

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

**HOUSE**

Tuesday, February 3, 1976

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

Prayer by Representative Louis Finemore of Bridgewater.

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 Referred to Committee on Business Legislation**

Committee on Business Legislation to which was referred the study relative to Provide for the Licensure of Speech Pathologists and Audiologists, pursuant to S. P. 542 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 to Provide for the Licensure of Speech Pathologists and Audiologists (S. P. 673) (L. D. 2144) be referred to this Committee for public hearing and printed pursuant to Joint Rule 3.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Business Legislation.

**Leave to Withdraw**

Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Continue Providing Aid to Charitable Institutions" (S. P. 628) (L. D. 1990)

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: (S. P. 676)

Report of the Committee on Judiciary To the Senate and House of Representatives, Special Session of the 107th Legislature

Re-study order No. H.P. 1653 — Judicial Appeals

The subcommittee heard testimony from Chief Justice Armand A. Dufresne Jr., and from Industrial Accident Commission Chairman John V. Keaney and the full committee on Judiciary also heard the recommendation of the Board of Governors of the Maine Bar Association concerning additional personnel for the administrative court.

The full committee recommends as follows:

1. That the seventh Justice of the Supreme Judicial Court, the position created by the regular session of the 107th Legislature be funded, effective July 1, 1976.

2. That an associate administrative court judge be authorized either on a part-time or a full-time basis in accordance with legislation which will be presented by the Committee on State Government, and that such position be funded at a level between \$30,000 and \$40,000.

Respectfully submitted,

Signed: SAMUEL W. COLLINS JR.  
Senate Chairman

Signed: RICHARD A. SPENCER  
Acting House Chairman

Came from the Senate read and ordered placed on file.

The Communication was read and ordered placed on file in concurrence.

**Petitions, Bills and Resolves Requiring Reference**

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

**Legal Affairs**

Bill "An Act Concerning the Definition of Public Proceedings and Concerning the Keeping of Minutes Under the Right to Know Law" (H. P. 1978) (Presented by Mr. Hughes of Auburn) (Ordered Printed) Sent up for concurrence.

**Natural Resources**

Bill "An Act to Redefine 'Subdivision' in the Site Location and Development Act" (H. P. 1979) (Presented by Mr. Quinn of Gorham) (Ordered Printed) Sent up for concurrence.

**Tabled and Assigned**

Bill "An Act to Establish the Contract Review Committee to Oversee the Bureau of Purchases" (H. P. 1980) (Presented by Mr. Jensen of Portland)

Committee on Reference of Bills suggested the Committee on State Government.

Mrs. Clark of Freeport moved the Bill be referred to the Committee on Business Legislation.

(On motion of Mr. Cooney of Sabattus, tabled pending the motion of Mrs. Clark of Freeport to refer to the Committee on Business Legislation and tomorrow assigned.)

**State Government**

RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money (H. P. 1981) (Presented by Mr. Silverman of Calais) (Ordered Printed)

Sent up for concurrence.

**Referred to Committee on Business Legislation**

Mrs. Clark from the Committee on Business Legislation to which was referred the study relative to Charitable Solicitations, pursuant to H. P. 1711 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 Charitable Solicitations" (H. P. 1983) (L. D. 2165) 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 Business Legislation and 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 Voting in Certain Unorganized Townships" (H. P. 1982) (L. D. 2151) 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.

**Orders**

Mrs. Clark of Freeport presented the following Joint Order and moved its passage: (H. P. 1984)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Robert M. Smith Jr. of Freeport, Maine who has Earned the Title and Distinction of Eagle Scout in Troop 45

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 Antoinette Martin of Brunswick be excused February 2nd to February 7th for health reasons.

**Consent Calendar First Day**

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

RESOLVE to Adjust the Retirement Status Under the State Retirement Law of Albert W. Hollowell of Owl's Head — Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (H-862) (H. P. 1826) (L. D. 1987)

Bill "An Act Relating to the Listing of Officers and Directors under the Nonstock Corporation Law" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-864) (H. P. 1848) (L. D. 2017)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 4, 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 Brake Requirements on Certain Hauling Devices" (C. "A" H-860) (H. P. 1870) (L. D. 2041)

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

**Second Reader Tabled and Assigned**

Bill "An Act Relating to Movement of Overwide Farm Equipment" (H. P. 1857) (L. D. 2025)

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

(On motion of Mr. Strout of Corinth, tabled pending passage to be engrossed and tomorrow assigned.)

**Second Reader  
Tabled and Assigned**

Bill "An Act Relating to the Maine Transportation Board" (H. P. 1858) (L. D. 2026)

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

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, I would like to pose a question through the Chair to anyone on this item. I wonder if this Maine Transportation Board would allow the purchase of ferry equipment or shipping equipment or equipment in Casco Bay? As I read the powers of the board in Section 2703, page 2, it appears to apply to railroad equipment and rolling stock and railroad material. Yet, the caption would appear to be a transportation board, which would include air and ferries. I just wonder if any member of the committee could tell us whether this is intended to be limited to railroad equipment or would it include ferry and water equipment, also?

The SPEAKER: The gentleman from Cape Elizabeth, Mr. Hewes, poses a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Mexico, Mr. Fraser.

Mr. FRASER: Mr. Speaker, Ladies and Gentlemen of the House: At the hearing, I understood this only included cars and rail bed, nothing else.

Thereupon, on motion of Mr. Hewes of Cape Elizabeth, tabled pending passage to be engrossed and tomorrow assigned.

**Passed to be Engrossed  
Amended Bills**

Bill "An Act Converting Plantation 21 into the Town of Osborn" (S. P. 621) (L. D. 1953) (H. "A" H-861 to C. "A" S-392)

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

**Second Reader**

**Tabled and Assigned**

Bill "An Act Concerning the Provisions of Legal Services by Third-Year Law Students" (H. P. 1842) (L. D. 2007) (C. "A" H-859)

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

(On motion of Mr. Spencer of Standish, tabled pending passage to be engrossed as amended and tomorrow assigned.)

**Passed to Be Enacted**

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

Was 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 — February 2 by Mr. Carey of Waterville.

Pending — Motion of Mr. Connolly of Portland to Refer to Joint Select Committee on Jobs.

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

Mr. CAREY: Mr. Speaker and Members of the House: This is not the way we should be proceeding. I don't know what your final decision was on the procedure in the matter, and I would ask, before proceeding any further, if the resolution of the problem has been made between the leadership.

The SPEAKER: The Chair would inform the members of the House that this bill could in fact be referred to the Committee on Jobs. However, if it were to be referred to the Committee on Jobs, the Committee on Jobs could not make a report to the legislature.

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

Mr. CAREY: Mr. Speaker, if I may proceed, this does involve a loss of revenue as we see it, while it may result in an increase in our revenue under the income tax codes by the creation of the new jobs.

I would hope that we could defeat the motion that it go before the Jobs Committee so we can properly put it before the committee it does belong in front of, Taxation.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: Not to take a lot of time on this issue, but I would just like to point out to you that in the study the Jobs Committee has had before it over the interim between the regular session and now, this is one of the specific areas that the Jobs Committee has been studying. We are almost at the point where we are going to make a final report, and this is one of the areas that we have addressed ourselves to. It just seems to me that in talking with some of the members of the Taxation Committee, they gave indication that they hadn't studied this matter at all in the past year or so and that our committee may be an appropriate one to send it to because the issue has been before us and because we have taken a great deal of testimony.

I don't hold out much hope that this bill is going to go to the Jobs Committee, but I do want to explain the issue and put it before you and, Mr. Speaker, I would like to ask for a roll call when the motion is voted on.

The SPEAKER: The Chair would inform the members of the House that as far as the Chair is concerned, this is not a proper function for the Committee on Jobs, since the Committee on Jobs cannot make a report to the legislature since the order which created the Committee on Jobs specifies that all matters related to it shall automatically be referred to the Legislative Council and not to the legislature.

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

Mr. CONNOLLY: Mr. Speaker, if this body were to send this particular bill to the Jobs Committee, would it not then be appropriate to amend the order that created the Jobs Committee to allow for legislation to be put directly before the legislature?

The SPEAKER: The Chair would answer in the negative. The order first would have to be amended which created the Committee on Jobs and not the reverse.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that

if this does go to the Committee on Jobs, eventually it will have to come back to Taxation anyway, so I believe it should go to Taxation in the first place because it will finally have to come back there. They are the only ones that can make a decision on it.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I happen to have a copy of the bill before me, and it is a very complicated piece of legislation and it deals mostly with tax matters. I will just give you an example of some of the language in the bill. This is one of the sections.

"If the amount of credit allowable under this chapter for any taxable year would reduce the tax due to less than 50 percent of that amount which would have been due any amount of credit not deductible in such taxable year may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years subject to the same limitations."

I would think this is very much a matter for the Taxation Committee.

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

Mr. PALMER: Mr. Speaker and Members of the House: Since my name is on this bill, I feel I should say a word or two, too. I think it is very clear it should go to Taxation. You certainly can't take a bill of this magnitude and look at the particular ramifications it has on taxes without looking at the total tax picture. So it stands to reason that the Taxation Committee, which has been dealing with these matters over the years must place what this bill will do in proper context with all other tax legislation we have, and certainly this could not be done by a committee that has not been involved in consideration of tax matters over the years. I hope it will go to the Committee on Taxation.

The SPEAKER: Mr. Connolly of Portland requested a roll call vote. 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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move this lie on the table one day.

Thereupon, Mr. Carey of Waterville requested a vote on the motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be tabled pending the motion of Mr. Connolly of Portland to refer to the Committee on Jobs and tomorrow assigned. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 33 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Connolly explained fairly well the extent of what the Jobs Committee has done in studying this particular area. The thing that surprises me is the inability

of this House to appreciate the efforts the Jobs Committee has put in trying to generate job considerations in this state.

I understand that the Taxation Committee is a very capable group of individuals but, nevertheless, the Jobs Committee has in fact looked into this particular area, and if we reject the motion to send this to this committee, in essence what we are doing is rejecting the reflection of the jobs committee in their effort in their studies over the past year.

This House was willing more than once to compromise on tabling issues so one committee or another could work back and forth, particularly between their chairmen, and iron out any differences. When we created the Jobs Committee, perhaps this House was remiss that we didn't allow them to report back to the House as a whole instead of allowing ten individuals to determine what they can report back and who they can report back to.

So, I would urge that we do sent this to the Jobs Committee and then amend the order in the procedure that Speaker Martin recommended, if we wanted to do it.

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

Mr. CAREY: Mr. Speaker, there is absolutely nothing in the world that prohibits the Jobs Committee from appearing before the Committee on Taxation to put forth their proposal. And if we are really concerned about creating jobs in the State of Maine, rather than go through all this rigamarole, we might as well do it right the first time and maybe we can get the jobs started a little sooner.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The Jobs Committee was primarily concerned with high school graduates and recent graduates. I think the bill before us that we are discussing this morning goes far beyond that age group. I think it properly belongs with the Taxation Committee because it ought to be involved with a much larger and much older group, too.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Drigotas.

Mr. DRIGOTAS: Mr. Speaker and Members of the House: I can assure you that the Taxation Committee isn't looking for more business, but I too have read House Paper 1958 over this morning, and in it there are many references to tax abatement, tax incentive, and I think it properly belongs before the Taxation Committee.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: During the regular session, I sponsored a basically similar bill to this one and it was sent to the Committee on Taxation at that time. So for the sake of consistency, I hope it goes to Taxation again.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this matter be referred to the Committee on Jobs. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Connolly, Curran, P.; Davies, Dow, Flanagan, Fraser, Goodwin, H.;

Goodwin, K.; Hughes, Ingegneri, Kelleher, LaPointe, MacEachern, Peterson, T.; Talbot, Tyndale.

NAY — Albert, Ault, Bachrach, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bowie, Burns, Bustin, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cote, Cox, Curran, R.; Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farley, Farnham, Fenlason, Finemore, Garsoe, Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Lizotte, Lovell, Lunt, Lynch, Mackel, MacLeod, Mahany, Martin, R.; Maxwell, McBreaarty, McKernan, McMahan, Mills, Miskavage, Mitchell, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Usher, Walker, Wilfong, Winship, The Speaker.

ABSENT — Bennett, Carroll, Curtis, Faucher, Gauthier, Jalbert, Littlefield, Martin, A.; Shute, Smith, Wagner, Webber.

Yes, 16; No, 123; Absent, 12.

The SPEAKER: Sixteen having voted in the affirmative and one hundred twenty-three in the negative, with twelve being absent, the motion does not prevail.

Thereupon, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

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.

Tabled — February 2 by Mrs. Berube of Lewiston.

Pending — Motion of Mr. Smith of Dover-Foxcroft to Adopt Committee Amendment "A" (S-393)

On motion of Mr. Palmer of Nobleboro, retabled pending adoption of Committee Amendment "A" in concurrence and tomorrow assigned.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 678)

Joint Resolution to Honor the Memory of George C. West, Former Deputy Attorney General of the State of Maine

WHEREAS, George C. West passed away suddenly on January 27, 1976; and

WHEREAS, he is fondly remembered as a man of understanding, patience and extraordinary legal ability, whose advice was relied on by Members of past Legislatures, as well as Members of this Legislature; and

WHEREAS, he will be remembered as a good friend and a faithful and trusted advisor, whose contributions to the advancement of the cause of law and justice in the State of Maine are memorialized in the many statutes which he so carefully prepared and the cases

which he so skillfully presented; now, therefore, be it

RESOLVED: In concurrence, that when WE, the Members of the Senate and House of Representatives of the 107th Legislature of the State of Maine adjourn this day, we do so in honor and out of respect to his memory; and be it further

RESOLVED: That a copy of this resolution, suitably engrossed and attested on our behalf by our presiding officers, be transmitted to the family of the deceased.

Came from the Senate read and adopted and ordered sent forthwith.

In the House, the Resolution was read and adopted in concurrence.

On motion of Mr. Susi of Pittsfield, Adjourned until ten o'clock tomorrow morning in honor of former Deputy Attorney General George C. West.