

# 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, February 20, 1976

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

Prayer by Father Daniel Pollard of Portland.

The journal of yesterday was read and approved.

(Off Record Remarks)

**Papers from the Senate  
Study Report  
Public Utilities**

Committee on Public Utilities to which was referred the study relative to regulation and rate control of sewer utilities, pursuant to S. P. 540 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 Regulate Sewer Utilities" (S. P. 707) (L. D. 2229) 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, the Bill referred to the Committee on Public Utilities and ordered printed.

In the House, the report was read and accepted, the Bill referred to the Committee on Public Utilities in concurrence.

**Reports of Committees  
Ought Not to Pass**

Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Place the Industrial Accident Commission and the Public Utilities Commission in the Department of Business Regulation" (S. P. 682) (L. D. 2188)

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

**Ought to Pass  
Amended in Senate**

Committee on State Government reporting "Ought to Pass" on Bill "An Act Authorizing the Legislative Council to Accept Grants from Public and Private Agencies" (S. P. 672) (L. D. 2143)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-400).

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-400) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

**Non-Concurrent Matter**

Bill "An Act Relating to Fiscal Year Transitions for Municipalities" (Emergency) (H. P. 1833) (L. D. 1998) on which the House Insisted on February 18, 1976 on its former action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (H-871) on February 6, 1976.

Came from the Senate, with that Body having adhered to its former action whereby the Bill was passed to be engrossed on February 13, 1976, in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I move we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves the House recede and concur.

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank those members of the House who supported me in insisting on the amendment which would have made the uniform school budget year permissive. However, continuing to insist will cause the defeat of this bill, which contains many essential features and we would be worse off than we are now. Therefore, I ask your support for my motion to recede and concur.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: There are provisions in this bill that I don't understand, and it is not an easy bill to read. I would be hopeful if the sponsor or some member of the committee might be able to answer at least one or two questions that I have on this bill.

I would like to know if this bill in any way affects municipal budgets. I am not talking about school budgets. We have an SAD and I am clear on that part of it. What I am not clear on is, what does this do to municipal budgets?

The SPEAKER: The gentleman from Buxton, Mr. Berry, has posed a question through the Chair to any member who may care to answer.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure I can specifically answer the gentleman's question. What this bill does is it extends the period of time in which the municipalities must go onto a uniform fiscal year, as was voted in 1452. So the bill as is is simply an extension of six months on what our previous action in L. D. 1452 told the cities and towns they had to do.

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

Mr. BERRY: Mr. Speaker, I would like to thank the gentleman for his explanation. I still am not clear, though. I think what is bothering me is, is there now a law that says that the municipal officers of any town will have to change their fiscal year, or does this bill in any way say that.

The SPEAKER: The gentleman from Buxton, Mr. Berry, has posed an additional question through the Chair to anyone who may care to answer.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Berry's question, no, it does not mandate a uniform fiscal year for the municipalities. There is nothing in this bill that mandates any uniform fiscal year for municipalities, only for the school districts. Under the present law, it is not mandated. But this is a bill that would set up a mechanism, hopefully, for those municipalities that want it, to make a change to a uniform fiscal year. They would have the guidelines set up and the authority to do it specifically in the statutes, but there is no mandate in this at all. There is no hidden language and no secret language or gimmicks in the bill. It is quite an open bill.

Thereupon, the House voted to recede and concur.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Education**

Bill "An Act to Reconstitute School Administrative District No. 42." (Emergency) (H. P. 2059) (Presented by Mr. Finemore of Bridgewater) (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.

**Study Reports  
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 Requests for Absentee Ballots" (H. P. 2062) (L. D. 2232) 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.

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 Form of Ballots" (H. P. 2063) (L. D. 2233) 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.

Mr. Perkins of Blue Hill presented the following Joint Order and moved its passage: (H. P. 2060) (Cosponsor: MacLeod of Bar Harbor)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Retired Game Warden Donald Cote Whose Heroic Act Saved the Lives of Four Men Trapped in the Waters of Long Pond.

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. Torrey of Poland presented the following Joint Order and moved its passage: (H. P. 2061)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Susan Moore of Leavitt Area High School in

Turner Chosen Winner of the Maine Voice of Democracy Contest

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 gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: It is a pleasure and a privilege to have with us today Miss Susan Moore from Turner, a Junior at Leavitt Area High School. I think her achievement in being a state winner in the democracy contest is very commendable. Her essay was written on the title "What Our Bicentennial Heritage Means to Me." It was a three to five minute speech, and besides getting a state award, she will also be taking an expense-paid trip to Washington, D. C. in March and also to San Diego, California in June. (Applause)

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

Mr. Palmer of Nobleboro presented the following Joint Resolution and moved its adoption: (H. P. 2064)

#### IN MEMORIAM

Having Learned of the Death of Eda F. Weeks of Jefferson who Faithfully Served the People of Maine as a Legislative Clerk

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.

#### House Reports of Committees Leave to Withdraw

Mr. Greenlaw from the Committee on Energy on Bill "An Act to Notify Home Owners, Apartment Building Owners and Tenants of Termination of Oil and Bottled Gas Delivery Service" (H. P. 1917) (L. D. 2105) 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 Authorizing Educational Associates, Inc., to Confer Associate in Applied Science Degrees" — Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (H-919) (H. P. 1851) (L. D. 2020)

Bill "An Act to Amend the Real Estate Disclosure Law" — Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-399) (S. P. 658) (L. D. 2083)

No objections being noted, the above items were ordered to appear on the

Consent Calendar on February 23, 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 to Increase the Number of Trustees of Nasson College" (H. P. 1852) (L. D. 2021)

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

#### Passed to Be Engrossed

Bill "An Act to Revise Definition of 'Case' under Sardine Tax Law" (H. P. 1971) (L. D. 2160)

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

#### Passed to Be Enacted Emergency Measure

An Act to Remove the Maine Criminal Justice Sentencing Institute from the Administrative Supervision of the Judicial Council (H. P. 1974) (L. D. 2163) (C. "A" H-895)

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. 116 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.

#### Constitutional Amendment Tabled and Assigned

Resolution, Proposing an Amendment to the Constitution Allowing the Governor Ten Days to Act on Legislation (H. P. 1970) (L. D. 2159)

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

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: On my way in here today I was approached by a member of the Governor's staff, Miss Manson, who said there was a technical error in this resolution that needed to be corrected. I would appreciate it if somebody would table this for one legislative day.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending final passage and specially assigned for Monday, February 23.

#### Passed to Be Enacted

An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System (H. P. 1871) (L. D. 2042) (C. "A" H-896)

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:

An Act Concerning Municipal Appropriations to Incorporated Volunteer Fire Departments (H. P. 1906) (L. D. 2093)

Tabled — February 18 by Mr. Berry of Buxton.

Pending — Passage to Be Enacted.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: The original bill had some problems in it. An amendment was being prepared and the amendment still is not ready, so I would appreciate it if somebody would table this for one more day.

Thereupon, on motion of Mr. Talbot of Portland, Tabled pending passage to be enacted and specially assigned for Monday, February 23.

Mr. Peterson of Windham was granted unanimous consent to address the House.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The Natural Resources Committee has been involved in a study order which resulted from the Regular Session of the 107th Legislature concerning solid waste management, resource recovery and recycling. The whole committee has worked on that program diligently and has prepared legislation which is now in the Legislative Research Office. What any individual says on that committee concerning that legislation is his own opinion and his own view. Many of you have probably seen the newspapers today regarding a member's opinion of the opposite body on this piece of legislation. Those are his own opinions, he went to the press and delivered the documents, courtesy of himself, the rest of the members of the committee have not done such but they did work hard and each and every one of them deserve credit for it and I would hate to see something like this be spoiled because somebody is interested in seeing his own name in the paper.

Mr. McMahan of Kennebunk was granted unanimous consent to address the House.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't really expect to speak today and I will apologize in advance if any of you find my comments unpleasant. Several times I have commented to this body and in the caucus that to open the question of an income tax increase at the present time would be to invite a much larger increase by every special interest group in this state. This would be to the detriment of the taxpayers of this state.

As the gentleman from Buxton, Mr. Berry, said so well yesterday, in this state the income tax is actually regressive, since most Maine people who pay are it are poor. Per capita personal income in this state in 1974 was \$4,590, which ranks Maine 39th in the nation.

During the same fiscal year, Maine ranked 3rd in the nation in the amount of state and local revenues per thousand dollars of personal income taxation and that amount was \$149.07 as opposed to a national average of \$123.58. This means, very simply, in Maine anyway, the poor are taxed to help the poor.

In spite of this situation, we have had sent to us today a letter which represents to me nothing more than a joint attempt by three special interest groups, one of which, I am sad to say, represents the profession to which I belong, to further penalize the very people of this state for whom they are stating they are concerned.

I call your attention to this letter sent out under the heading, Alliance to Maine's Future. The first paragraph of the letter says, "This letter is written in behalf of the alliance of three major public employee organizations in the State concerning our

common legislative and political action programs." The second paragraph says, "It is our intention to use criteria jointly developed to decide on candidate support and endorsement jointly by all three groups. We believe you ought to have the opportunity to know just what the key issues will be that will be used in making that determination." Needless to say, this is a not so thinly veiled threat that if we don't vote the way these particular groups want us to, we can look for their opposition in the fall.

My dear people, I have never had support from any of these groups and I want to say on the record that I don't want it, ever. The only support that I want is from the people from my district who pay the bills and toward that end, I sent out a questionnaire last December to 1,000 households in my district, each letter contained two questionnaires, a copy of which I have right here, and I asked 10 questions on it. I did this with a very open mind and I worded the questions in such a way that the people knew that the possibility existed that we had to raise taxes to pay for increased programs or at least continuing these programs. The questions ranged from: Should I vote for tax increase that is necessary to pay for a pay raise for state employees; (2) should I vote for a tax increase to increase the payment level for aid to families with dependent children? My dear people, my results are right here and have been published in the York County Press and the strong reply that I have had from the people who took the time to send it back and, unfortunately, that was 10 percent of the total number sent out. I received back 225 replies, the strong message that I received from the two towns that I represent, which is Kennebunk and Alfred, no tax increases. The one exception to that was programs to assist the elderly.

Interestingly enough, and I think unfortunately, because I don't necessarily feel this way myself, the question regarding a pay increase for state employees was ranked lowest; 43 said, yes, I should vote for such an increase, even if a tax increase was necessary to pay for it and 164 said no.

I don't necessarily think that these particular percentages represent the thinking of my district but I will tell you that I sent out a 1,000 letters. These are the people who took the time to reply and this is the philosophy that I am representing up here, not this. So, again, for the record, and I suggest that any of you in this body who feel the way I do, go home and make an issue of this. Let the people in your district know how our system works, that it is the special interest groups who have the political muscle that get people elected to this Body and get their way.

I urge you, if you feel like I do about this, go home and make an issue of it now. Don't wait until the fall when someone tries to criticize you for not voting the way that they wanted you to.

(Off Record Remarks)

On motion of Mrs. Goodwin of Bath,  
Adjourned until Monday, February 23,  
at eleven o'clock in the morning.