

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

Monday, February 2, 1976

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

Prayer by the Reverend Donald Hinkley of Auburn.

The members stood at attention during the playing of the National Anthem by the Wiscasset High School Band of Wiscasset.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 671)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Marshwood High School State Class C Football Co-Champions for the Academic Year 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 Order was read and passed in concurrence.

From the Senate:
Bill "An Act Authorizing the Legislative Council to Accept Grants from Public and Private Agencies" (Emergency) (S. P. 672) (L. D. 2143) (Approved for Introduction by a Majority of the Committee on Reference of Bills Pursuant to Joint Order S. P. 635 as amended)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River" (H. P. 1945) (L. D. 2131) which was referred to the Committee on Fisheries and Wildlife in the House on January 29, 1976.

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

In the House:

Mr. Kelleher of Bangor moved that the House insist.

(On motion of Mr. Greenlaw of Stonington, tabled pending the motion of Mr. Kelleher of Bangor to insist and later today assigned.)

Messages and Documents

The following Communication:

STATE OF MAINE
Senate Chamber
President's Office
Augusta, Maine

January 30, 1976

The Honorable James B. Longley
Governor
State of Maine
Augusta, Maine

Dear Governor Longley:

Pursuant to the request of Legislative Leadership to review and report its best

analysis of the current financial status of the State, the Joint Standing Committee on Appropriations and Financial Affairs has submitted its report dated January 29, 1976. We enclose a copy of that report herewith.

We are sure you will agree that the condition of the biennial budget as reported by the Committee, particularly with respect to the actual and projected revenue receipts, gives rise to serious concern. If the analysis of the Committee is to be accepted as an indication of our financial condition, we must recognize the existence of a potential financial problem for the State of Maine of considerable magnitude.

The Legislative Leadership and the entire membership of the Legislature stand ready to receive recommendations from you and to cooperate with you in finding solutions to the problem we face. We respectfully make this formal request for your comments and reaction with respect to the report of the Appropriations Committee and the financial condition it reflects.

Sincerely,

Signed: JOSEPH SEWALL
President of the Senate

Signed: JOHN L. MARTIN
Speaker of the House

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

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills, Resolve and Resolution 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 Authorize a Bond Issue in the Amount of \$1,800,000 for the Renovation of Quick and Leavitt Halls at the Maine Maritime Academy" (H. P. 1963) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Revise the Method of Evaluating Bids Submitted by Maine Bidders" (H. P. 1972) (Presented by Mrs. Post of Owls Head)

Bill "An Act to Include Mail Order Merchants and Creditors Under the Maine Consumer Credit Code" (Emergency) (H. P. 1973) (Presented by Mrs. Clark of Freeport) (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.

Education

Bill "An Act Authorizing Central Maine General Hospital School of Nursing to Confer Associate Degrees in Nursing" (H. P. 1964) (Presented by Mrs. Lewis of Auburn)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Designate Certain Rivers as Salmon Trophy Rivers" (H. P. 1969) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)
Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Repeal Certain Statutory Provisions for the Licensing of Boarding Homes and Day Care Facilities" (H. P. 1965) (Presented by Mr. Hennessey of West Bath) (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.

Judiciary

Bill "An Act to Remove the Maine Criminal Justice Sentencing Institute from the Administrative Supervision of the Judicial Council" (H. P. 1974) (Presented by Mr. McKernan of Bangor)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process" (H. P. 1966) (Presented by Mr. Connolly of Portland) (Cosponsors: Messrs Davies of Orono, Hughes of Auburn, McKernan of Bangor)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Regulate Vehicles Transporting Combustible, Flammable or Hazardous Materials" (H. P. 1967) (Presented by Mr. Hinds of South Portland)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act Establishing a Program Under the Department of Marine Resources of Installation of Anti-Green Crab Fencing in Clam Growing Areas Seriously Affected by Green Crab Predation" (H. P. 1975) (Presented by Mr. Greenlaw of Stonington)

(Ordered Printed)
Sent up for concurrence.

State Government

RESOLVE, Authorizing the Exchange of Certain Lands in the Capitol Complex as Recommended by the Capitol Planning Commission (H. P. 1968) (Presented by Mr. Lewin of Augusta)

RESOLUTION, Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation (H. P. 1970) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Revise Definition of 'Case' under Sardine Tax Law" (H. P. 1971) (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.

Orders

Mrs. Byers of Newcastle presented the following Joint Order and moved its passage: (H. P. 1962)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Doris Hayes Deputy Secretary of State and

Honorary Member of the Maine Bar Association

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 gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Ladies and Gentlemen of the House: The State of Maine is very fortunate to have two women employed in state government who have received honorary law degrees from the Maine Bar Association, first our Law Librarian and now our Deputy Secretary of State, Doris Hayes. As a member of the Committee on Business Legislation, I can fully understand why this honor was given to this fine woman.

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

Mr. Talbot of Portland presented the following Joint Resolution and moved its adoption: (H. P. 1976) (Cosponsor: Mr. Davies of Orono)

IN MEMORIAM

Having Learned of the Death of Paul Robeson of West Philadelphia Widely Known Actor, Singer and Athlete

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.

Mr. Higgins of Scarborough presented the following Joint Order and moved its passage: (H. P. 1977)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Scarborough High School State Soccer Champions for the Academic Year 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.

On Motion of Mr. Albert of Limestone, it was

ORDERED, that James MacLeod of Bar Harbor be excused February 5th and 6th for personal reasons.

House Reports of Committees Ought Not to Pass

Mr. Garsoe from the Committee on Appropriations and Financial Affairs on Resolve, to Appropriate Moneys for Initial Research on Environmentally Safe Insecticidal Control of Blackflies (Emergency) (H. P. 1863) (L. D. 2034) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 17-A and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Relating to Movement of Overwide Farm Equipment" (H. P. 1857) (L. D. 2025) reporting "Ought to Pass"

Report was signed by the following members:

Messrs. McNALLY of Hancock
CYR of Aroostook
GREELEY of Waldo
— of the Senate.

Mrs. BERRY of Madison
Messrs. ALBERT of Limestone
JENSEN of Portland
JACQUES of Lewiston
WEBBER of Belfast
FRASER of Mexico
WINSHIP of Milo
KAUFFMAN of Kittery
LUNT of Presque Isle
— of the House.

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

Report was signed by the following member:

Mr. STROUT of Corinth
— of the House.

Reports were read.

On motion of Mr. Fraser of Mexico, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Transportation on Bill "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026) reporting "Ought to Pass"

Report was signed by the following members:

Messrs. CYR of Aroostook
GREELEY of Waldo
— of the Senate.

Messrs. JENSEN of Portland
JACQUES of Lewiston
WEBBER of Belfast
FRASER of Mexico
KAUFFMAN of Kittery
LUNT of Presque Isle
ALBERT of Limestone
— of the House.

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

Report was signed by the following members:

Mr. McNALLY of Hancock
— of the Senate.

Mrs. BERRY of Madison
Messrs. WINSHIP of Milo
STROUT of Corinth
— of the House.

Reports were read.

On motion of Mr. Fraser of Mexico, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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 Concerning the Provision of Legal Services by Third-Year Law Students" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-859) (H. P. 1842) (L. D. 2007)

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

Thereupon, the Report was read and accepted and the Bill read once. Committee Amendment "A" (H-859) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Bill "An Act Concerning Brake Requirements on Certain Hauling Devices" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-860) (H. P. 1870) (L. D. 2041)

No objection being noted, the above items was ordered to appear on the Consent Calendar of February 3, under listing of the Second Day.

Consent Calendar Second Day

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

Bill "An Act Concerning the Charter of the Ocean Park Association" (S. P. 639) (L. D. 2014)

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

Passed to Be Enacted

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

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

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 Providing for an Investment Tax Credit and a Credit for the Creation of New Jobs" (H. P. 1958) (Committee on Reference of Bills suggested Committee on Taxation.

Tabled — January 30, 1976 by Mr. Connolly of Portland.

Pending — Reference.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Given the fact that the Joint Select Committee on Jobs in the interim, between the end of the regular session and the beginning of this session, has been studying a number of areas that relate to jobs and specifically the area of tax incentives for industry as that relates to jobs, and still has that matter before us in preparing our final report.

I would like to move that this particular bill be referred to the Joint Select Committee on Jobs.

On motion of Mr. Carey of Waterville, tabled pending the motion of Mr. Connolly of Portland to refer to the Joint Select Committee on Jobs and tomorrow assigned.

(Off Record Remarks)

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

Bill, "An Act to Appropriate Funds for Expenditures of the First Special Session of the 107th Legislature" (Emergency) (S. P. 617) (L. D. 1949) In the Senate, passed to be Engrossed as Amended by Committee Amendment "A" (S-393) on January 29, 1976.

Tabled — January 30, 1976 by Mr. Smith of Dover-Foxcroft.

Pending — Adoption of Committee Amendment "A" in concurrence.

On motion of Mrs. Berube of Lewiston, retabled pending the adoption of Committee Amendment "A" in concurrence and tomorrow assigned.

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-392) — Committee on Local & County Government on Bill, "An Act Converting Plantation 21 into the Town of Osborn" (S. P. 621) (L. D. 1953) In the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-392)

Tabled — January 30 by Mr. Perkins of Blue Hill.

Pending — Acceptance of Committee Report in concurrence.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-392) was read by the Clerk.

Mr. Perkins of Blue Hill offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-861) was read by the Clerk and adopted. Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence and the Bill assigned for second reading tomorrow.

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

Bill "An Act Prohibiting the Use of Seine or Gill Nets on a Certain Portion of the Union River" (H. P. 1945) (L. D. 2131) which was referred to the Committee on Fisheries and Wildlife in the House on January 29, 1976. In Senate: Referred to the Committee on Marine Resources in non-concurrence.

Tabled — by Mr. Greenlaw of Stonington
Pending — Motion of Mr. Kelleher of Bangor to insist.

Thereupon, the House voted to insist.

(Off Record Remarks)

At this point, the Speaker recognized the presence of Mr. Churchill of Orland who was recorded absent on the organizational roll call, and the rolls will be corrected accordingly.

Mr. McBreairty of Perham was granted unanimous consent to address the House.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: During our debate Friday on the moose bill, I thought Mr. McKernan did a great job explaining Joint Rule 28, which plainly states that no measure which has been

introduced and finally rejected in the regular session shall be introduced at any special session of the same legislature, except by vote of two thirds of both houses. I also thought Jock's statement to the press stating that the moose bill would mean at least three day's debate at a cost approaching \$45,000 to the taxpayers was very true and correct.

I guess it wouldn't be very hard to convince me that the moose bill is not really an emergency. With the facts I have just mentioned, no doubt true, it disturbs me very much that the Natural Resources Committee has been pressured to report out probably the most emotional controversial bill facing 48 of the 50 states today, a bill which is still very controversial after several amendments and several years trial in Vermont and Oregon, a bill which could add ten days at a cost of \$150,000 to this special session, a bill which has already been turned down several times by the Maine Legislature. I guess by now you know I am talking about the bottle bill.

People back home have been led to believe the reason we are holding a special session is to act on emergencies only. The definition of an emergency is an unforeseen combination of circumstances, or the resulting state that calls for immediate action. I don't believe the moose bill or the bottle bill fit the definition of emergency. Politically it might be good for some of us to have the chance to vote for or against the moose bill. Politically it might be good for some of us to have the chance to vote for or against the bottle bill. I am sure the best thing politically for all of us would be to throw all the bills that don't fit the definition of an emergency in the waste basket, take care of the few serious matters we have before us as quickly as possible and go home.

I think Joint Rule 28 is a very good rule if it applied to all bills fairly. If Joint Rule 28 is not applied honestly and fairly, we have no rule.

At this point, a roll call was ordered by the Speaker to determine whether or not a quorum was present. A sufficient number answered to their names and accordingly a quorum was found to be present.

(Off Record Remarks)

On motion of Mr. Gould of Old Town,
Adjourned until ten o'clock tomorrow morning.