing this order. I would like to explain to you why.

The first reason is that we have what is called Joint Rule 28, which was passed during the special session of the 106th Legislature and which was adopted this legislature when we passed our own Joint Rules in the 107th Legislature.

The purpose of Joint Rule 28 is to say that it takes a two-thirds vote to reconsider actions which have been considered at the regular session and finally defeated. It is because of this rule that the Speaker ruled that this order would require a two-thirds vote to be passed.

This is the first time we have had an opportunity in the 107th Legislature to act under this particular Joint Rule. I think it deserved a little bit more consideration than we gave it yesterday, because this bill, with no reason given why it should be reconsidered after having been defeated in the regular session, was passed by a two-thirds vote to be allowed into this session again. If we are not going to make a mockery of that rule, I think we are going to have to have some good reasons why bills should be let back in. At a time when everybody knows the fiscal problems of this state, I don't think we want to spend money on frivolous ideas. I am not saying this is frivolous, but I am saying that we are going to be criticized if we are willing to let bills like this back in without any explanations at all of what changed circumstances require that we let the bill in.

My other reason for bringing this up today is because very few people were here when we did take the vote. So at least if we are going to take what I feel would be a wrong move and let this bill back in, we ought to have more than 108 people here to vote on it.

I would await any explanation as to changed circumstances and why we need this in; otherwise, I would hope that we would reconsider our action and defeat the introduction of this order.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to differ with the gentleman who has just spoken, but there was a bill in that was withdrawn. I believe that under Rule 28 that any bill that was withdrawn can be brought back in.

All we are asking for in the House here today and the other day is to put this before the Senate to try our own strength, to see what we have.

We in Aroostook want this bill, we need this bill. Before, it was defeated by one vote in the Senate. It had a big majority in the House.

In Aroostook County today they are running wild, moose are. They are taking them into Canada, across the line, and killing them over there. Last year, Canada didn't have a game warden and hundreds and hundreds of moose were killed in Canada last year, in New Brunswick, because there was no license.

I wonder how the gentleman from Bangor would like to get up some morning, be eating breakfast and have a moose poke his head through the window and ask for a doughnut. This has happened in Aroostook County and it will happen again. Last year we saw moose that wouldn't leave the main road. Cars had to stop and wait for them to move out of the road. This is dangerous. We had cars in Aroostook that

were smashed up, families hurt by moose in the road. I wonder if we are asking for the impossible.

I hope this morning you will back up and vote against reconsideration. When the vote is taken, I ask for the yeas and nays.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: This is my fourth session, or as the gentleman from Lewiston would say, my second semester. The moose bill has always come up and I have never had anything to say because I have never met a moose.

I would just like to take a couple minutes of your time to explain to you what happened this summer when I went on vacation with my family. We did meet a moose. I guess this is a story about a moose named Betty.

We were up to Squaw Mountain in Greenville, and of course when you go up there you ask around about where can we find moose, where can we see moose, which we did. My four girls and my wife proceeded to go up to what they call Lily Pond to see if we could see some moose. We got there and we went down to the little stream which is off the road and sure enough, right there in front of our eyes was a big moose — I mean a big moose — just standing in the water feeding. My girls, myself and my wife were quite excited, so we tip-toed on the rocks out into the stream until we got to about ten feet in front of the moose. He didn't care whether we were there or not, he just kept right on feeding and doing his thing. We stayed there about a half hour and cars would drive by and stop and come down and take pictures and what not. My girls nicknamed the moose Betty.

Along about eight o'clock, it got real dark and the moose decided to leave. He just picked himself up and walked about five feet in front of my daughter and took himself up into the woods. The next day when he came by, we caused quite a stir back at the lodge, because most people from New York and the people there had never seen a moose, and this was quite an opportunity.

The next night, we decided to go up a little bit further to see more moose, which we did, and which we didn't see, so we decided to come back down to Lily Pond to see if Betty was there. We got down there and we parked the car and we rushed down to the water and there was no moose. We decided to tip-toe back out on the rocks again, just for the fun of it, which we did, and my 14-year-old said, "That looks like that moose laying down in the water — no, that's a rock." The closer we got, we found out it was Betty the moose. Someone had come along and shot it and it laid in the water dead. I guess I can't explain to you how my kids felt or how I felt or how my wife felt. That incident had ruined our vacation, it had ruined our day, we felt bad about it.

I just want to relate that to you, because I don't think they are vicious and I don't think they are violent, I think they are very tame animals. I would hope that you would go along with the gentleman from Bangor, Mr. McKernan, and reconsider this.

I voted to let this bill in probably because I didn't know what was happening yesterday, as I came in late, and I voted on the side to let the bill in, but I have reconsidered now that I know what the bill is, and I hope you do the same. I would never, never let a bill in that would establish a hunting season for moose. I

have always been against it, I have always voted that way, and I will continue to.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: So far, I haven't heard any real compelling reasons why this bill should come before us yesterday or today. I expect maybe we will a little later on. I think probably, thinking back seven months ago when this bill was before us, that it was pretty well aired and if it wasn't, somebody made quite an error, because the thing was in here for about five days and we did spend considerable time on it. If things have changed in seven months enough to warrant considering this again, I certainly would like to hear about it.

I have been up to Aroostook County a couple of times and I haven't seen any of the Betty's or any of the other moose standing around the roads or sticking their heads through windows, but maybe I haven't been to the right place. And I certainly, for one, think that most of the actions of the special session have been geared up so that we can be here and get out quick, and I think if we are going to start taking measures in this manner, we might just as well stop all of the progress that has been made and accept anything, and I have got two or three little proposals that I would like to see in here also.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I voted to allow this bill in. The basic reason that I did was that I had talked with members of the Fish and Game Committee, and their reasons for wanting to put this bill in at this particular time was that they said the department needed the additional revenue. However, I would like some member of that committee to be more specific and address exactly what the financial problem of the Department of Inland Fisheries and Game is and how this bill would address that. I think that is very important testimony in this particular debate.

The SPEAKER: Mr. Finemore of Bridgewater has requested a roll call. 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 Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: I was out of my chair when the gentleman from York, Mr. Rolde, spoke, but did he say that they needed money in the Fish and Game Department?

The Performance Audit Committee has been studying dedicated revenue within the Fish and Game, and I would like to answer at least that part of the question. As of the end of June, in 1975, Fish and Game had unencumbered a surplus of \$1,399,519.55.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentleman from Waterville has answered my question. The point I was trying to make was, I had been told this by members of the committee and I have

now, in light of the vote, was seeking more specific information.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Members of the House: I am quite amazed at some of the things I am hearing this morning. I have already talked with Representative Carey on his own figures from the Audit Committee, and with a predicted raise in salary over there of six hundred some odd thousand dollars and another one of \$300,000, that is around \$900,000, plus. There isn't going to be much left out of that million dollars.

Now, I didn't intend to speak on this; I simply wanted to let it come back for reconsideration. My purpose in supporting the moose bill is the fact that we voted back in committee to make a study that we didn't complete the last time around, and with the changes in New Hampshire and the Canadian Border, there are a lot of things under consideration now that apply to the State of Maine and the economy of the areas affected. I think if we judge it on that and let it come back into committee so we can have it to consider, it should have been done as a joint standing committee order in the summertime, but we didn't have that information when we adjourned, but we have got to take an action on it now if we are going to take any action at all.

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

Mr. CAREY: Mr. Speaker, apparently the gentleman from Eastport, Mr. Mills, misread into what I told him concerning the raises, that they were in fact created after June 30, 1975. Those raises were granted during the fiscal year 1975 by council order. They came to \$611,000. There was another raise way back in 1972, so this figure of \$1,399,000 is above and beyond what those raises were.

I am interested, for instance, in digging a little deeper and finding out why the department was granted raises when nobody else got one, but that is yet another subject, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Hermon, Mr. Littlefield, that the House reconsider its action of yesterday whereby Joint Order, House Paper 1940, received passage. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Boudreau, Bowie, Burns, Call, Carey, Chonko, Cooney, Curran, R.; DeVane, Drigotas, Dyer, Farnham, Fenlason, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hewes, Higgins, Hinds, Hughes, Immonen, Ingegneri, Jackson, Jalbert, Joyce, Kany, Kelley, Kennedy, Leonard, Lewis, Littlefield, Lovell, Lynch, MacLeod, Maxwell, McKernan, McMahon, Miskavage, Mitchell, Mulkern, Palmer, Peakes, Pelosi, Perkins, S.; Peterson, T.; Pierce, Raymond, Rolde, Saunders, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tyndale, Wagner, Webber, Winshop.

NAY — Albert, Bennett, Blodgett, Bustin, Carpenter, Carter, Connors, Connolly, Cote, Cox, Dam, Davies, Doak, Dow, Dudley, Durgin, Finemore, Flanagan, Fraser, Hall, Hennessey, Hunter, Hutchings, Jacques, Jensen, Kauffman, Kelleher, Laffin, LaPointe,

Laverty, Lewin, Lizotte, Lunt, MacEachern, Mackel, Martin, R.; McBreaarty, Mills, Morin, Morton, Nadeau, Najarian, Norris, Pearson, Perkins, T.; Peterson, P.; Post, Powell, Quinn, Rollins, Silverman, Stubbs, Tozier, Truman, Twitchell, Usher, Walker, Wilfong.

ABSENT — Ault, Byers, Carroll, Churchill, Clark, Curran, P.; Curtis, Farley, Faucher, Gauthier, Hobbins, LeBlanc, Mahany, Martin, A.; Rideout.

Yes, 77; No, 58; Absent, 15.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-eight in the negative, with fifteen being absent, the motion does prevail.

The question now before the House is, shall this Joint Order receive passage. This requires a two-thirds vote of those present and voting. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

60 having voted in the affirmative and 76 having voted in the negative, the Joint Order failed of passage.

Mr. Lizotte of Biddeford was granted unanimous consent to address the House.

Mr. LIZOTTE: Mr. Speaker and Members of the House: I am very disturbed today concerning what I believe to be a great injustice to all the people of the State of Maine. I honestly believe that the school funding law is the most important piece of legislation that is facing this special session. I also believe that the main reason we were called here was because of this item. We might not have had a special session if it were not for this bill.

The hearing was held yesterday, supposedly at the Augusta Civic Center. This was advertised throughout the state and people from our entire state travelled great distances to attend this hearing, which proved that people were concerned. What happened is catastrophic. They arrived there and they saw a basketball practice, or game. They were told that they would have to go to Cony High School for the hearing. In my opinion, this is terrible. I am sure that it would have been much more simple to have moved the basketball players to Cony and to have kept the hearing where it was originally scheduled. How anything as important as this hearing had to take the back seat is simply unreal. I certainly hope that a letter of apology is sent to all the papers to try to show that we are very upset by what happened. I also hope that something like this never happens again. Whoever planned this hearing certainly did not do his homework well.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I am sure you are all well aware of the limited number of public hearing spaces available in the City of Augusta. The Civic Center and the Armory are all spoken for weeks and weeks in advance. It was impossible for the Education Committee to get the auditorium at the Civic Center on such short notice. We had the largest auditorium, Cushnoc Hall. We were able to move to Cony through the good graces of the Cony school system. We made bus transportation available. Those who wanted to go could go; they didn't have to move their cars. There was transportation

to Cony and back to the Civic Center for them. I think we did the best we could under the circumstances.

(Off Record Remarks)

On motion of Mrs. Chonko of Topsham, Adjourned until Monday, February 2 at eleven o'clock in the morning.